



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 26 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.

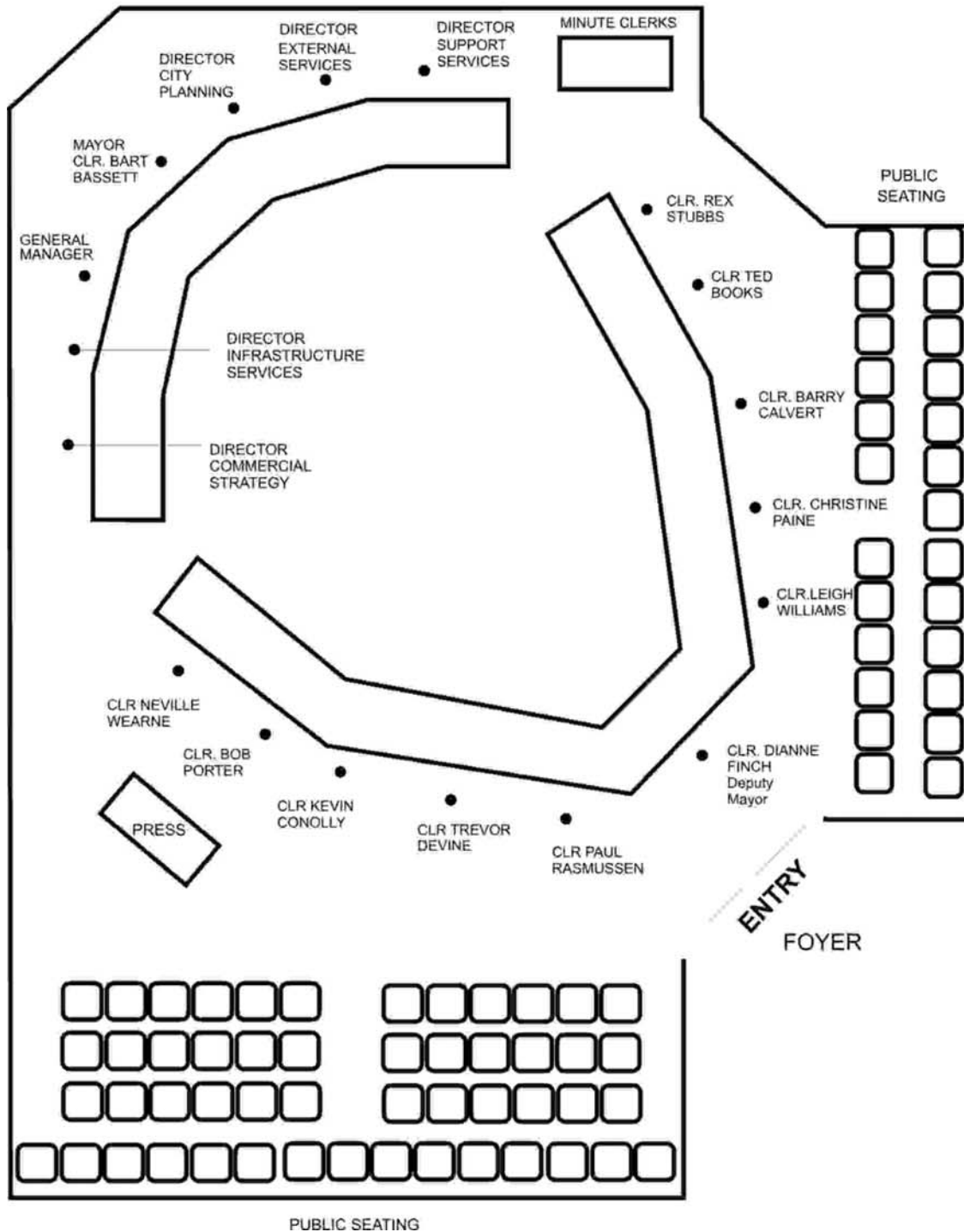
Website

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.

council chambers



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SECTION 1 - Confirmation of Minutes

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notices of motion

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Notices of Motion

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Notices of Motion

SECTION 3 - Notices of Motion

NM - Direct Web-Casting of Council Meetings - (80106, 96335)

Submitted by: Councillor Rasmussen

Background

1. Attendance at Council meetings is often difficult and very inconvenient for residents with an illness, disability or infirmity, and for working parents with small children.
2. Attendance is also difficult for remotely located and isolated residents who have to travel great distances to reach Windsor for Council meetings.
3. This can exclude or at least limit the participation of many residents in the input and shaping of their community and amplify their feeling of remoteness and isolation.
4. Technology is now readily available to web-cast Council meetings and a growing number of residents are now able to receive direct video-streaming via their Internet broadband connections.

NOTICE OF MOTION:

That:

1. Investigate the feasibility of direct web-casting Council meetings with an aim of introducing this service for residents at the earliest opportunity.
2. Investigate the feasibility of placing video files obtained from recording and direct web-casting of Council meetings on the Council web site.
3. Place audio recordings of Council meetings on Council's web site in MP3 format.

NOTE FROM MANAGEMENT:

It is estimated that the cost of this initiative would be approximately \$20,000 to \$60,000 to establish the facility plus ongoing operational costs.

Councillors are advised that they do not enjoy the same indemnity privileges that are extended to Federal and State politicians. Legal advice previously received by Council in relation to the liabilities facing individual Councillors and the Council for action taken by aggrieved parties indicates that Council would only be increasing its risk profile by incorporating unrestricted net/broadcasting into the Chamber.

With regard to part 3 of the Notice of Motion it will be appreciated that there are a number of issues relating to privacy and the recording of meetings that have, in the past, been raised by Privacy NSW. As a result of this the current provisions of the Council's Code of Meeting Practice have been framed to provide as follows:-

"For the purpose of compiling the minutes of Ordinary Meetings, each meeting, except for "Confidential Matters" will be recorded. The recordings will be destroyed after the adoption of the minutes by Council or three (3) months after they were created (which ever is the later). Appropriate signs will be displayed in the Council Chambers and at the entry of the Chambers.

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The Mayor will inform the public that the meeting is being recorded at the commencement of the meeting."

Based on the above provisions it would not be appropriate for these recordings to be made available on the web as the purpose for the recordings is "compiling the minutes" of meetings. There could be objections from a privacy aspect if Council were to utilise them for another purpose that is not statutorily provided, ie access under section 12(6) of the *Local Government Act*. Even in the absence of this provision it is considered that privacy issues would arise if recordings were made available on the web.

In addition, the size of these recording, namely approximately 150Mb per meeting, could create difficulties for members of the public to download unless they had access to broadband facilities.

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: 222 GM - Australian Congress for New Urbanism (ACNU) Conference on 4-6 August, 2005 and the Going Public, A Conference for Women in the Public Sector and Politics on 15-16 September, 2005 - (79531)

REPORT:

Australian Congress for New Urbanism (ACNU)

The Australian Congress for New Urbanism (ACNU) will hold a conference on New Urbanism in Australia on 4 - 6 August 2005 at the Australian Technology Park, Redfern, Sydney.

Australian New Urbanism, as well as Urbanism in Europe and the US, are increasingly and pervasively influencing urban policy, and the design, regulation and development of both urban extensions and urban revitalisation. Australian New Urbanism principles now underpin most State and Local Government urban policies and planning instruments.

The Congress is important for a number of reasons:

- (i) It will bring together practitioners and developers from around Australia to discuss issues, successes, problems, breakthroughs and logjams.
- (ii) It will bring to Australia some of the world's foremost New Urbanist practitioners and Urban Designers.
- (iii) It will concentrate on and critique urban projects and their implementation. It will feature the most exciting urban design projects in Australia and some from overseas.
- (iv) It will explore authentic Australian Urbanism, and debunk misinformed and style-obsessed criticism.
- (v) It will facilitate the formation of an Australian New Urbanism Congress body, to pursue initiatives to promote the themes and interests of New Urbanism.

Cost of attendance at the Australian Congress for New Urbanism (ACNU) in Redfern Sydney on 4 - 6 August 2005, will be \$775.00 for registration, plus incidentals for parking and tolls per delegate. It should be noted that expenses listed do not include accommodation costs.

It is not intended that a Management representative attend this congress.

Going Public - A Conference for Women in the Public Sector and Politics

The Going Public, A conference for women in the public sector and politics conference will be held on Thursday, 15 and Friday, 16 September, 2005 at Darling Harbour, Sydney.

Going Public, is a landmark event designed to highlight the issues that confront women in the public sector and politics in Australia, and to celebrate their achievements.

This significant conference was held for the first time in September, 2004 in Sydney, and featured leading speakers from politics and the public sector. Going Public 2005 will focus on leadership and learning, and features keynote presentations, case studies, panel sessions and a workshop.

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The Themes of Going Public 2005 are:

- Be engaged - through networking.
- Be inspired - as thought-provoking speakers discuss personal experiences.
- Be informed and empowered - as a result of the information and ideas you'll hear.
- Be a constant learner - take home tools and skills to help you succeed in your professional and personal life.

Cost of attendance at the Going Public - A Conference for Women in the Public Sector and Politics to be held on 15 - 16 September, 2005 in Sydney, is \$979.00 plus incidentals per delegate. It should be noted that expenses listed do not include accommodation costs.

It is not intended that a Management representative attend this conference.

Budget for Delegate Expenses - Payments made and future commitments

• Total Budget for Financial year 2005/2006	\$44,481.30
• Expenditure to date	<u>\$ 4,397.00</u>
• Budget Balance as at 19 July, 2005	\$40,084.30

Conformance to Strategic Plan

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

"Investigating and planning the City's future in consultation with our community, and co-ordinating human and financial resources to achieve this future"

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

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

Funding

Funding for this proposal will be from the Delegates Expenses budget.

RECOMMENDATION:

That attendance of nominated Councillors, at the Australian Congress for New Urbanism (ACNU) in Redfern, Sydney on 4 - 6 August 2005, at a cost of \$775.00 for registration, plus incidentals for parking and tolls per delegate be considered.

That attendance of nominated Councillors, at the Going Public - A Conference for Women in the Public Sector and Politics on 15 - 16 September 2005 in Sydney at a cost of \$979.00 plus incidentals per delegate be considered.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

CITY PLANNING

Item: 223 CP - Social Infrastructure Support Policy - (96737, 95498)

REPORT:

In 2004, Council's Strategic Planning Committee identified the need to develop a Social Infrastructure Support Policy to guide future city planning and infrastructure development by Council to meet the growing social, economic, and environmental needs of the Hawkesbury area.

By 2031, population projections for the Hawkesbury (A.B.S and DIPNR), expect an additional 9,086 households, which will require additional infrastructure support services to ensure that communities are liveable and sustainable. One example is aged care services to meet the needs of an ageing population. While we are currently meeting aged care facility benchmarks, population projections for people aged over 70 are expected to increase by 65% (6,590 people) by 2031. The number of all families is also projected to increase by 29% for 2031 (14.6% for couple families, and 14.4% for single parent families) requiring further child and family services.

In response, the following policy position is proposed:

1. Hawkesbury City Council will support a range of services and provide infrastructure to support the needs of children, young people, older people, people with disabilities, women, Aboriginal Australians, people from diverse cultural and social backgrounds, and the general community.
2. Hawkesbury City Council will use its connections with the local area, expertise in governance and leadership, and knowledge of local needs and issues to respond to the social infrastructure needs of its communities.
3. Hawkesbury City Council will provide (or advocate for the provision of), the necessary social infrastructure to support and strengthen local communities, enhance quality of life and liveability, and ensure equity of access to services for all of its residents.

Services can be provided in a number of ways:

- Directly, or in partnership with the community (377) committees - some examples of this are childcare centres, and disability and aged service centres.
- In partnerships with not-for-profit community organisations that use Council facilities - some examples of this are youth centres, and community halls.
- By developing, establishing and (where required), operating new initiatives and services in partnership with State and Federal authorities and non-government agencies - examples of this include early intervention services for vulnerable families.
- By coordinating, participating and/or planning regional and/or local activities and forums.

Conformance to Strategic Plan

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

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

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Funding

There is no impact on funding in the current budget.

RECOMMENDATION:

That the following Social Infrastructure Support Policy position be adopted:

- a. Hawkesbury City Council will support a range of services and provide infrastructure to support the needs of children, young people, older people, people with disabilities, women, Aboriginal Australians, people from diverse cultural and social backgrounds, and the general community.
- b. Hawkesbury City Council will use its connections with the local area, expertise in governance and leadership, and knowledge of local needs and issues to respond to the social infrastructure needs of its communities.
- c. Hawkesbury City Council will provide (or advocate for the provision of), the necessary social infrastructure to support and strengthen local communities, enhance quality of life and liveability, and ensure equity of access to services for all of its residents.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 224 CP - Policy Register Review - (95498)

REPORT:

Council's policy register was last reviewed in 1999, and since this date additional policies have been added to the register by way of various Council resolutions. As identified in Council's Strategic Plan, the policy register is due for review.

An initial review of the register has begun, and it has become apparent that the register contains a number of matters which:

1. Require amendment as a result of structural change within Council.
2. Require deletion, as the matters are no longer relevant due to the passage of time or change in law.
3. Are matters, which should be included in Council's Local Environmental Plan (HLEP 1989), or Development Control Plan (DCP).
4. Are operational and procedural matters.

Amending the policy register to address items 1 and 2 is something that can be undertaken independent of further direction from Council, and the periodic amendment of the HLEP 1989 and DCP will resolve Item 3.

The inclusion or exclusion of operational and procedural matters (Item 4), is a fundamental issue relating to this review, and it is therefore appropriate that Council establish parameters for the review by giving direction as to what may be defined as being a "policy".

As the name "Policy Register" suggests, it is considered that the register should contain only matters identifying Council's position or strategic direction relating to a particular issue. Examples of this are policies relating to declaration of support for Australian industry, use of public reserves, road safety programs. Due to the lengthy timeframes involved in amending Council's planning provisions, it is also appropriate that the register contain interim matters pending their inclusion in the HLEP 1989 and DCP.

Matters relating to Council's operations or procedures should be separately recorded in a practice manual (or the like) for the respective directorate of Council. Examples of this are matters relating to the time limit for lapsing of consent, the tree preservation order and the manner in which donations or grants are made available or offered.

Conformance to Strategic Plan

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

"Objective: To establish processes and develop flexible plans that will enable the City to respond to change."

Funding

The review will be undertaken utilising existing resources.

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RECOMMENDATION:

That the Council Policy Register be reviewed to contain only matters relating to Council's position or strategic direction on a particular matter or interim matters, pending inclusion in Council's Local Environmental Plan, and Development Control Plan.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 225 CP - Changes to Developer (Section 94) Contributions System - (95498)

REPORT:

On 8 July 2005, the Environmental Planning and Assessment Amendment (Development Contributions) Bill 2005 came into effect.

The purpose of these amendments are:

1. To provide for additional means by which councils (and other Planning authorities including the Minister, public authorities and development corporations) can obtain development contributions.
2. To provide for an improved operation, accountability and flexibility of the current development contributions system.

The additional methods by which contributions can be collected, are:

- Voluntary planning agreements.
- Fixed development consent levies.

Voluntary Planning Agreements

A voluntary planning agreement is a contractual agreement between the planning authority and a developer, for the purposes of obtaining contributions for a “public purpose”. A “public purpose” includes the provision of (or the recoupment of the cost of providing), public amenities and services, affordable housing, transport and other infrastructure, the funding of recurrent expenditure, the monitoring of the impacts of development, and the conservation or enhancement of the natural environment.

Voluntary planning agreements are likely to be most useful for large scale development that have long time frame, are likely to be developed in stages, and in situations where the developer has a key interest in delivering public infrastructure.

Under a planning agreement, a developer may be required to dedicate land free of cost, pay a monetary contribution, or provide any other material benefit, or any combination of them.

Because the terms of a planning agreement are a matter of commercial negotiation, there does not need to be a nexus (i.e. link or relationship) between the development, to which a planning agreement relates and the object of expenditure.

Planning agreements can be entered into at either the rezoning or development application stage. A planning agreement must be publicly exhibited for 28 days before it is entered into, and once entered into it becomes a statutory obligation, hence any breach of a planning agreement would be a breach of the Environmental Planning and Assessment Act.

A planning agreement may also be registered by the Registrar-General, in relation to the land to which it applies, and thereby binds successors in title to the land.

Fixed Development Consent Levies

A consent authority may impose as a condition of development consent a requirement that the applicant pay a levy of the percentage of the proposed cost of carrying out the development.

Fixed levies are likely to be most useful in established urban areas where there is little opportunity to acquire open space and development is incremental.

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The levy must be authorised by a contributions plan, and cannot be required in addition to a Section 94 Contribution on the same development consent. The levy cannot be greater than 1% of the proposed development cost.

There does not have to be a connection between the subject of the levy and the object the money is to be spent on, although a consent authority will need to identify the public amenities or services to be provided, recouped, extended or augmented to which the money is to be applied in a contributions plan.

Amendments aimed at improving the operation, accountability and flexibility of the current development contributions system include:

- Authorising the borrowing or pooling of Section 94 funds between contributions accounts.
- Allowing cross-boundary levying between neighboring councils.

Pooling of Contribution Funds

Under the changes, monetary contributions paid for different purposes (other than under a voluntary planning agreement) may be pooled and applied towards any other purpose for which a contribution is required to be paid.

For example, Section 94 Contributions collected for road works could be borrowed from the road works fund and used for the construction of a community facility that is also to be funded by Section 94 Contributions. Note however, that borrowed funds do need to be paid back to the source fund (in the above example the road works fund) and the works to be funded from the source fund are to be provided within a reasonable timeframe.

Cross-Boundary Contributions

Adjoining Council's may now prepare a Development Contributions Plan and collect/distribute money between them for purposes identified in a contribution plan.

An example could be that two Councils prepare a plan to collect money for the purposes of a swimming pool that residents from both Council areas would use.

Conformance to Strategic Plan

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

Objective: "Investigating and planning the City's future in consultation with our community, and coordinating human and financial resources to achieve this future."

Funding

The review will be undertaken utilising existing resources.

RECOMMENDATION:

That in light of Council's current review of the Section 94 Contributions Plan, further investigation be undertaken with regard to the flexibility in collection, and expenditure of developer contributions offered by these recent changes to the Section 94 system, and be reported to Council in due course.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 226 **CP - The Hawkesbury Local Environmental Plan, The Hawkesbury Development Control Plan and Shop-Top Housing - (95498)**

Previous Item: 59, Ordinary (8 March 2005)

REPORT:

Council resolved at its meeting of 22 February 2005, the interim policy concerning 'Shop-Top Housing'. Council further resolved at its meeting of 19 May 2005, on report from the Strategic Planning Committee, that the Hawkesbury Local Environmental Plan 1989 should be replaced and a new Local Environmental Plan established, particularly in view of the direction by the Department, to have a new plan in place for early 2007.

The direction from the Director General was predicated on the fact that the Department would have determined its planning grant funds by the end of June 2005, and that the template for the preparation of the Local Environmental Plans, was to be completed by June 2005.

To date, the grant funds have not been determined and it is unlikely that the template will be adopted by the State Government, before October/November this year. A letter has been sent to the Director General of the Department of Infrastructure, Planning and Natural Resources requesting an extension to the 2007 deadline, for the replacement of the Hawkesbury Local Environmental Plan. A suggestion has been made to the Director General that the plan be dealt with in two stages; the first stage to manage the current outstanding list of amendments, including those detailed to Council on 19 May 2005. The second stage involves the making of an interactive internet-based plan, as envisaged by the same report; a response from the Director General has not yet been received.

In the interim, Council needs to address the issue of development in commercial zones known as 'Shop-Top Housing'. Council, in its resolution of the interim policy in February 2005, dealt with several matters that can be controlled by amendments to the Development Control Plan, and given the outstanding issues associated with the Local Environmental Plan, it is considered that these should proceed as soon as possible, as the amendments to the Local Environmental Plan may take some time.

The role of the Development Control Plan is to expand upon, and give interpretation of the second objective of the 3(a) zone, which is:

"To permit non-commercial development within the zone, where such a development is compatible with the commercial character of the locality;"

Council, in its interim policy on 'Shop-Top Housing', attempted to provide some clarification on when non-commercial development may be acceptable in the commercial zone, when it involves residential flat buildings of this style. In order to interpret this correctly, it is considered a variety of changes need to be made to the Hawkesbury Development Control Plan, as listed below:

1. The reference in the Parking Chapter to dispensation to 'Shop-Top Housing' should be removed. A reference made instead to a new chapter on commercial development.
2. The definition of 'Shop-Top Housing' should be prepared and included in Appendix A. This definition will state that 'Shop-Top Housing' is a form of residential flat building where the entire ground floor is devoted to commercial development, and that the second floor should be so designed as to allow its conversion to commercial development, should it be required; this may require a slightly higher minimum ceiling height.
3. In the table dealing with height in the Residential Chapter, the reference to 'walk-up flats' to be removed and replaced with 'residential flat building.' A cross reference made within this chapter, to Shop-Top Housing to the Commercial Chapter.

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4. A new chapter on Commercial Development should be produced; this chapter will include such things as:
 - a) Parking requirements for commercial development, and 'Shop-Top Housing'.
 - b) The height of commercial buildings, particularly Shop-Top Housing developments in commercial zones. This height may be governed by a policy on shadows projected from these buildings, so that shadows should not protrude onto adjacent residential land between the hours of 9:00am - 3:00pm in mid Winter; nor should they protrude into the second floor development, where that second floor development is used for residential development on adjacent buildings. Diagrams will be prepared to illustrate how these controls will work.
 - c) Barrier-free access should be supplied to all residential components of these buildings, and diagrams supplied as to how this may be achieved to meet Council's goal.
 - d) Private Open Space provisions arising from SEPP 65, will be enforced for these types of development.

It is considered that if this chapter on commercial development is framed this way, and related directly to the objective in the Local Environmental Plan it would then annunciate precisely how Council plans to interpret that objective, which will go a considerable way to Council's goal of restricting non-commercial development on the ground floor in commercial zones. It should be noted of course, that this will not be beyond appeal, but provided the Development Control Plan is adopted and enforced by Council, following public debate and public exhibition, it is considered that Council would have a good chance of defending decisions using this Development Control Plan in the Land and Environment Court.

In due course, the Local Environmental Plan will be amended to remove residential flat building as a permissible use in the commercial zones, and replace it with the definition for Shop-Top Housing, which will mean that the only form of residential flat building acceptable in the 3(a) zones will be Shop-Top Housing. However, it is considered unlikely that this will be achieved in the short-term.

Conformance to Strategic Plan

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

"Objective: Develop a land use planning strategy for sustainable development and protection of important cultural, heritage and natural assets."

Funding

Funding is available within current budget.

RECOMMENDATION:

That:

- A) The Hawkesbury Development Control Plan be amended, as outlined below:
 1. The reference in the Parking Chapter to dispensation to Shop-Top Housing be removed. A reference made instead to a new chapter on commercial development.
 2. The definition of Shop-Top Housing be prepared and included in Appendix A. This definition will state that Shop-Top Housing is a form of residential flat building where the entire ground floor is devoted to commercial development, and that the second floor should be so designed as to allow its conversion to commercial development, should it be required; this may require a slightly higher minimum ceiling height.

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3. The table dealing with height in the Residential Chapter, the reference to 'walk-up flats' be removed and replaced with 'residential flat building.' A cross reference be made within this chapter, to Shop-Top Housing to the Commercial Chapter.
 4. A new chapter on Commercial Development be produced; this chapter to include such things as:
 - a. Parking requirements for commercial development, and Shop-Top Housing.
 - b. The height of commercial buildings, particularly Shop-Top Housing developments in commercial zones. This height may be governed by a policy on shadows projected from these buildings, so that shadows should not protrude onto adjacent residential land between the hours of 9am - 3pm; nor should they protrude into the second floor development, where that second floor development is used for residential development on adjacent buildings. Diagrams be prepared to illustrate how these controls will work.
 - c. Barrier-free access be supplied to all residential components of these buildings, and diagrams supplied as to how this may be achieved to meet Council's goal.
 - d. Private Open Space provisions related to SEPP 65, will be enforced for these types of development.
- B) Council continue negotiations with the Department for an extended deadline for the preparation of the new Local Environmental Plan for the City.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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COMMERCIAL STRATEGY

Item: 227 CS - Business Plan of E-Commerce/Markets Advisory Committee - (91367)

REPORT:

The E-Commerce/Markets Advisory Committee provided minutes of its last meeting to the Ordinary Meeting of Council on 31 May 2005.

The minutes show that the Committee resolved to:

1. *Adopt the E-Commerce/Markets Business Plan 2005-2006 to guide its activities over the next financial year.*
2. *Finalise any actions arising from the Business Plan by the end of June 2005.*
3. *Report the Business Plan to Council at the next available Ordinary meeting after June 2005.*

Accordingly, the Business Plan E-Commerce/Markets Advisory Committee is now presented for the information of Council.

Conformance to Strategic Plan

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

"Objective: Establish mechanisms to ensure strategic directions are reflected in operational plans".

Funding

All funding is contained within the adopted budget for the CRU.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

AT - 1 EMAC Business Plan - *(distributed under separate cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 26 July 2005

EXTERNAL SERVICES

Item: 228 **ES B - Development Application DA0903/04 - Menalie Pty Limited, 481 Creek Ridge Rd - (39189)**

Development Information

Applicant: Menalie Pty Limited
Owner: Menalie Pty Limited
Stat. Provisions: Hawkesbury Local Environmental Plan 1989 SREP 20
Area: 16.02ha
Zone: Rural 1(b)
Advertising: 21/10/2004 to 19/11/2004
Date Received: 3 September 2004

Key Issues:

- ◆ Size of Dam
- ◆ Impact of proposed use on adjoining properties

Recommendation: Approved subject to conditions

REPORT:

Introduction

An application has been received seeking consent to construct a 4.5 megalitre dam for the purposes of agriculture on the subject property. The matter is being reported to Council because of the number of submissions received.

The Proposal

The applicant seeks approval to construct a 4.5 megalitre dam which will be used in conjunction with proposed agricultural uses involving the growing of turf and lucerne crops.

The proposed dam is to be located in the north west corner of the subject property. The proposed dam is set back 10m from the northern boundary and 15m from the western boundary with a 5m setback to the spillway which runs along this boundary.

The applicant is relying on the existing driveway access from Creek Ridge Road for the proposed farming activities.

Two (2) trees require removal for the purposes of dam construction. Landscaping is to be undertaken as per the approved landscaping plan approved under MA1375/99 as part of this proposal.

The application was accompanied by a Farm Management Plan which forms part of the Statement of Environmental Effects, Landscape Plan, a Site Plan and cross-sections of the dam.

The application is integrated development under Environmental Planning and Assessment Act and requires approval under the Water Act.

A full size plan will be displayed at the meeting.

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Background

DA176/98 - Application received for construction of eight poultry sheds. The application was withdrawn by the applicant pending additional information.

DA547/98 - Approval granted for the removal of trees from the centre of the property for agricultural purposes.

MA208/99 - Approved boundary adjustment.

MA1375/99 - Approval of poultry farm comprising six (6) poultry sheds.

MA201/00 - Application for the construction of a farm shed. The application was refused on 28 September 2001.

MA0437/01 - Approved Single Dwelling.

MA1471/01 - Approved farm shed.

DA1569/02 - DA to change hours of operation of approved poultry farm - refused.

Community Consultation

The application was notified as per the requirements of the Hawkesbury DCP. During the period twenty nine (29) submissions were received. A number of the letters were proforma letters. The concerns raised were:

- Health risk to horses with high nutrient levels running into ephemeral stream to the east of property.
- Turf Farm will be 40m from the ephemeral stream.
- Offensive odour from manure spread over site.
- Buffer zones to be contained entirely within the property.
- It is unacceptable to work outside daylight hours and on weekends.
- Remaining native flora be fenced off and that no further tree removal be undertaken.
- The dam seems to be an unnecessary size for the development.
- The spillway appears to be channelled into the neighbouring property.
- No mention of a pump and a pump would interfere with the residents amenity.
- Possible Designated Development.

Comment:

The matters that are of relevance to the application are those that relate to the construction of the dam and not the agricultural activity being carried out on the property. This is due to agriculture not requiring consent under Hawkesbury Local Environmental Plan 1989. These matters are discussed in the planning assessment.

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Statutory Situation

Hawkesbury Local Environmental Plan 1989

The subject land is zoned Rural 1(b) under Hawkesbury Local Environmental Plan 1989. Dams are permissible with development consent within the zone. The activity of turf farm and lucerne is defined as 'agriculture' which does not require consent within this zone.

Clause 9A - Zone Objectives

The proposed land use is primarily providing for agricultural uses. The land uses of 'agriculture' do not create demands on the provision or extension of public amenities and maintains the rural character of the locality. The proposal is not unlike any other farming activity within the vicinity of the site and is not considered a traffic generating activity.

The proposal generally complies with the relevant provisions of the LEP.

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

The subject land falls within the boundary of SREP 20. This Policy aims "to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context". The subject property does not fall within a riverine scenic corridor. Turf farms do not require consent under SREP 20 as the growing of turf does not fall within the definition of intensive horticulture.

Hawkesbury Development Control Plan

The Hawkesbury Development Control Plan applies to the proposal. An assessment of the proposal against the Dam Chapter is discussed in the report.

Planning Assessment

A complete assessment is contained within Council's file. The following are the main issues of concern.

Size of Dam (raised by respondents)

The dam has been proposed at this size due to the catchment area/farm area. It would be in the best interest of adjoining property owners that the dam was larger to ensure no overflow occurs in an extreme event.

The size of the dam has been approved by the Department of Infrastructure and Natural Resources under the Water Act. This agency was issued general terms of approval in accordance with the Environmental Planning and Assessment Act.

Spillway Location (raised by respondents)

The proposed spillway is directed towards the northern boundary but has been designed in such a way to reduce overflow onto the adjoining property. A condition has been imposed which ensures the spillway does not concentrate flow onto adjoining properties.

Noise from pump (raised by residents)

A pump is proposed adjacent to the dam and is diesel powered with "silent pak" in an enclosed shed. The proposed pump being enclosed is unlikely to create any objectionable noise, a suitable noise condition has been imposed.

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Dam Construction Chapter

The following table provides an assessment of the proposed development against the requirements for the Dam Construction Chapter of the Hawkesbury DCP.

Element	Rules	Provides	Complies
Crest	The width of the dam crest is said to be a minimum of 3 metres for a 3 metre high dam wall. The crest should increase in width 0.5 metres for every metre above a 3 metre high dam.	The width of the crest is 3m	Yes
Freeboard	A minimum of 1 metre is to be established for freeboard. This should increase by 10% for every metre over a 3 metre high wall.	A 1m freeboard has been provided.	Yes
Embankments	- A soil with 25% clay content is ideal to form an impervious barrier. - The following soil types should not be used for dam construction: - Sand; - Gravels; - Organic soils; - Peat - Topsoil should be stripped and stockpiled from the excavation and wall areas before the dam wall is constructed, with the stockpile located clear of any natural watercourse. There should be no excavation above high water mark. - The embankment is to be completed with at least 100 millimetres of topsoil. It is to be planted with a good holding grass such as couch. Trees or shrubs are not to be planted on the embankment as roots may provide seepage paths for water. - The slope of the upstream embankment batters should be no steeper than the ratio of 3.0 horizontal to 1.0 vertical, while the downstream batter should be no steeper than 2.5 horizontal to 1.0 vertical.	Condition Mainly clay Condition Condition	Yes Yes Yes Yes Yes
Spillway	- The spillway should be a minimum of 3 metres in width increasing in size, dependent on the size of the dam and catchment. Generally, spillways are to be designed so as not to overflow more than half the depth of the freeboard. - The width of the outlet is not to be less than the inlet width. The spillway also is not to direct flows into the downstream toe. The spillway area should be grassed, stable and able to accept runoff flow. In some instances it may be necessary to turf the spillway. The spillway cut batter should have a maximum steepness of 2:5:1. - A small diameter (100 millimetres) pipe be required where spring flows or small flows of long duration occur to ensure that the spillway	Not applicable Not applicable	Yes Not applicable Not applicable

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Element	Rules	Provides	Complies
	does not erode. Where dams are to be constructed in gullies or water courses, a diversion weir is to be constructed up stream of the dam. The weir is to incorporate two pipes 200 millimetres in diameter.		
Cut-Off Trench	The cut-off trench is to be constructed along the entire length of the embankment at a minimum width of 2 metres. The trench should be excavated at least 1 metre into impervious soil and backfilled with impervious material.	Not applicable	Not applicable
Vegetation Filters and Tree Planting	A gate should be provided in the fence so that the filter area can be renovated by light grazing during rapid growth seasons. Prolonged grazing in dam catchments has potential to cause algal and weed growth in the dam due to the introduction of nutrients from manure.	Not applicable	Not applicable
Hydrological Aspects	- Clay lining and limiting depths of dam construction to above the water table are consent requirements to minimise the threat of contamination to groundwater. - All excavations which intercept the groundwater are required to be licensed by Department of Land and Water Conservation under the Water Act.	Condition Condition	Yes Yes
Dam Construction	- The dam wall is to be adequately compacted by track rolling or a sheet foot roller or similar in layers no greater than 150 millimetres. - Erosion and sediment control devices are to be installed and maintained to ensure that there is no increase in downstream levels of nutrients, litter, vegetation debris or other water borne pollutants.	Condition Condition	Yes Yes

The proposed development is consistent with the rules of the Hawkesbury Development Control Plan.

Context and Setting

Surrounding properties are predominantly used for rural residential purposes, equine activities and agricultural purposes, including market gardens. The proposed development is not inconsistent or incompatible with the surrounding developments in the locality.

The proposed development will not have a significant adverse impact on the scenic quality of the landscape and is in keeping with the rural character of the locality. The proposal will not unreasonably impact on the amenity of the area.

Flora and Fauna (raised by residents)

Two (2) trees required to be removed for the construction of the dam. All other vegetation will be protected with additional plantings in accordance with the landscape plan approved for MA1375/99. It is considered

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that the proposed development will have no significant impact on threatened species, populations, ecological communities or their habitats.

Other matters raised by respondents

The other matters raised by the respondents were:

- potential nutrient levels
- buffer zones
- hours of operation
- designated development

These relate to the proposed agriculture which does not require development consent.

The issue of potential impact of noise, odour run off can be considered and managed under the provisions of the POEO Act if there are any problems experienced by the residents.

Conclusion

The matters raised by the respondents do not warrant refusal of the application. The proposed agriculture is unlikely to create objectionable noise or odour. Any future problems relating to noise or odour can be dealt with under the provisions of the POEO Act.

The proposed dam complies with the requirement of the Hawkesbury DCP. Some of the issues raised by the respondents relate to the proposed farming activity which does not require development consent. The application is only for the construction of the dam.

Conformance to Strategic Plan

The recommendation conforms with the objectives as set out in the Strategic Plan; ie.,

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

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

Funding

No impact on budget.

RECOMMENDATION:

That the application for 4.5 megalitre dam to be approved subject to the conditions in the attached consent:

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The approved use shall not commence until all conditions of this Development Consent have been complied with.
3. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.

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4. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.

General Terms of Approval - DIPNR

5. The applicant shall not allow any tail water drainage to discharge into or onto
 - Any adjoining public or crown land;
 - Any other persons land;
 - Any Crown land;
 - Any river, creek or watercourse;
 - Any groundwater aquifer;
 - Any area of native vegetation as described in Native Vegetation Conservation Act 1997;
 - Any wetlands of environmental significance.
6. Works used for the purpose of conveying, distributing or storing water taken by means of the authorised work shall not be constructed or installed so as to obstruct the reasonable passage of floodwaters flowing into or from the river.
7. Works used for the purpose of conveying, distributing or storing water taken by means of the authorised work shall not be constructed or installed so as to obstruct the reasonable passage of floodwaters other than water to be impounded or obstructed.
8. The pumping and ancillary equipment and pump site shall be at all times properly secured and/or sealed so as to prevent any leakage of petroleum based products and/or noxious material from entering any river or lake.
9. The existing profile of the channel and bank of any watercourse or drainage depression must not be disturbed any more than is necessary in order to site and maintain the authorised work. Any area that is disturbed when carrying out such work shall be stabilised and maintained by vegetation cover, stone pitching or any other approved material as directed and to the Department's satisfaction so as to prevent the occurrence of erosion.
10. The location of the dam as shown on a plan retained in the office of the Department of Infrastructure Planning and Natural Resources (DIPNR) shall not be altered.
11. The work shall be constructed and maintained in such a manner as will ensure its safety and as will preclude the possibility of damage being occasioned by it, or resulting from it, to any public or private interest.
12. Where any internal combustion powered work is used for the purpose of diverting water, the power unit and any associated fuel storage shall be located outside any watercourse or drainage depression and a bunding wall of hay bales or other approved material shall be installed around the pumping plant to avoid contamination of any river or lake through spills or leaks of oils, fuels or greases.
13. The holder of the license shall, within three months of being called upon by Department of Infrastructure Planning and Natural Resources, install to the satisfaction of the department in respect of location, form, type and construction, an appliance or appliances for the measurement of the quality of water diverted or taken by means of the licensed work and shall continuously maintain such appliance or appliances in good working order and condition and shall, after the installation of such appliances, record the measurements of all water diverted or taken by means of the licensed work and supply particulars of such measurement to the Department at such intervals as shall be directed by the Department. Whenever called upon to do so a current test certificate, furnished either by the manufacturer concerned or by some person or authority duly qualified, shall be supplied by the holder of the licence as to the accuracy of the appliance or appliances.

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14. Water extracted by means of the licensed work shall not be used for the irrigation of grasses or pastures, which are not sown grasses, or improved pastures.
15. Any drainage channels or cross banks associated with the authorised diversion work or access roads, to or from that work, shall have installed and maintained a bunding wall of hay bales or other approved material, to prevent siltation due to the authorised diversion work of access roads from reaching any river or lake.
16. A pipe with a diameter of not less than 50mm, fitted with a stop valve or other control devices shall be constructed through the dam to the satisfaction of the Department. All inflow and outflow drainage lines shall be maintained with sufficient vegetation to ensure optimum quality entering the dam.
17. The building erected to house the water pump at the dam site shall be made of such material and in such a manner as to effectively suppress all noise emanating from the operations of the water pump. Such building will be constructed and soundproofed and maintained in good order and condition to the satisfaction of the Department of Infrastructure Planning and Natural Resources.
18. All existing vegetation shall be retained along the drainage line both above and below the dam.
19. The applicant shall not remove any vegetation within Lot 4502/1006929 except those trees that are directly associated with the construction of the subject dam.
20. The applicant will be required to demonstrate prior to issue of a surface water licence that the methods used in construction of the dam will minimise the impact of salinity on and off the site.
21. Licence Application shall be made on the prescribed form and, where appropriate, be accompanied by the prescribed deposit as security for the cost of investigation and inquiry into the application. It is anticipated that a fee would apply to any licence if and when issued.

Licences under Part 2 of the Water Act generally fall due for renewal every five years and will be subject to administrative charges as determined from time to time by the Independent Pricing and Review Tribunal (IPART).

Prior to Issue of Construction Certificate

22. Construction of the dam 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 Director of External Services or an Accredited Certifier.
23. Payment of a Construction Certificate checking fee of \$255.20 and a Compliance Certificate Inspection fee of \$255.12 for the works, 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.
24. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.
25. All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

COUNCIL CONDITIONS**Prior to Commencement of Works**

26. 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.
27. 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.
28. Submission of documentary evidence that a Water Licence has been issued by the Department of Infrastructure Planning and Natural Resources.
29. The name and licence number of the contractor/builder who has been contracted to do or intends to do the work must be submitted to Council in writing by the owner.
30. Details of the manufacturer's specifications for the pump, demonstrating compliance with the relevant Australian Standard must be submitted to Council.

During Construction

31. Landscaping is to be carried out in accordance with the approved landscaping plan prepared by Rodney Cox and Associates, Drawing No. RMC3017A dated 30/03/01.
32. The dam shall be constructed in accordance with the Dam Construction chapter of Hawkesbury Development Control Plan.
33. The topsoil shall be stripped and stockpiled and used to cover the dam wall.
34. The dam wall shall be grassed immediately after filling takes place.
35. The dam wall to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
36. A bund wall shall be provided around the site in order to help direct runoff away from the disturbed excavation/landfill areas. Design details are to be submitted to and approved by Council.
37. No excavated material, including soil, shall be removed from the site.
38. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
39. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
40. Care is to be undertaken when excavating not to intercept groundwater. If groundwater is discovered then excavation works are to cease immediately and the Principal Certifier is to be notified.
41. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
42. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
43. 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.

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44. The structural adequacy of the dam and spillway capacity is to be certified by a suitably qualified and experienced engineer.
45. A works as executed plan shall be submitted to Council on completion of works. The plan shall include the location of the constructed dam in relation to property boundaries

Use of the Site

46. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) LA(eq) above background noise levels with respect to noise amenity of residential dwellings.
47. The spillway is not to concentrate flow onto the toe of the dam wall or onto the adjoining property.
48. Dust control measures, e.g. water shall be applied to reduce surface and airborne movement of sediment blown from exposed areas. The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect to noise, vibration, odour, dust, wastewater, waste products or otherwise.

Advisory Notes

Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.

Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

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:

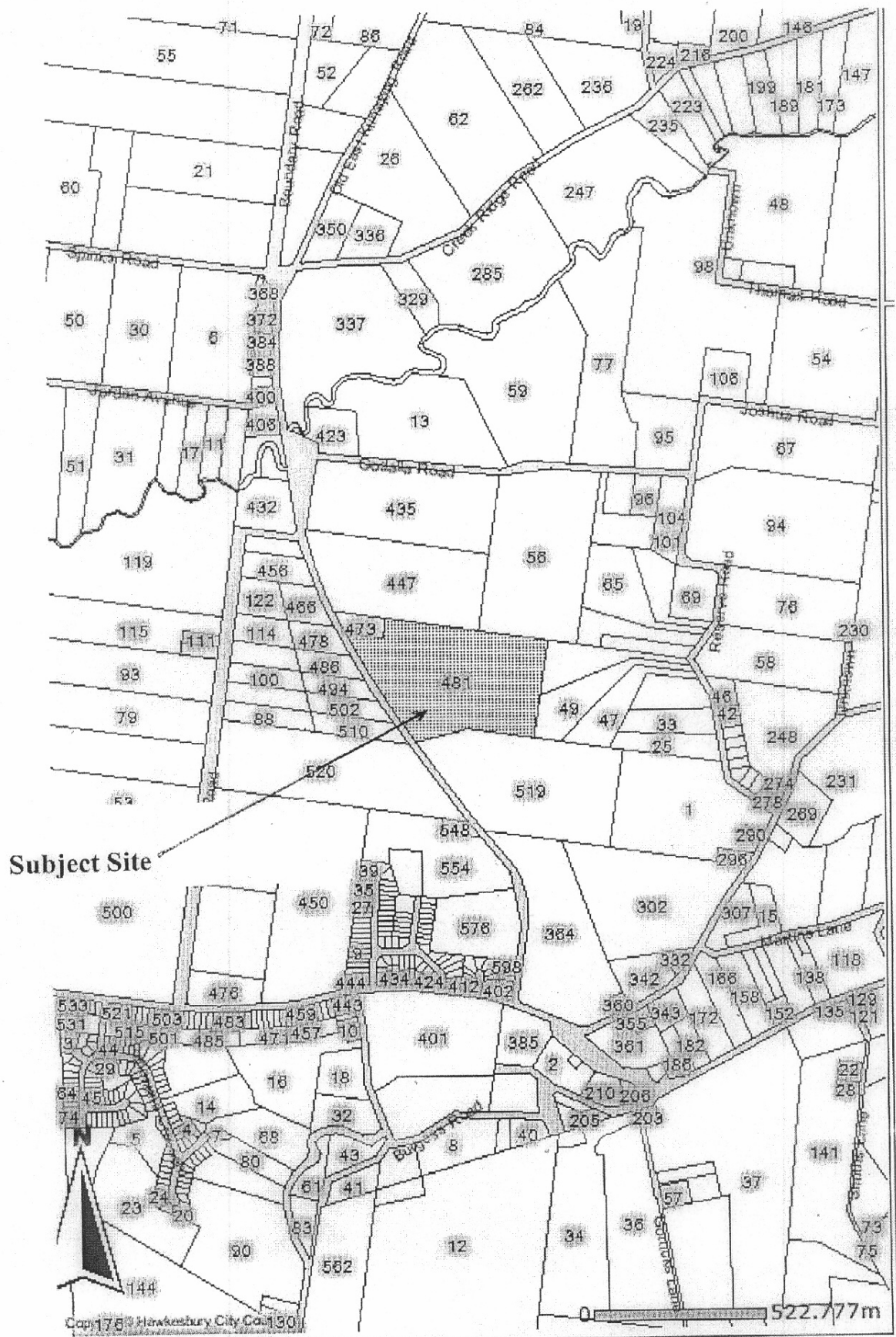
AT - 1 Locality Plan

AT - 2 Site Plan/Dam Construction

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AT - 1 Locality Plan



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[illegible]

000O END OF REPORT 0000

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Item: 229

ES - Animal Control - Companion Animals Act - (95494, 39906)

REPORT:

This report has been prepared to seek Council's approval to establish a community working party with responsibility for the development of a draft Regional Companion Animals Strategy. The working party (to be called the Companion Animals Community Education Working Party) will provide for representation from local government areas (Baulkham Hills, Penrith and Hawkesbury) currently serviced by Hawkesbury City Council's Companion Animal Shelter.

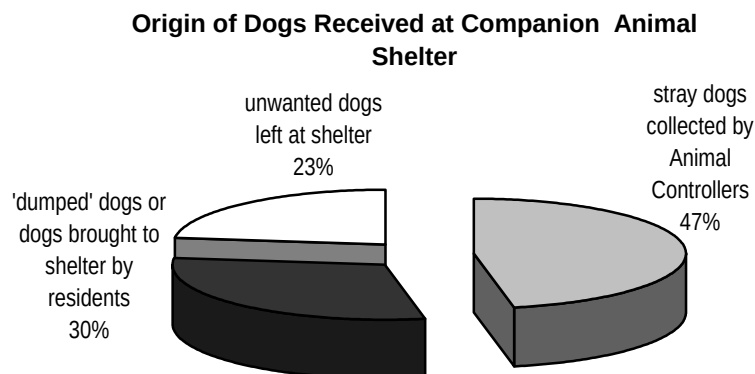
To facilitate the formation of the working party, approval is sought for correspondence to be forwarded to the General Manager Baulkham Hills Shire Council, and the General Manager Penrith City Council, inviting these respective Councils to nominate council and community representatives to sit on the working party.

Background

During 2004, the operation of Council's Companion Animals Shelter was the subject of community debate. A number of articles and letters to the editor appeared in local newspapers which were critical of aspects of the operations of the Animal Shelter, and in particular the re-homing rates of unclaimed animals.

In response to the criticism, Council has been previously advised that re-homing rates at the Hawkesbury City Council Companion Animal Shelter compare favourably when measured against the industry standard. In 2003, 70% of animals accepted by the Shelter were re-homed and the re-homing rate has been steadily increasing - in 2004 it was 72%, and in the first six months of 2005 it stood at 75%. These figures are at least comparable with the re-homing rates achieved by the RSPCA.

There is obviously a direct correlation between re-homing rates and the number of animals received at the Shelter. In the last twelve months (July 2004 to June 2005) there were 1,232 dogs received at the Companion Animal Shelter. Table 1 outlines the origin of the dogs received at the Shelter – it shows that up to half of the dogs received at the shelter have either been dumped by their owners, or surrendered to the Shelter because they are no longer wanted by their owners.



Of the 1,232 dogs received at the shelter 455 (37%) were released to their owners, 209 (17%) were sold, and 243 (20%) were released to animal welfare associations. 323 dogs (26%) were required to be euthanased as no homes could be found for them due to either their breed, age or behaviour. The percentage of dogs that are dumped or unwanted could, in some sense, be interpreted as a measure of 'responsible pet ownership'. Dogs that are either dumped or unwanted are generally more difficult to re-home and it would be reasonable to assume, that if this dumped and unwanted figure could be reduced, then re-homing rates at the Shelter could be improved.

In this respect, a community education program promoting responsible pet ownership could conceivably reduce the number of dumped and/or unwanted dogs and thereby further increase re-homing rates. Such a program could be coupled with the better targeting and co-ordination of marketing strategies across the Shelter's catchment area to increase the sale of dogs at the shelter, and also improve rates of micro-chipping.

Companion Animals Strategy

The Hawkesbury Animal Control Shelter is the receiving point for stray and unwanted dogs within the Hawkesbury, Baulkham Hills and Penrith local government areas. A community education strategy to promote responsible pet ownership will need to cover this catchment area.

It is proposed that Hawkesbury City Council facilitate the establishment of a Companion Animals Community Education Working Party involving council and community representatives from the Hawkesbury, Baulkham Hills and Penrith LGAs. The role of the Working Party will be to prepare a draft *Companion Animals Strategy*. The working party will work with Council staff to evaluate and assess options for promoting responsible pet ownership through a mix of community education and other programs. The Working Party will also assess a range of promotional strategies targeting a number of media outlets to identify the most effective tools for increasing re-homing rates and raising awareness of the activities of the Animal Shelter.

When complete, it is proposed that the draft strategy be publicly exhibited and submissions invited from residents and community groups for consideration by Council prior to the formal adoption of the Strategy. It will be up to each participating Council to determine its own process for public exhibition. When adopted, the strategy will provide a framework for each Council to work with residents, community groups and stakeholders to achieve the objectives and action within the *Companion Animal Strategy*.

Role and Membership of Working Party

It is proposed that the life of the Working Party be time limited – the Working Party will exist for the purpose of developing a draft Companion Animal Strategy and to facilitate the public exhibition of the *Strategy* prior to its formal adoption by participating Councils. Once the *Companion Animal Strategy* is adopted by a Council, Council staff will then be responsible for monitoring its implementation and reporting to Council on the extent to which the actions and performance measures within the *Strategy* are being achieved.

In view of the specific and time-limited brief of the Working Party and its inclusion of representatives from three Council areas, it is not proposed that the Working Party be formally constituted as Committee of Council under Section 377 of the Local Government Act 1993. However, to ensure that the Working Party achieves its intended objective, a proposed constitution for the Working Party has been developed and is included in Attachment 1.

The constitution provides for a Councillor and Council Staff representative from each participating Council (Hawkesbury, Baulkham Hills and Penrith), as well as a community representative to be appointed by each participating Council. Provision has also been made for a veterinarian to sit on the Working Party in addition to a representative from the RSPCA and the pet industry. In view of Hawkesbury City Council's co-ordinating role, and its operational responsibility for the Companion Animal Shelter, the constitution provides for two staff representatives from Hawkesbury City Council, and designates the Councillor to be appointed by Hawkesbury City Council as the chairperson of the Working Party. The constitution also delegates to Hawkesbury City Council responsibility for nominating the veterinarian, RSPCA, and pet industry representatives.

The mechanics and proposed role of the Working Party has been considered by an internal committee made up of staff representatives from Hawkesbury, Penrith and Baulkham Hills Councils. It was agreed that a report should be prepared for Hawkesbury City Council recommending the establishment of the Working Party, and request that Council write to Baulkham Hills and Penrith Councils inviting them to nominate representatives to sit on the Working Party.

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Conformance to Strategic Plan

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

"work in partnership with community and Government to implement Community Plans to meet the social, health, safety, leisure and cultural needs of the city".

Funding

Funding contributions from Councils. Each participating Council will be responsible for funding the implementation of the Companion Animal Strategy within their respective LGA. Hawkesbury City Council has allocated funds with the 2005/06 budget to facilitate the implementation of companion animal community education strategies within the City.

RECOMMENDATION:

That:

1. A Companion Animals Community Education Working Party be established to develop a draft *Companion Animal Strategy* for consideration by Council.
2. The objectives, role and membership of the Companion Animals Community Education Working Party, as outlined in the proposed Constitution, be endorsed.
3. The General Manager write to Baulkham Hills Shire and Penrith City Councils inviting nominations for appropriate representatives to sit on the Working Party.

ATTACHMENTS:

AT - 1 Constitution: Companion Animals Community Education Working Party

ATTACHMENT 1

HAWKESBURY CITY COUNCIL
COMPANION ANIMALS COMMUNITY EDUCATION WORKING PARTY

CONSTITUTION

1. Name

The Advisory Committee shall be known as the Companion Animals Community Education Working Party, and is hereinafter referred to as the 'Working Party'.

2. Objectives

- (a) to provide advice and guidance to Hawkesbury City Council staff in the preparation of a *Draft Companion Animals Strategy* which will identify objectives, key actions, time frames and performance measures for the implementation of a co-ordinated strategy for the promotion of responsible pet ownership within the Hawkesbury, Baulkham Hills and Penrith local government areas;
- (b) to seek the approval of participating Council's for the public exhibition of the *Draft Companion Animal Strategy* within each respective local government area, and to consider submissions made with respect to the *Draft Companion Animal Strategy*;
- (c) to recommend to each participating Council, the formal adoption of the *Companion Animal Strategy* and approval for its implementation within each respective local government area;

3. Role and Authorities

- (a) The Working Party 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 Working Party shall have the following authorities:
 - (i) to recommend to Council a strategy drawn up by professional staff for:
 - the development of a community education program to promote responsible pet ownership;
 - the development of a communication plan to market the various elements within the adopted *Companion Animal Strategy* including strategies for increasing re-homing rates and raising awareness of the activities of the Animal Shelter.
 - (ii) to bring to Council's attention, by way of recommendation, any item requiring a policy decision which is relevant to the work of the Working Party;
- (c) Each Council retains the responsibility for all operational and budgetary considerations;
- (d) With respect to the operations of the Companion Animal Shelter, 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; and
- (e) Any authorities conferred upon the Working Party under this Constitution may be varied by Council.

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4. Term

Working Party members' term shall be aligned with the time frame required for the development and adoption of the *Companion Animal Strategy*. Working Party members shall cease to hold office following the adoption of the *Companion Animal Strategy* subject to the condition that the Working Party Committee may be dissolved by Council at any time.

5. Structure and Membership

- (a) The structure and membership of the Working Party shall be as follows, and all the undermentioned appointments will have voting rights:

- (i) 1 (one) Councillor of the Hawkesbury City Council;
- (ii) 2 (two) Council staff members appointed by the General Manager of Hawkesbury City Council;
- (iii) 1 (one) Community Representative from the Hawkesbury Local Government Area
- (iv) 1 (one) Councillor of the Baulkham Hills Shire Council;
- (v) 1 (one) Council staff member appointed by the General Manager of Baulkham Hills Shire Council;
- (vi) 1 (one) Community Representative from the Baulkham Hills LGA;
- (vii) 1 (one) Councillor of the Penrith City Council;
- (viii) 1 (one) Council staff member appointed by the General Manager of Penrith City Council;
- (ix) 1 (one) Community Representative from the Penrith Local Government Area

The Manager Regulatory Services for Hawkesbury City Council, may also seek to appoint the following representatives

- (x) 1 veterinarian
- (xi) 1 representative from the RSPCA
- (xii) 1 representative from the commercial pet industry

- (b) Whereas the appointments detailed in clause 5(a) will form the Working Party, the **Manager Regulatory Services, Hawkesbury City Council** may also attend meetings of the Working Party;
- (c) The Councillor Representative from Hawkesbury City Council shall be appointed as the Chairperson of the Working Party, and one of the members of the Working Party will be appointed as Deputy Chairperson, to act in the absence of the Chairperson;
- (d) The Working Party 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
- (e) The Working Party 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) Each Council to be represented on the Working Party, will appoint members to the Working Party in accordance with the practices and procedures of each Council;
- (b) The Working Party shall have the power to fill casual vacancies at its discretion;
- (e) Members of the Working Party shall cease to hold office:
- (i) if the Working Party is dissolved by Council;
 - (ii) upon written resignation or death;

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- (iii) if absent without prior approval of the Working Party Committee for three consecutive meetings;

7. Procedures and General

- (a) Meetings of the Working Party shall be held as required to conduct the business of the Working Party. Special meetings may be convened at the discretion of the Chairperson, or, in his/her absence, the Deputy Chairperson;
- (b) The Manager Regulatory Services, Hawkesbury City Council, shall be the Executive Officer to the Working Party, and will be responsible for preparation of specialist reports, and any and all correspondence associated with the Working Party;
- (c) Hawkesbury Council will provide a Minute Clerk for the purpose of recording the Minutes of the Working Party meetings and for the distribution of Minutes followings meetings of the Working Party;
- (d) No meeting of the Working Party 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 Working Party meeting to all Working Party members;
- (f) At any meeting of the Working Party, each member shall have one vote and 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 Working Party 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 Working Party shall be constituted by half plus one of sitting nominated representatives;
- (i) Any members having a pecuniary interest in any matters being discussed by the Working Party shall declare such interest at the meeting of the Working Party 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 Working Party shall, as far as adopted by the Council, be resolutions of the Council, provided that recommendations or reports of the Working Party shall not have effect unless adopted by the Council;
- (l) It shall be competent for the Working Party to appoint a sub-committee or specific work groups comprised of members or non-members to exercise and carry out specific investigations for the Working Party, and then to report back to the Working Party. These appointed sub-committees or work groups may be dissolved by the Working Party at any time;
- (m) Any appointed sub-committees or work groups have no power to make any decisions whatsoever on behalf of the Working Party, and any recommendations of any sub-committee or work group will only have effect once adopted by the Working Party, or by the Council, as the case may be;

oooO END OF REPORT Oooo

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Item: 230 **ES - Management of Landfilling Operations at Hawkesbury City's Waste Management Facility - (95494, 79348)**

Previous Item: 45, Ordinary (22 February 2005)

REPORT:

Further to the previous report to Council on 22 February 2005 regarding the operations of landfilling at the waste management facility at South Windsor by Thiess Environmental, and the possibility of Council taking over this operation of the facility if negotiations with Thiess, to extend the current contract on a month to month basis failed, this report serves to advise Council of the outcomes of such negotiations.

After considerable discussions with Thiess's Operations Manager, and offers and counter offers, Thiess decided that they would finish the contract on 30 June 2005.

The previous resolution of Council, was for Council staff to take over the landfill operations, if negotiations with Thiess Environmental were unsuccessful.

Subsequently, Council has now arranged plant and equipment, staff, amenities and safe work method statements, to continue the landfilling operations under the control of Council since 1 July 2005.

It is proposed to use the allocated funds for contractor payments in the 2005/2006 budget, to fund the operations.

It is also envisaged, that by Council having control of the landfilling operations, and using the appropriate machinery to perform the tasks, that valuable landfill space will be conserved with an overall cost saving to Council.

Discussions with the landfill compactor supplier, revealed that Council will save almost 40% in landfill space, by using a Tana landfill compactor which is specifically designed for this work, compared to the 816 landfill compactor that Thiess were using, that had been adapted from normal bulldozing operations. Observations of the compaction rates since the Tana landfill compactor has been in operation, suggest that the estimates of approximately 40% better compaction are being realised.

It is proposed to hire equipment until such time as arrangements can be made to set in place long term leases of plant and equipment, or purchase of same, if there are advantages to Council doing this.

In this regard, it is considered appropriate, to withhold the purchase of the recently tendered waste collection vehicle until the 2006/07 financial year, and to use the \$236,956.80 allocated for this purchase, to offset the costs of long term lease or purchase of plant and equipment, that is needed for the operations of the waste landfill facility.

Consultation with Council's plant superintendent on delaying the purchase of a new waste collection vehicle in the current financial year, have revealed that there will be no detrimental effects on the existing fleet, or significant increase in maintenance costs, if the purchase is delayed by 12 months on a once off basis.

An analysis will be undertaken on the most cost effective method of obtaining the appropriate plant and equipment (long term lease or outright purchase), prior to tendering for the supply of such plant and equipment, with details being reported to Council to approve such procurement.

It is anticipated that it may take a few months to carry out such assessments and ensure that the plant and equipment that are currently hired on a short term basis, is the most suitable to perform the tasks required, before taking the major step of long term lease or purchase of similar equipment.

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Conformance to Strategic Plan

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

"Objective: To provide the community with a safe and efficient landfill in accordance with Community expectations and the Department of Environment Conservation's licensing requirements."

Funding

Funding will be provided from the 2005/06 Waste Budget.

RECOMMENDATION:

That:

1. The purchase of the new waste collection vehicle be delayed by twelve months, and the funds allocated for this purchase be used to purchase, or long term lease, plant and equipment, for the waste landfill operations.
2. An analysis be undertaken of purchase versus long term lease of plant and equipment, to ascertain the most cost effective method of procuring such equipment.
3. Once the analysis has been completed, tenders be called for the supply of plant and equipment for the landfill operations, and the results of the tender process be reported to Council for consideration.
4. The termination of the contract with Thiess Services, for operation and management of the waste landfill facility of Council be endorsed.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 231 **ES - Dam, Lot 490 DP 751665 Vol 12257 Fol 51, 32 Argents Road, Wilberforce, NSW 2756 - (DA1252/03, 79347, 13552, 13551)**

Development Information

Applicant: Mr V Tabone & Mrs C Tabone
Applicants Rep: Not Applicable
Owner: Mr V Tabone & Mrs C Tabone
Stat. Provisions: Sydney Regional Environmental Plan 20
Hawkesbury Local Environmental Plan 1989
Hawkesbury Development Control Plan
Area: 11.330 Hectares
Zone: Rural 1 (b) under Hawkesbury Local Environmental Plan 1989
The proposed zone under draft Local Environmental Plan 8/98 (Amendment 108) is Mixed Agriculture.
Advertising: Notified on 4 (four) separation occasions for each set of amended plans received.
The notification periods were:

- 7 November 2003 to 21 November 2003
- 15 April 2004 to 29 April 2004
- 12 July 2004 to 26 July 2004
- 28 October 2004 to 29 November 2004

Date Received: 8 October 2003
Previous Report: Ordinary Meeting 12 April 2005
Key Issues: ♦ Impacts on adjoining property owners and environment
Recommendation: Approval

REPORT:

Introduction

The application was reported to Council at the request of Councillor Williams on 12 April 2005. At the request of the applicant, Council resolved to defer consideration of the application pending a further report to Council. The applicant became aware that during the course of various plan amendments that his intention to retain a stand of trees near the corner of Browns Road & Argents Road had not been translated into the amended plans. He also wanted the opportunity to respond to the submission by the Department of Primary Industries.

Based on the information received and a closer examination of the statutory requirements, the application is now recommended for approval.

A copy of the report to Council dated 12 April 2005 is attached for reference. A large plan and aerial photograph will be displayed at the meeting.

Background

Approval was initially sought for the construction of a dam with a capacity of 40 (forty) Megalitres. Following various concerns being raised by both Council Officers and the Department of Infrastructure, Planning and Natural Resources (DIPNR) the applicant chose to reduce the size of the proposed dam capacity to 19.6 (nineteen point six) Megalitres. Various other amendments were subsequently made to the design in an effort to address further concerns raised in relation to the impact of the development on downstream property owners.

The Proposal

The application proposes to construct a 19.6 (nineteen point six) Megalitre dam on the north western corner of the subject site to facilitate a proposed turf farming operation on the property. The dam construction and associated turf farm will require the removal of native vegetation which consists of scattered eucalypts, mainly in a band along Argents Road. The applicant has advised that a stand of eucalypts located in the north west corner of the property is to be retained. This stand covers an area of approximately 35m by 40m between the proposed dam and Browns Road. No works will occur in this location.

The subject site also accommodates a dwelling house, which is to be retained, as well as a number of sheds, which are intended to be used in association with the proposed turf farming operation.

Statutory Situation

Sydney Regional Environmental Plan No. 20 (No. 2 - 1997) (SREP20)

The subject land falls within the boundary of SREP 20. This Policy aims "to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context". The subject property does not fall within a riverine scenic corridor.

In the previous report, Council was advised that a turf farm is considered to be an "intensive horticultural establishment" as defined by SREP20 and requires consent. More recent advice in relation to statutory definitions is that turf growing is not in fact "intensive horticulture" by definition and therefore development consent is not required under SREP 20 or HLEP 1989.

Hawkesbury Local Environmental Plan 1989 (HLEP1989)

The subject land is zoned Rural 1(b) under Hawkesbury Local Environmental Plan 1989. Dams are permissible with development consent within the zone. The activity of turf farm is defined as 'agriculture' which does not require consent within this zone.

Hawkesbury Development Control Plan

The Hawkesbury Development Control Plan contains a chapter relating to dam construction. An assessment of the proposal against the chapter is discussed in the report.

Planning Assessment

Hawkesbury Local Environmental Plan 1989

The aims and objectives of the Hawkesbury Local Environmental Plan 1989 include:

to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production.

The Rural 1(b) zone objectives affecting the site under the Hawkesbury LEP are:

- (a) *to primarily provide for agricultural uses and animal establishments;*
- (b) *to ensure that development does not create unreasonable demands, in the present or in the future, for provision or extension of public amenities infrastructure;*
- (c) *to prevent the establishment of traffic generating development along main or arterial roads;*
and
- (d) *to ensure that development maintains the rural character of the locality and to minimise disturbance to the landscape through clearing, earthworks and access roads.*

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While it could be argued that objective (d) may not be fully satisfied by the development, the proposal does satisfy the primary objective to provide for agricultural uses.

Draft Local Environmental Plan 8/98 (Amendment 108)

The gazettal of draft amendment 108 would rezone the subject site from *Rural 1(b)* zone to *Mixed Agriculture*. The objectives of the *Mixed Agriculture* zone include:

1. to encourage agricultural activities that do not rely on highly fertile land;
2. to ensure that the agricultural activities occur in a manner that do not have a significant adverse effect on water catchments, including surface and groundwater quality and flows; land surface conditions and important ecosystems such as streams and wetlands, and occur in a manner that satisfy best practice guideline/ best management practices;
3. to promote the conservation and enhancement of local native vegetation including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.

The proposal is not inconsistent with the objectives of the draft plan.

Hawkesbury Development Control Plan

The following table provides an assessment of the proposed development against the requirements for the Dam Construction Chapter of the Hawkesbury DCP.

Element	Rules	Provides	Complies
Crest	• The width of the dam crest is said to be a minimum of 3 metres for a 3 metre high dam wall. The crest should increase in width 0.5 metres for every metre above a 3 metre high dam. •	The width of the crest is 3m	Yes
Freeboard	• A minimum of 1 metre is to be established for freeboard. This should increase by 10% for every metre over a 3 metre high wall. •	A 1.5m freeboard has been provided.	Yes

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Element	Rules	Provides	Complies
Embankments	A soil with 25% clay content is ideal to form an impervious barrier.	Condition	Yes
	- The following soil types should not be used for dam construction: - Sand; - Gravels; - Organic soils; - Peat	Mainly clay	Yes
	Topsoil should be stripped and stockpiled from the excavation and wall areas before the dam wall is constructed, with the stockpile located clear of any natural watercourse. There should be no excavation above high water mark.	Condition	Yes
	The embankment is to be completed with at least 100 millimetres of topsoil. It is to be planted with a good holding grass such as couch. Trees or shrubs are not to be planted on the embankment as roots may provide seepage paths for water.	Condition	Yes
	The slope of the upstream embankment batters should be no steeper than the ratio of 3.0 horizontal to 1.0 vertical, while the downstream batter should be no steeper than 2.5 horizontal to 1.0 vertical.		Yes
Spillway	The spillway should be a minimum of 3 metres in width increasing in size, dependent on the size of the dam and catchment. Generally, spillways are to be designed so as not to overflow more than half the depth of the freeboard.	Spillway 12m wide	Yes
	The width of the outlet is not to be less than the inlet width. The spillway also is not to direct flows into the downstream toe. The spillway area should be grassed, stable and able to accept runoff flow. In some instances it may be necessary to turf the spillway area. The spillway cut batter should have a maximum steepness of 2:5:1.	Not applicable	Not applicable
	A small diameter (100 millimetres) pipe be required where spring flows or small flows of long duration occur to ensure that the spillway does not erode.	Not applicable	Not applicable
	Where dams are to be constructed in gullies or water courses, a diversion weir is to be constructed up stream of the dam. The weir is to incorporate two pipes 200 millimetres in diameter.	Not applicable	Not applicable
Cut-Off Trench	The cut-off trench is to be constructed along the entire length of the embankment at a minimum width of 2 metres. The trench should be excavated at least 1 metre into impervious soil and backfilled with impervious material.	Not applicable	Not applicable

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Element	Rules	Provides	Complies
Vegetation Filters and Tree Planting	A gate should be provided in the fence so that the filter area can be renovated by light grazing during rapid growth seasons. Prolonged grazing in dam catchments has potential to cause algal and weed growth in the dam due to the introduction of nutrients from manure.	Not applicable	Not applicable
Hydrological Aspects	Clay lining and limiting depths of dam construction to above the water table are consent requirements to minimise the threat of contamination to groundwater.	Condition	Yes
	All excavations which intercept the groundwater are required to be licensed by Department of Land and Water Conservation under the Water Act.	Condition	Yes
Dam Construction	The dam wall is to be adequately compacted by track rolling or a sheet foot roller or similar in layers no greater than 150 millimetres.	Condition	Yes
	Erosion and sediment control devices are to be installed and maintained to ensure that there is no increase in downstream levels of nutrients, litter, vegetation debris or other water borne pollutants.	Condition	Yes

Community Consultation

The development application was publicly exhibited in accordance with the Hawkesbury Development Control Plan. Three (3) submissions were received as a result of exhibition. The primary concerns raised by respondents are collectively summarised as follows:

1. Water flows to downstream properties will be significantly reduced. This will in turn adversely impact on downstream water quality and compromise the ability of downstream properties to use their land for agricultural purposes.

Comment

The Department of Infrastructure Planning and Natural Resources (DIPNR) is the government agency charged with the responsibility for managing water resources in NSW. DIPNR has been involved in providing advice to the applicant, which has resulted in the dam being amended to half the original size and other amendments.

In particular DIPNR has issued its General terms of approval "on the basis that the proposed work (sedimentation pond) on the watercourse flowing from the east along Argents Road be removed from the drawings and that this watercourse be allowed to flow freely past the storage" and "Stormwater runoff from catchments beyond the irrigation area must be allowed to reach this eastern watercourse and flow past the main dam for the benefit of downstream water users and environments. It should be noted that the passage of low flows is provided around the dam from the watercourse entering the site from the west."

In view of the advice from DIPNR and the amendments made by the applicant, it is considered that the impact on downstream property is acceptable

2. Removal of native vegetation and the associated impacts on the water table, salinity and habitat for wildlife.

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Comment

The application was accompanied by a flora and fauna study which found that a Species Impact Statement is not required as there will be no significant impacts on any endangered ecological communities, endangered populations or threatened species.

3. The Department of Primary Industries (DPI) suggests that the site was not sustainable for the growing of turf in the long term.

Comment

The DPI has no statutory role in commenting on this development application. Their comment is based on a visual survey of the property from outside the boundaries and assessing the soil profiles near the roadways.

The applicant has responded that he has carried out his own investigations of the soil in various locations within the property, and based on many years experience in the turf industry, is of the view that the land is suitable for growing turf. The Farm Management Plan submitted with the application deals with the use of fertilizers, chemicals, odour & dust management and irrigation, to ensure that the farm operations will minimise impact on the land and surrounding properties.

Given that the DPI has no statutory role in this matter and that growing turf does not require development consent, their comments are somewhat redundant.

4. Inadequate consideration has been given to the proposed operation of the site as outlined in the Farm Management Plan submitted by the applicant. Spray drift and dust generation are particular concerns.

Comment

These issues are dealt with in the farm management plan. Notwithstanding this, the applicant will be required to comply with the Pesticides Act and the Protection of the Environment Operations Act.

5. Structural adequacy of the proposed dam construction.

Comment

The dam has been designed by a qualified civil engineer. The dam will need to be certified as structurally adequate following construction.

Conclusion

The proposed use of the property for turf growing does not require the consent of Council. Therefore, what is being considered for determination is a 19.6 (nineteen point six) Megalitre dam. The proposed dam has been professionally designed and although the concerns of the downstream property owner are recognised, the proposal does meet the requirements of DIPNR. In fact, DIPNR's general terms of approval make specific provision for water flow to downstream properties around the proposed dam.

The primary objective of the Rural 1(b) zone is to *provide for agricultural uses and animal establishments*. This proposal clearly meets this objective, by providing water storage for irrigation of turf to be grown on the property.

Having reviewed all relevant matters, including the new information from the applicant, it is considered that the impacts of the proposed dam are minimised by the amendments made compared to the original proposal. The proposal is in line with the objectives of the zone and conforms with Council's strategic directions.

Conformance to Strategic Plan

The recommendation conforms with the objectives as set out in the Strategic Plan; ie

"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

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

Funding

No impact on budget.

RECOMMENDATION:

That the application for 19.6 megalitre dam and associated tree removal be approved subject to the conditions in the attached consent:

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The approved use shall not commence until all conditions of this Development Consent have been complied with.
3. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.

General Terms of Approval - DIPNR

4. The applicant shall not allow any tail water drainage to discharge into or onto
 - Any adjoining public or crown land;
 - Any other persons land;
 - Any Crown land;
 - Any river, creek or watercourse;
 - Any groundwater aquifer;
 - Any area of native vegetation as described in Native Vegetation Conservation Act 1997;
 - Any wetlands of environmental significance.
5. Works used for the purpose of conveying, distributing or storing water taken by means of the authorised work shall not be constructed or installed so as to obstruct the reasonable passage of floodwaters flowing into or from the river.
6. Works used for the purpose of conveying, distributing or storing water taken by means of the authorised work shall not be constructed or installed so as to obstruct the reasonable passage of floodwaters other than water to be impounded or obstructed.
7. The pumping and ancillary equipment and pump site shall be at all times properly secured and/or sealed so as to prevent any leakage of petroleum based products and/or noxious material from entering any river or lake.
8. The existing profile of the channel and bank of any watercourse or drainage depression must not be disturbed any more than is necessary in order to site and maintain the authorised work. Any area that is disturbed when carrying out such work shall be stabilised and maintained by vegetation cover, stone pitching or any other approved material as directed and to the Department's satisfaction so as to prevent the occurrence of erosion.
9. The location of the dam as shown on the plan (03044D02) retained in the office of the Department of Infrastructure Planning and Natural Resources (DIPNR) shall not be altered.

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10. The works shall be constructed and maintained in such a manner as will ensure its safety and as will preclude the possibility of damage being occasioned by it, or resulting from it, to any public or private interest.
11. Where any internal combustion powered work is used for the purpose of diverting water, the power unit and any associated fuel storage shall be located outside any watercourse or drainage depression and a bunding wall of hay bales or other approved material shall be installed around the pumping plant to avoid contamination of any river or lake through spills or leaks of oils, fuels or greases.
12. The holder of the license shall, within three months of being called upon by Department of Infrastructure Planning and Natural Resources, install to the satisfaction of the department an appliance for the measurement of the quantity of water diverted or taken by means of the licenced work.
13. Any drainage channels or cross banks associated with the authorised diversion work, or access roads to or from that work, shall have installed and maintained a bunding wall of hay bales or other approved material, to prevent siltation due to the authorised diversion work of access roads from reaching any river or lake.
14. All inflow and outflow drainage lines shall be maintained with sufficient vegetation to ensure optimum quality of water entering the dam.
15. The building erected to house the water pump at the dam site shall be made of such material and in such a manner as to effectively suppress all noise emanating from the operations of the water pump. Such building will be constructed and soundproofed and maintained in good order and condition to the satisfaction of the Department of Infrastructure Planning and Natural Resources.
16. The storage volume of the dam number shall not exceed that given on the drawing (03044D02)

Council Conditions

Prior to Issue of Construction Certificate

17. Construction of the dam 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 Director of External Services or an Accredited Certifier.
18. Payment of a Construction Certificate checking fee of \$255.20 and a Compliance Certificate Inspection fee of \$255.12 for the works, 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.
19. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.
20. All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

Prior to Commencement of Works

21. 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.

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22. 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.
23. All native trees within the north west corner of the site (an area of approximately 35m x 40m) and shall be retained and not disturbed during construction of the dam with 40m of the centre of the existing watercourse, which runs through the property.
24. Submission of documentary evidence that a Water Licence has been issued by the Department of Infrastructure Planning and Natural Resources.
25. The name and licence number of the contractor/builder who has been contracted to do or intends to do the work must be submitted to Council in writing by the owner.
26. Details of the manufacturer's specifications for the pump, demonstrating compliance with the relevant Australian Standard must be submitted to Council.

During Construction

27. The dam shall be constructed in accordance with the Dam Construction chapter of Hawkesbury Development Control Plan.
28. The topsoil shall be stripped and stockpiled and used to cover the dam wall.
29. The dam wall shall be grassed immediately after filling takes place.
30. The dam wall to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
31. A bund wall shall be provided around the site in order to help direct runoff away from the disturbed excavation/landfill areas. Design details are to be submitted to and approved by Council.
32. No excavated material, including soil, shall be removed from the site.
33. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
34. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
35. Care is to be undertaken when excavating not to intercept groundwater. If groundwater is discovered then excavation works are to cease immediately and the Principal Certifier is to be notified.
36. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
37. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
38. 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.
39. The structural adequacy of the dam and spillway capacity is to be certified by a suitably qualified and experienced engineer.
40. A works as executed plan shall be submitted to Council on completion of works. The plan shall include the location of the constructed dam in relation to property boundaries

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Use of the Site

41. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) LA(eq) above background noise levels with respect to noise amenity of residential dwellings.
42. The spillway is not to concentrate flow onto the toe of the dam wall or onto the adjoining property.
43. Dust control measures, e.g. water shall be applied to reduce surface and airborne movement of sediment blown from exposed areas. The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect to noise, vibration, odour, dust, wastewater, waste products or otherwise.

Advisory Notes

Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.

Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

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

ATTACHMENTS:

AT - 1 Locality Map

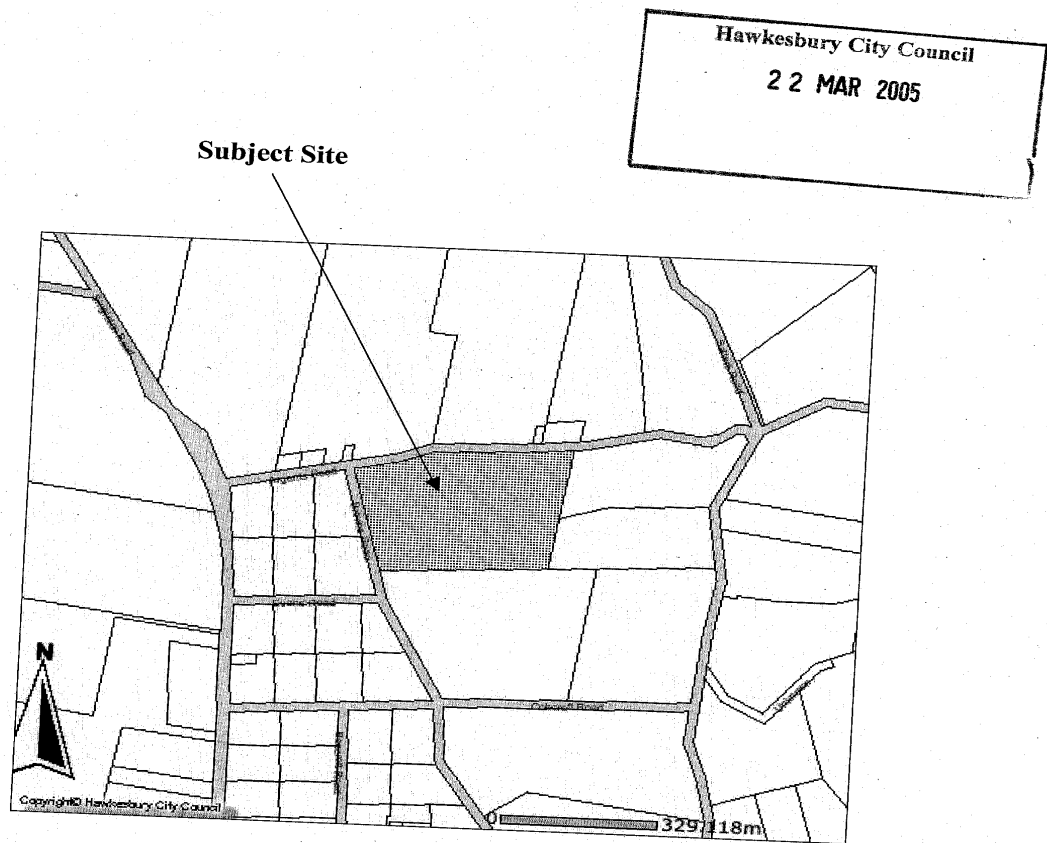
AT - 2 Site Plan

AT -3 Report to Council 12 April 2005

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AT - 1 Locality Map



SCANNED

Meeting Date: 26 July 2005

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AT -3 Report to Council 12 April 2005

ITEM: ENV A - Dam, Lot 490 DP 751665 Vol 12257 Fol 51, 32 Argents Road, Wilberforce, NSW 2756 - (DA1252/03, 79347, 13552, 13551)

Development Information

Applicant: Mr V Tabone & Mrs C Tabone
Applicants Rep: No Applicable
Owner: Mr V Tabone & Mrs C Tabone
Stat. Provisions: Sydney Regional Environmental Plan 20
Hawkesbury Local Environmental Plan 1989
Hawkesbury Development Control Plan
Area: 11.330 Hectares
Zone: Rural 1 (b) under Hawkesbury Local Environmental Plan 1989
The proposed zone under draft Local Environmental Plan 8/98 (Amendment 108) is Mixed Agriculture.
Advertising: Notified on 4 (four) separation occasions for each set of amended plans received.
The notification periods were:

- 7 November 2003 to 21 November 2003
- 15 April 2004 to 29 April 2004
- 12 July 2004 to 26 July 2004
- 28 October 2004 to 29 November 2004

Date Received: 8 October 2003
Key Issues:

- ◆ Inconsistency with relevant planning instruments
- ◆ Inconsistency with Hawkesbury Development Control Plan
- ◆ Impacts on adjoining property owners and environment

Action: Refusal of Application

REPORT:

Introduction

Council has received a development application seeking approval for the removal of native vegetation, the construction of a dam and for the use of the subject site for the purposes of turf farming.

The application is reported to Council at the request of Councillor Williams.

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

Background

Approval was initially sought for the construction of a dam with a capacity of 40 (forty) Megalitres. Following various concerns being raised by both Council Officers and the Department of Infrastructure, Planning and Natural Resources (DIPNR) the applicant chose to reduce the size of the proposed dam capacity to 19.6 (nineteen point six) Megalitres. Various other amendments were subsequently made to the design in an effort to address further concerns raised in relation to the impact of the development on downstream property owners.

This assessment report is based on the most recent plans submitted to Council, for which General Terms of Approval have been issued by DIPNR, subject to conditions.

The Proposal

The application proposes to construct a 19.6 (nineteen point six) Megalitre dam on the north western corner of the subject site to facilitate a proposed turf farming operation on the property. The dam construction and associated turf farm will require the removal of a native vegetation which covers an area of approximately 3.6 (three point six) hectares. The subject site also accommodates a dwelling house, which is to be retained, as well as a number of sheds, which are intended to be used in association with the proposed turf farming operation.

The subject property is rectangular in shape with a direct frontage along both Argents Road and Browns Road. The site has an area of 11.33 (eleven point three three) hectares and generally falls from the south east to north west.

Statutory Situation

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

The proposed use of the site for the purposes of a turf farm is considered to be an "intensive horticultural establishment" as defined under Part 3 of Sydney Regional Environmental Plan No. 20. The proposed land use therefore requires development consent.

Hawkesbury Local Environmental Plan 1989

The proposed development constitutes "agriculture", "clearing native vegetation" and "dam" as defined by Clause 5 of the Hawkesbury Local Environmental Plan 1989 (LEP). The proposed use of the site for the purposes of agriculture does not require consent under the LEP. The proposed clearing of native vegetation and construction of a dam are permissible with development consent.

Hawkesbury Development Control Plan

The Hawkesbury Development Control Plan contains a chapter relating to dam construction.

Planning Assessment

Sydney Regional Environmental Plan 20

The proposed development is considered to be inconsistent with a number of relevant specific planning policies and recommended strategies including those relating total catchment management, water quality, flora and fauna, and agriculture.

Specific Planning Policies & Recommended Strategies

1. Total Catchment management - The proposed development is likely to have an adverse cumulative environmental impact on the catchment within which it is to be constructed. The proposed development will reduce the quantity and quality of water flowing to downstream properties.

The conclusions of the *Assessment of Impact on Catchment Hydrology* report submitted in support of the application are, inter alia, that *the proposed dam will have a hydrological impact on the adjacent downstream properties by reducing the quantity and frequency of overflows.*

Council Officers have also assessed the impact of the development proposal and conclude that the structure appears to be hydraulically too large for the catchment.

2. Water Quality - The proposed development is considered to be beyond the capabilities of the site. The extent of water to be captured on site is in excess of the property's maximum harvestable right (the maximum harvestable right for the property is calculated to be one (1) Megalitre).
3. Flora and Fauna - The proposed development does not utilise already cleared areas, but relies on the removal of all trees and vegetation from the site.

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4. Agriculture - The site is not considered to be capable of sustaining the proposed growing of turf. It is noted that correspondence received from the Department of Primary Industries (DPI) concludes that, *unless a more detailed assessment finds to the contrary.....the proposal to produce turf on the site would not be sustainable in the long term.*

Hawkesbury Local Environmental Plan 1989

The aims and objectives of the Hawkesbury Local Environmental Plan 1989 include:

to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production.

The subject site is not considered to be appropriate for the currently proposed type and extent of agricultural production. The DPI has stated that the site is agricultural land Class 3 - which is unsuitable for continuous cropping, such as turf farming.

The Rural 1(b) zone objectives affecting the site under the Hawkesbury LEP include:

to ensure that development maintains the rural character of the locality and to minimise disturbance to the landscape through clearing, earthworks and access roads.

The proposed development involves the clearing of approximately 3.6 (three point six) hectares of native vegetation.

Draft Local Environmental Plan 8/98 (Amendment 108)

The gazettal of draft amendment 108 would rezone the subject site from *Rural 1(b)* zone to *Mixed Agriculture*. The objectives of the *Mixed Agriculture* zone include:

4. to encourage agricultural activities that do not rely on highly fertile land;
5. to ensure that the agricultural activities occur in a manner that do not have a significant adverse effect on water catchments, including surface and groundwater quality and flows; land surface conditions and important ecosystems such as streams and wetlands, and occur in a manner that satisfy best practice guideline/ best management practices;
6. to promote the conservation and enhancement of local native vegetation including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.

The proposed development is considered to be inconsistent with above objectives on the following grounds.

1. The proposed use of the site for the purposes of turf farming relies on highly fertile soil. It is therefore contended that an alternative agricultural use, which would not require highly fertile soils and the construction of an oversized dam would be more appropriate for the site.
2. The proposed dam is likely to have a significant adverse impact on the quantity of water flowing within the catchment, which will in turn impact on water quality resulting from reduced flows.
3. The proposed development does not promote the conservation and enhancement of local native vegetation. It is proposed to remove all trees from the site.

Hawkesbury Development Control Plan

The Dam Construction chapter of the Hawkesbury Development Control Plan provides both objectives and rules relating to the construction of dams. The objectives outline the overall principles that should be

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observed and achieved in any dam construction, whilst the rules outline the specific standards of construction, such as minimum crest width and spillway sizes etc.

Whilst the proposed dam design is considered to be generally compliant with the rules provided by the Development Control Plan, it is contended that the broader objectives of the policy have not been met. These objectives include:

1. to ensure that any dam proposed is compatible with the existing natural and rural character of the area generally;
2. to ensure that no adverse impacts results on the local drainage or floodway characteristics in a catchment from a dam construction;
3. to ensure no adverse effects on adjoining properties (drainage, structure, stability, fences);
4. to protect, restore and maintain the local non-urban character of areas and ensure viable agricultural land is sustained;
5. to maintain water quality within the Hawkesbury Nepean Catchment area.

The locality is characterised by undulating lands with scattered stands of mature native trees and vegetation throughout. The proposed clearing of vegetation and construction of a dam and turf farm is considered to be inconsistent with the general character of the area. (It is also noted that no other turf farms exist within the general locality.)

The proposed dam is expected to adversely impact on local drainage characteristics and adjoining properties by way of impeding and reducing downstream flows.

Community Consultation

The development application was publicly exhibited in accordance with the Hawkesbury Development Control Plan. Three (3) submissions were received as a result of exhibition. The primary concerns raised by respondents are collectively summarised as follows:

6. Waterflows to downstream properties will be significantly reduced. This will in turn adversely impact on downstream water quality and compromise the ability of downstream properties to use their land for agricultural purposes.
7. Removal of native vegetation and the associated impacts on the water table, salinity and habitat for wildlife.
8. The DPI suggests that the site was not sustainable for the growing of turf in the long term.
9. Inadequate consideration has been given to the proposed operation of the site as outlined in the Farm Management Plan submitted by the applicant. Spray drift and dust generation are particular concerns.
10. Structural adequacy of the proposed dam construction.

The first 3 (three) concerns raised above are considered to be valid and are generally consistent with a number of the concerns held by Council officers. The latter 2 (two) points could be addressed by way of further information being provided by the applicant, if Council were of the opinion that the development was in principle, worthy of support.

Clearing of native vegetation

A flora and fauna assessment report was submitted in support of the application. The report concludes that "... there will be no significant impacts on endangered ecological communities, endangered populations, or threatened species as listed in the threatened Species Conservation Act (1995) or the

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Environment Protection and Biodiversity Conservation Act (1999). As such there are no limitations on the proposed development of the site."

Notwithstanding the above, the existing trees provide considerable amenity and contribute to the rural character of the locality. Further, it has not been demonstrated that the removal of the trees will not impact on the water table and cause salinity problems.

Conclusion

The proposed clearing of native vegetation, dam construction and turf farming operation is considered to be inconsistent with the objectives of the Sydney Regional Environmental Plan 20 and the Hawkesbury Local Environmental Plan 1989. Whilst Council's LEP encourages agricultural activity within the zone, the scale and nature of the development is considered to be inappropriate for the site.

The proposed dam construction will have the effect of reducing water flows to downstream properties, which will impact adversely on water quality and reduce agricultural opportunities for downstream property owners.

The proposed turf farming operation on the site is not considered to be sustainable in the long term and the proposed removal of native vegetation will adversely impact on the established rural character of the locality. As a result, the application cannot be supported.

RECOMMENDATION:

That the application for clearing native vegetation, construction of a dam and turf farm operation be refused for the following reasons:

1. The development application does not demonstrate that future development of the land will not unreasonably impact on adjoining properties.
2. The proposed development is likely to have an adverse impact on the amenity of residents in the immediate locality.
3. The proposed development will have an adverse impact on the neighbouring property in terms of reducing downstream water flows.
4. The proposed development is inconsistent with the established character of the locality.
5. The proposed development is inconsistent with the aims and objectives of Hawkesbury Development Control Plan.
6. The proposed development is inconsistent with the objectives of Hawkesbury Local Environmental Plan 1989.
7. The proposed development is inconsistent with the Objects contained within Section 5 of the Environmental Planning and Assessment Act, 1979.
8. In the circumstances, approval of the development would not be in the public interest.
9. The proposed development is inconsistent with the planning considerations, policies and recommended strategies of Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River.

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10. The site is unsuitable for the proposed development.
11. The proposed development is inconsistent with the objectives of the proposed "mixed agriculture" zone as outlined in draft amendment 108 to the Hawkesbury Local Environmental Plan 1989.

oooO END OF REPORT Oooo

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INFRASTRUCTURE SERVICES

Item: 232 **IS - Windsor Parking Update - (79346, 79338)**

Previous Item: 33, GPC - Infrastructure (23 September 2003)
 33, Ordinary (14 October 2003)

REPORT:

A report outlining the available parking as well as opportunities to provide additional car parking spaces was reported to Council at its General Purpose Committee meeting held on 30 September 2003.

The report, in part, included:

An assessment of the current parking available has been undertaken covering an area from the Windsor Wharf/Thompson Square area through to the Council Chambers/Offices, with the results listed below:

• On street including both restricted and unrestricted	830
• Car parking areas	
Windsor Wharf	29
Baker Street (New Museum/Macquarie Arms	30
Lachlan Court	66
Windsor Town Centre	139
Kable Street/Macquarie Street	113
Kable Street/The Terrace	96
Coles	80
New Library/Art Gallery	88
Council Administration Building	124

Kable Street/The Terrace

It would be possible to construct a deck on this car park to provide approximately 90 (ninety) additional spaces. Whilst it is appreciated that there would be some visual impact, this could be minimised by reconstructing the lower level to be consistent with the level of The Terrace and constructing the upper level to be consistent with the height of the existing access off Kable Street.

The resolution of Council at its Ordinary meeting on 14 October 2003 was:

That further consideration for the provision of additional parking in Windsor, excepting the ongoing negotiations with Hawkesbury District Health Service Ltd, be deferred until such time as the Hollands Paddock development proposal has been finalised.

The Hollands Paddock development has a minimum requirement of 309 off-street car parking spaces, however, 327 spaces will be provided, with construction starting in the near future.

Upon further investigation of the deck option for the car park at Kable Street/The Terrace it is apparent as indicated on the attached plan that the property known as 11 Kable Street, Lot 2 DP535141 has a substantial encroachment onto the car park. Access to the private parking area for No 11 Kable Street is undertaken via the public car park and not from the Right of Carriageway it has over Lot 21, DP603166.

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Upgrading of this car park may necessitate the owners of 11 Kable Street, to utilise their legal access via Lot 21 DP603166.

The current incorrect positioning of fences between No 11 Kable Street and the car park potentially reduced the available parking to the public by one space. It is proposed to request the owners of No 11 Kable Street to reposition their fence on the correct boundary alignment and utilise their legal access via Lot 21, DP603166. The relocation of the fence and carport to the correct alignment will further enhance the deck option by providing two additional parking spaces on each level.

The estimated cost to construct a deck providing an additional 90 (approximately) car spaces is \$1,400,00.00. It is likely that extensive European and Indigenous artefacts may be present on this site due to its previous occupation of a large brewery and also its location adjacent to the Hawkesbury River. This may add in excess of \$500,000 to the project.

The attached plan indicates that the existing fence along the southern boundary of the car park at The Terrace/Kable Street is approximately 3.0 - 3.9 metres in from the boundary line. This is over a length of 62.49 metres which is part of the boundary length of 65.55 (approximate area = 216.2 m²).

Identified in a previous works program was the proposed alterations to the car parking area along the eastern side of The Terrace between Fitzgerald Street and the access point to the car park on the corner of The Terrace and Kable Street. This proposal was to convert the eight parallel parking spaces to twenty one 90 degree parking spaces. When design works were being undertaken it became clear that the proposal required additional land to allow a vehicle parked at 90 degrees to exit without encroaching on the travelling lane on the western side of The Terrace. The acquisition of a 3.0 metre strip of land along the western boundary of Lot 21, DP603166 over a length of approximately 66.0 metres taking into account the existing splay on the corner would be required to ensure safety standards are met.

The additional 3.0 metres would allow for the positioning of the 90 degree parking from the existing kerb line towards the property boundary, freeing up the carriageway for through traffic, further enhancing traffic safety in the area and access to the Hollands Paddock site.

The required land along the western boundary of Lot 21 DP603166 to facilitate the parking alterations is approximately 3.0m x 66m = 198m². It would seem reasonable to undertake negotiations with the owner of Lot 21 DP603166 with a view to exchanging the land currently occupied on the southern side of the Kable Street/The Terrace car park for the land required on the western boundary of the property required for car parking along the Terrace.

It would seem appropriate at this time to pursue the alterations to parking proposed on the Terrace between Fitzgerald and Kable Streets, however, in view of the parking which will be provided within the Hollands Paddock development and the lack of capital funding available, that additional parking by the provision of a deck on the Kable Street/The Terrace car park not proceed at this stage.

Conformance to Strategic Plan

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

"Objective: Investigation and planning the City's future in consultation with our community, co-ordinating human and financial resources to achieve this future."

Funding

There may be funding requirements depending upon the outcome of the negotiations.

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RECOMMENDATION:

That:

1. Due to the additional parking which will be provided at the new shopping centre at Hollands Paddock and the current lack of funds for capital works that, no further action in relation to additional parking occur at this stage.
2. Negotiations proceed with the owner of Lot 21 DP603166 with a view to exchanging approximately 216m² of land on the northern boundary of the property for approximately 198m² of land on the western boundary; and
3. The owners of 11 Kable Street, Windsor (Lot 2, DP535141) be requested to remove encroachment from the car park and to access their private parking area utilising the Right of Carriageway it currently has over Lot 21, DP603166.

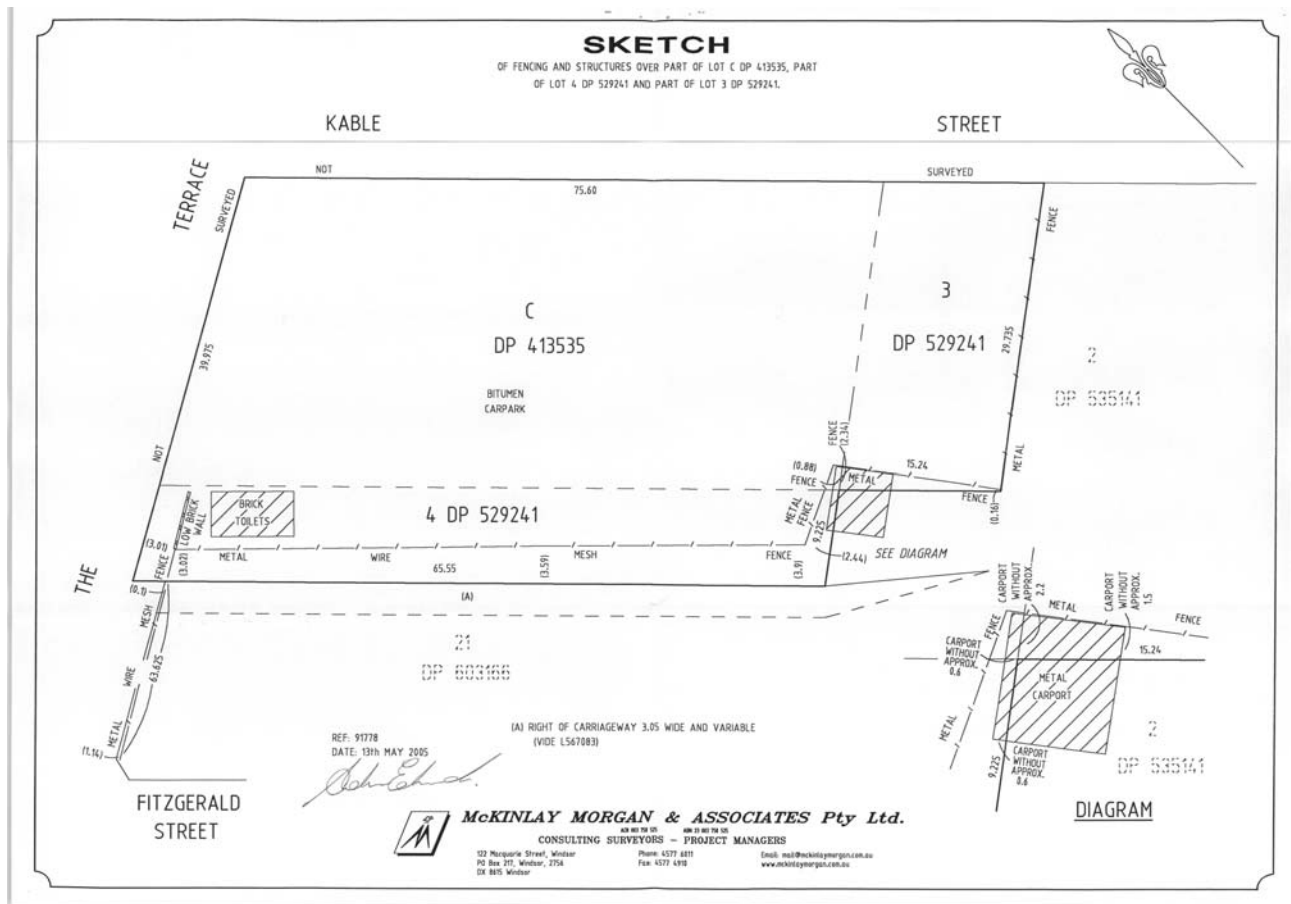
ATTACHMENTS:

AT - 1 Plan of Kable Street/The Terrace Car park

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AT - 1 Plan of Kable Street/The Terrace Car park



oooO END OF REPORT Oooo

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Item: 233 **IS - Street Numbering - Settlers Road, Wisemans Ferry/St Albans - (95495)**

REPORT:

The rural street numbering of properties in the Hawkesbury LGA was developed in 1991 to provide a logical and consistent numbering system to enable identification of properties. The system is based on distance from the commencement of the street to the property and generally adopts an odds and evens approach for opposite sides of the street.

The numbering convention is based on having "odd" numbers on the left hand side of the street and "even" numbers on the right hand side of the street. For example a property located 1.35 kilometres on the left hand side of the street will be allocated No.135.

The benefits of the system are that emergency and other services, as well as visitors would be able to locate a property quickly and easily. Further, this would also facilitate future subdivisions of large blocks by having sufficient numbers to fill the gaps between existing numbers rather than completely renumbering the street.

The allocation of street numbers for the entire rural road network was completed with the exception of Settlers Road in the Wisemans Ferry/St Albans district. It is proposed to renumber Settlers Road for its full length of approximately 20 Kilometres. The current street numbering in Settlers Road is based on sequential numbering whereby a property at a distance of 19 kilometres from Wiseman's Ferry has a street number 370.

As part of the renumbering process, residents as well as authorities such as Australia Post, Telstra, Integral Energy, Sydney Water, Australia Gas Limited, Ambulance, Fire Brigade, Police will be notified of the new numbering system.

For the new numbering to be effective, all residents will be allocated free of charge, and requested to display, the new numbers. The new numbers will conform to the current Australian Standard AS 4819:2003 (minimum size 50mm x 90mm). The cost for the purchase of the numbers for approximately 240 properties is in the order of \$2500.00.

Conformance to Strategic Plan

"Objective: Implement processes to identify and respond to the infrastructure requirements (information, access and mobility) of groups with special needs".

Funding

Funding for the investigation and renumbering will be provided from the infrastructure services budget.

RECOMMENDATION:

That the full length of Settlers Road, Wisemans Ferry to St Albans be renumbered in accordance with Councils rural street numbering procedure.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 234 **IS - Council's Skate Parks at Ham Common and North Richmond Skate Park - (107, 95495)**

Previous Item: 43, Ordinary (12 October 2004)

REPORT:

Council currently has two constructed skate parks, the Ham Common Regional Park located at Clarendon and the North Richmond Skate Park located at Hanna Park. Both of these parks have proven to be popular with the local youth and the parks are frequently visited by up to 50 skaters at a time during peak periods. Such is the success of these two parks, that other areas within the Hawkesbury are requesting similar facilities.

There has been minor vandalism at both of these parks, with graffiti and minor damage being seen at both sites. These levels are at a low level consistent with the vandalism seen at other parks throughout the Hawkesbury.

Council also operates a large portable metal half pipe, which frequents a number of sites throughout the Hawkesbury and a small metal half pipe, which is located at North Richmond Community Centre (NRCC). Whilst half pipe skating is not as popular as it once was, these ramps did allow skaters from outlying areas to have access to a skating facility. With the completion of the North Richmond Skate Park, Council were able to assess the future of the metal ramp at the NRCC.

Council at its Ordinary meeting on 12 October 2004 resolved that:

1. *The half pipe skate ramp be left in its current location for a further 6 (six) months*
2. *Consultation take place with the neighbouring properties regarding the existing fencing and possible repairs*
3. *A management committee be established by Council incorporating the youth of the area.*

During the six month period Council Officers and staff from the North Richmond Community Centre formed a management committee and conducted surveys with users of the North Richmond Skate Ramp (NRCC) and the newly constructed North Richmond Skate Park at Hanna Park, asking them about the usage of the half pipe and whether they wanted it repaired or removed.

A total of 62 people were surveyed with the results showing that there was no longer a need for the ramp at North Richmond. The results also highlighted that there are still areas in the Hawkesbury that feel under catered with the current skate park provisions, namely in the Bligh Park/South Windsor, Wilberforce and Kurrajong areas.

Staff at the North Richmond Community Centre, who were originally lobbying to keep the ramp in its current location are now supporting the proposal that the skate ramp be removed. The survey has shown the lack of usage of the ramp and it is also presenting a supervision problem during activities that are being run at the NRCC. There is a general consensus the success of the North Richmond Skate Park at Hanna Park means that the half pipe is no longer needed at the North Richmond Community Centre.

Whilst the metal ramp is in poor condition it is recommended that investigations be undertaken to convert the half pipe into a portable facility. This would continue to build on the success of the North Richmond Skate Park and Ham Common Regional Skate Park by providing a further skating opportunity to more outlying areas.

Part 2 of the resolution was undertaken with the fence being temporarily repaired until such a time that a decision was made on the future of the metal half pipe. The owner of the adjoining property has requested

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over time that the colour bond fence be re-established. This would allow privacy to the property to be retained and the fence would blend in with the surrounding area.

Conformance to Strategic Plan

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

"Objective: Investigating and planning the City's future in consultation with our community, and co-ordinating human and financial resources to achieve this future."

Funding

The removal of the skate ramp could be funded from current maintenance budgets in infrastructure services.

The possible reuse of the facility will have budget requirements, which will need to be identified.

RECOMMENDATION:

That:

1. The half pipe skate ramp from North Richmond Community Centre be removed.
2. The feasibility of utilising the metal ramp in another location within the Hawkesbury be investigated and further reported.
3. Appropriate repairs to the fence and site be carried out once the ramp is removed

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 235 IS - Fundraising and Proposed Name Change at McLeod Park, South Windsor - (95495, 94429)

REPORT:

An application has been received from the Hawkesbury South Lions Club, outlining a proposal to conduct fundraising to improve the facilities of McLeod Park, South Windsor.

McLeod Park currently consist of a playground (aged 3 years), toilet block and a variety of park furniture. Hawkesbury South Lions Club is looking at fundraising to provide shade sails and to fence the park. In return for this, they have requested that the park be renamed to Hawkesbury South Lions Park.

Investigations have revealed the name McLeod Park was gazetted in 1969. It must be noted that there is already a reserve named Lions Park located in Dight Street, Richmond.

Whilst partnerships with local business and community groups are seen as a beneficial to the community, as per a similar request at Bellbird Hill lookout it is recommended that the park retain its current name with other options such as additional signage being investigated as a way of acknowledging the contribution from Hawkesbury South Lions Club.

A landscape plan is currently being developed for this park and it is recommended that the suggestion of shade sail and fencing be discussed with the community as part of this proposal.

Conformance to Strategic Plan

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

"Direction: Work in partnership with community and Government to implement community plans to meet the social, health, safety, leisure and cultural needs of the City."

Funding

There are no budget implications relating to the proposal.

RECOMMENDATION:

That the proposal by the Hawkesbury South Lions Club to conduct fundraising to improve facilities in McLeod Park be supported in principle with appropriate acknowledgement to their contributions.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date:** 26 July 2005**Item: 236****IS - Roads to Recovery Program - (95495, 79344)****REPORT:**

Correspondence has been received from the Hon John Anderson, advising that the Roads to Recovery Program has been extended for a further four years and Council's allocation is \$2,907,836.00 over four years.

It is suggested that these funds be utilised in the rehabilitation of failed pavements based on the priorities identified from the pavement management system.

The road sections selected are as follows:

List of Urban Road Sections that require rehabilitation

Year	Road Name	Block Description	Length (km)	Area (sqm)	Est. Cost \$
05/06	Lennox Street Richmond	West Market St to East Market Street	0.272	3101	\$329,198.00
05/06	Lt Bowen Drive Bowen Mountain	Cul-de-sac / Bus Turning Area - Located at the southern end of the road	0.030	450	\$45,000.00
05/06	Paget Street Richmond	March St to Lennox St	0.183	2288	\$242,224.00
06/07	Church Street South Windsor	Bell St towards the railway	0.120	500	\$22,000.00
06/07	Coburg Road Wilberforce	Ann Pl to Old Sackville Rd	0.294	2530	\$140,690.00
06/07	Gormley Street Freemans Reach	Terrace Rd to cul-de-sac	0.280	1456	\$80,080.00
06/07	Harris Street Windsor	Various Patches (Full Length)		1000	\$65,000.00
06/07	James Meehan St Windsor	Fairey Rd towards Harris St.		650	\$42,250.00
06/07	Stephen Street North Richmond	Intersection of Robert Street	0.040	400	\$22,000.00
07/08	Atkins Cres. Hobartville	Full Length	0.184	1385	\$76,725.00
07/08	Campbell Street North Richmond	Elizabeth St. to William St.	0.172	935	\$51,425.00
07/08	Church Street South Windsor	Ham St. to Rickaby St.		350	\$22,750.00
07/08	Grand Parade Glossodia	Full Length	0.653	4767	\$44,301.00
07/08	Elizabeth Avenue Kurmond	Cul-de-sac	0.025	250	\$25,000.00
07/08	Old Sackville Rd Wilberforce	Coburg Rd to Salters Rd	0.295	2213	\$121,715.00

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Year	Road Name	Block Description	Length (km)	Area (sqm)	Est. Cost \$
07/08	Rose Street Wilberforce	West from Wilberforce Rd		400	\$35,700.00
07/08	Wallace Road Vineyard	Full Length		3200	\$187,100.00
07/08	William Street North Richmond	Intersection of Campbell St.	0.023	253	\$15,915.00
08/09	Eather Lane South Windsor	James St. to Campbell St.	0.185	814	\$44,770.00
08/09	Colonial Drive Bligh Park	Colonial Res. Towards Rifle Range Rd		700	\$31,100.00
08/09	George Road Wilberforce	Putty Rd to Castlereagh Rd	0.120	500	\$31,900.00
08/09	Moray Street Richmond	College St. to Teviot St.	0.090	900	\$60,471.00
Total for Urban Roads					\$1,737,314

List of Rural Road Sections that require rehabilitation

Year	Road Name	Block Description	Length (km)	Area (sqm)	Est. Cost \$
05/06	Old East Kurrajong Rd East Kurrajong	Intersection of East Kurrajong Road	0.040	500	\$27,500.00
05/06	Upper Colo Rd Colo	Wheeny Ck (1 st Bridge from the Putty Rd) replace bridge	0.016	112	\$358,400.00
06/07	Brahma Road North Richmond	Property's No.70 to No.167	0.150	825	\$45,375.00
06/07	Coobah Road East Kurrajong	Bull Ridge Rd towards Hall St.	0.395	2318	\$127,490.00
06/07	Kurmond Road North Richmond	Property's No.826 to No.836	0.105	682	\$37,510.00
06/07	Cornwallis Road Cornwallis	Ch 820 west of Cuppits La. Towards Cornwells La.	0.370	1480	\$81,400.00
07/08	Old Pitt Town Rd Oakville	Boundary Rd towards Hankle Rd	0.180	1260	\$69,300.00
07/08	Whitmore Road Cattai	Greenfield Pl to Pitt Town Dural Rd	0.143	930	\$51,250.00
08/09	Inalls La Richmond	Yarramundi la east towards Drift Rd	0.610	3355	\$184,525.00
08/09	Settlers Road Wisemans Ferry	Ch 840 north of Walmsley Rd towards St. Albans	0.045	293	\$16,115.00
08/09	Stannix Park Rd Wilberforce	Argents rd to Sergeants Rd	0.679	3667	\$97,308.00
08/09	Yarramundi Lane Richmond	Innalls La to Crowleys La.	2.168	9783	\$74,349.00
Total for Rural roads					\$1,170,522.00

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Approximate Limit of Funds					
	Leila Avenue Freemans Reach	Full Length	0.275	1650	\$90,750.00
	Kurmond Road North Richmond	Property No.950 to Crooked La	1.823	10938	\$62,814.00
	Cornwallis Road Cornwallis	From Greenway Crescent	0.660	3960	\$217,800.00

Conformance to Strategic Plan

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

"Objective: A network of towns and villages, etc.

Funding

Funding is provided from the Roads to Recovery Programs.

RECOMMENDATION:

That the roads to recovery Program funding be utilised on the program as listed:

List of Urban Road Sections that require rehabilitation

Year	Road Name	Block Description	Length (km)	Area (sqm)	Est. Cost \$
05/06	Lennox Street Richmond	West Market St to East Market Street	0.272	3101	\$329,198.00
05/06	Lt Bowen Drive Bowen Mountain	Cul-de-sac / Bus Turning Area - Located at the southern end of the road	0.030	450	\$45,000.00
05/06	Paget Street Richmond	March St to Lennox St	0.183	2288	\$242,224.00
06/07	Church Street South Windsor	Bell St towards the railway	0.120	500	\$22,000.00
06/07	Coburg Road Wilberforce	Ann Pl to Old Sackville Rd	0.294	2530	\$140,690.00
06/07	Gormley Street Freemans Reach	Terrace Rd to cul-de-sac	0.280	1456	\$80,080.00
06/07	Harris Street Windsor	Various Patches (Full Length)		1000	\$65,000.00
06/07	James Meehan St Windsor	Fairey Rd towards Harris St.		650	\$42,250.00
06/07	Stephen Street North Richmond	Intersection of Robert Street	0.040	400	\$22,000.00
07/08	Atkins Cres. Hobartville	Full Length	0.184	1385	\$76,725.00
07/08	Campbell Street North Richmond	Elizabeth St. to William St.	0.172	935	\$51,425.00

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Year	Road Name	Block Description	Length (km)	Area (sqm)	Est. Cost \$
07/08	Church Street South Windsor	Ham St. to Rickaby St.		350	\$22,750.00
07/08	Grand Parade Glossodia	Full Length	0.653	4767	\$44,301.00
07/08	Elizabeth Avenue Kurmond	Cul-de-sac	0.025	250	\$25,000.00
07/08	Old Sackville Rd Wilberforce	Coburg Rd to Salters Rd	0.295	2213	\$121,715.00
07/08	Rose Street Wilberforce	West from Wilberforce Rd		400	\$35,700.00
07/08	Wallace Road Vineyard	Full Length		3200	\$187,100.00
07/08	William Street North Richmond	Intersection of Campbell St.	0.023	253	\$15,915.00
08/09	Eather Lane South Windsor	James St. to Campbell St.	0.185	814	\$44,770.00
08/09	Colonial Drive Bligh Park	Colonial Res. Towards Rifle Range Rd		700	\$31,100.00
08/09	George Road Wilberforce	Putty Rd to Castlereagh Rd	0.120	500	\$31,900.00
08/09	Moray Street Richmond	College St. to Teviot St.	0.090	900	\$60,471.00
Total for Urban Roads					\$1,737,314

List of Rural Road Sections that require rehabilitation

Year	Road Name	Block Description	Length (km)	Area (sqm)	Est. Cost \$
05/06	Old East Kurrajong Rd East Kurrajong	Intersection of East Kurrajong Road	0.040	500	\$27,500.00
05/06	Upper Colo Rd Colo	Wheeny Ck (1 st Bridge from the Putty Rd) replace bridge	0.016	112	\$358,400.00
06/07	Brahma Road North Richmond	Property's No.70 to No.167	0.150	825	\$45,375.00
06/07	Coobah Road East Kurrajong	Bull Ridge Rd towards Hall St.	0.395	2318	\$127,490.00
06/07	Kurmond Road North Richmond	Property's No.826 to No.836	0.105	682	\$37,510.00
06/07	Cornwallis Road Cornwallis	Ch 820 west of Cuppits La. Towards Cornwells La.	0.370	1480	\$81,400.00
07/08	Old Pitt Town Rd Oakville	Boundary Rd towards Hankle Rd	0.180	1260	\$69,300.00
07/08	Whitmore Road Cattai	Greenfield Pl to Pitt Town Dural Rd	0.143	930	\$51,250.00
08/09	Inalls La Richmond	Yarramundi la east towards Drift Rd	0.610	3355	\$184,525.00

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Year	Road Name	Block Description	Length (km)	Area (sqm)	Est. Cost \$
08/09	Settlers Road Wisemans Ferry	Ch 840 north of Walmsley Rd towards St. Albans	0.045	293	\$16,115.00
08/09	Stannix Park Rd Wilberforce	Argents rd to Sergeants Rd	0.679	3667	\$97,308.00
08/09	Yarramundi Lane Richmond	Innals La to Crowleys La.	2.168	9783	\$74,349.00
Total for Rural roads					\$1,170,522.00
Approximate Limit of Funds					
	Leila Avenue Freemans Reach	Full Length	0.275	1650	\$90,750.00
	Kurmond Road North Richmond	Property No.950 to Crooked La	1.823	10938	\$62,814.00
	Cornwallis Road Cornwallis	From Greenway Crescent	0.660	3960	\$217,800.00

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING
Meeting Date: 26 July 2005

SUPPORT SERVICES

Item: 237 SS - Monthly Investment Report - June 2005 - (79349)

REPORT:

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

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

June 2005

Investment Type	Balance Brought Forward	Deposits	Withdrawals	Accrued Interest	Balance End of Month
Managed Funds	\$14,319,229.79			\$67,575.02	\$14,386,804.81
On Call Funds	\$2,125,000.00	\$1,675,000.00	-\$3,100,000.00		\$700,000.00
Term Investments	\$820,000.00				\$820,000.00
Rolling Investments	\$3,500,000.00				\$3,500,000.00
TOTAL	\$20,764,229.79	\$1,675,000.00	-\$3,100,000.00	\$67,575.02	\$19,406,804.81

Investment Commentary

The investment portfolio decreased by \$1.357 million during June 2005. The decrease is representative of the increase in expenditure over income for the month of June. Rates instalments are due in the months of February, May, August and November. These months will reflect higher revenues.

Managed Fund performance exceeded the benchmark(UBS Australia) Bank Bill Index in June 2005 with an average return after fees of 6.06%, compared with the index of 5.79%. The managed funds portfolio has achieved a return after fees for the past 12 months of 6.14%, which has outperformed the (UBS Australia) Bank Bill Index of 5.64% for the corresponding 12 month period.

Official cash interest rates have remained unchanged at 5.50%.

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

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

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Conformance to Strategic Plan

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

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

Funding

Funds invested with the aim of achieving budgeted income in 2005/06.

Lisa Desmond
Responsible Accounting Officer

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 26 July 2005

Item: 238 SS - Proposed Pad Mount Substation - Richmond Golf Club - (38630, 1298)

REPORT:

Integral Energy have advised that due to a low voltage supply to Richmond Golf Club, it has experienced recent disruptions and in order to rectify the problems associated with the distribution network have proposed the installation of a new pad mount substation.

Integral advise that the proposal is to locate a pad mount substation within the car park area of Richmond Golf club either adjacent to the front driveway gate area or adjacent to the clubs "point of attachment pole" within the car park. High voltage underground cables would need to be installed from Bourke Street to the substation, as well as a low voltage feeder cable back to the street to supply a section of residences in Bourke Street. Richmond Golf Club will then be supplied from their own dedicated circuit breaker directly out of the sub station, segregating the club from residential supplies.

The Club will be responsible for the cost of the relocation of service mains from the new sub station to the Club's point of attachment.

Integral will also require an easement to be granted over the pad mount site as well as the low and high voltage cable routes between the pad mount substation and Bourke Street. The easement to be granted is a 5500mm x 2750mm pad mount easement and a 1000mm wide cable easement and will be at the cost of Integral Energy. Discussions with the representative at Integral indicate that as the work being undertaken will also enable the Club to increase it's supply if required in the future, this additional facility would normally be installed at the Club's cost. However, given the community based nature of the Club, Integral have agreed to undertake the work on the basis that no compensation is payable in respect of the easement and the Club pays for the relocation of service mains outlined above.

The land is Crown land and as the Reserve Trust Managers, Council's approval for the proposal is required. Council has been advised that the Golf Club has approved the project and sees it as a high priority to ensure the continuity of supply. Council has also been advised that the proposal has been forwarded to the Department of Lands for their concurrence as the Crown. It is noted that generally any compensation payable in respect of Crown reserve land is payable to the Crown, not the Trust Manager and given the Club maintains the land under the lease and the service will ultimately benefit the land, Club and surrounding residents this proposal is considered reasonable.

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

No funding is required.

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RECOMMENDATION:

That:

1. Approval be granted to Integral Energy for the location of a pad mount sub station within the car park of the Richmond Golf Club along with the required easements.
2. Authority be given for any documentation in association with the matter to be executed under the Common Seal of Council.

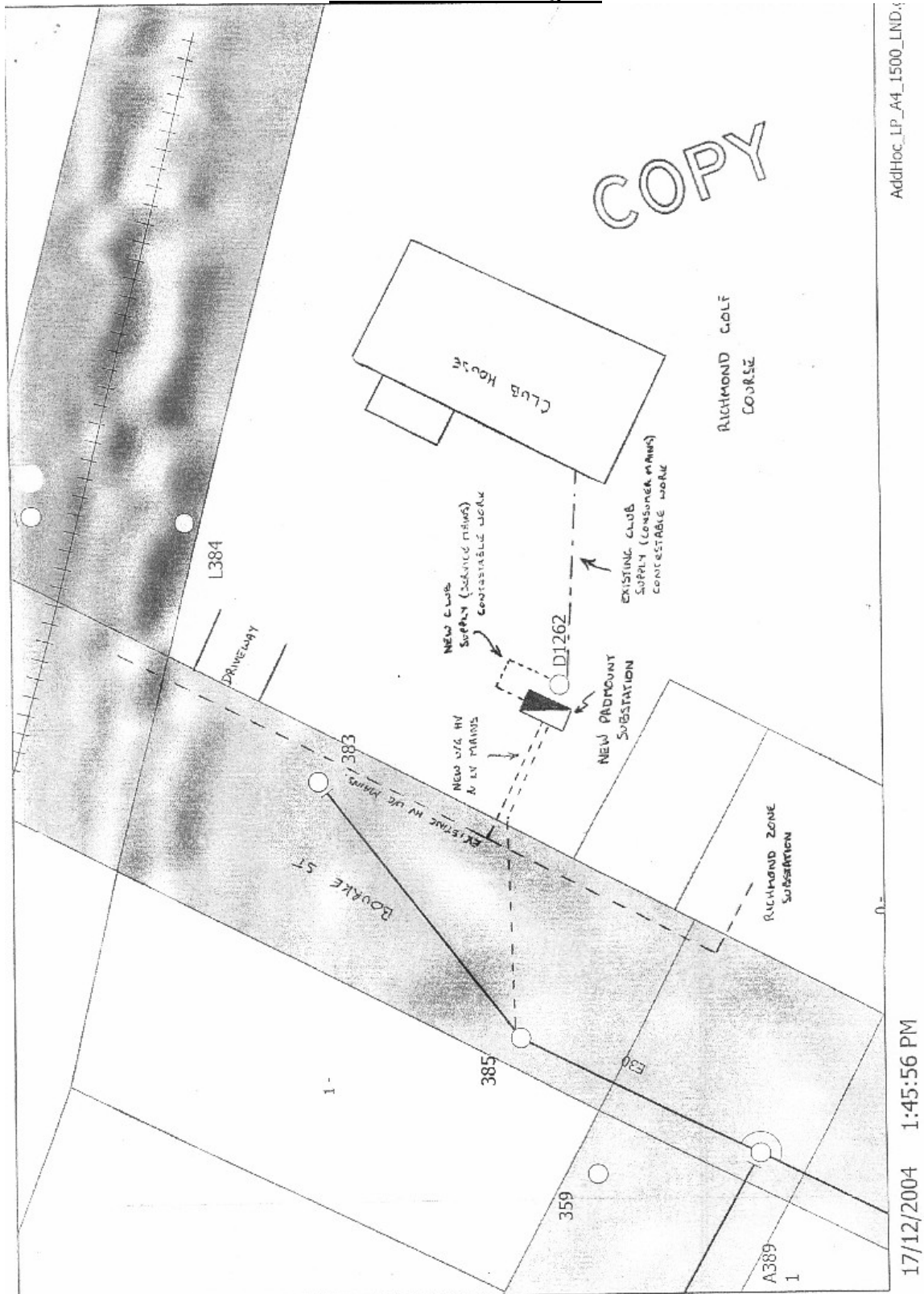
ATTACHMENTS:

AT - 1 Location Diagram

ORDINARY MEETING

Meeting Date: 26 July 2005

AT - 1 Location Diagram



0000 END OF REPORT 0000

ORDINARY MEETING

Meeting Date: 26 July 2005

**Item: 239 SS - Local Government Association of NSW Annual Conference 2005 -
Submission of Motions - (95496, 79633)**

REPORT:

The Local Government Association of NSW will hold its 2005 Annual Conference in October, and as part of the process for the Conference any council wishing to submit motions for consideration at the Conference need to do so by 19 August 2005.

At previous meetings the Council has indicated that it wished to submit motions to the 2005 Annual Conference in respect of the following matters:

- Community Partnership/Formal Relationship with the Cancer Council of NSW.
- Banning of chewing gum in public places.

In addition, the Director of Commercial Strategy has also suggested that Council may wish to submit motions to the Conference in respect of the following matters:

- Councillor remuneration.
- Use of alternate advertising media by councils.

Motions in respect of these matters have been prepared and are attached to this report

Conformance to Strategic Plan

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

"Objective: Development and ongoing review of policies impacting on the administration of the Council".

Funding

There are no current funding implications for this proposal.

RECOMMENDATION:

That Council submit motions to the 2005 Annual Conference of the Local Government Association of NSW, as attached to the report in this regard, in respect of the following matters:

1. Community Partnership/Formal Relationship with the Cancer Council of NSW.
2. Banning of chewing gum in public places.
3. Councillor remuneration.
4. Use of alternate advertising media by councils.

ORDINARY MEETING

Meeting Date: 26 July 2005

ATTACHMENTS:

- AT - 1** Motions to be submitted to the 2005 Annual Conference of the Local Government Association of NSW.

ORDINARY MEETING

Meeting Date: 26 July 2005

Motion One

From: Hawkesbury City Council

Subject: Community Partnership/Formal Relationship with the Cancer Council of NSW

Motion Text:

That:

1. The Local Government Association of NSW enter into a community partnership/formal relationship with the Cancer Council of New South Wales and also encourage other member councils to acknowledge and form similar relationships.
2. The Local Government Association of NSW acknowledge the high level of physical and emotional suffering, premature death and financial burden caused by cancer in the community. By becoming a Cancer Council Community Partner, the Association undertake to help lower the impact of this insidious disease in the community by:
 - Learning about and adopting new policies that will help reduce the incidence of cancer in the community.
 - Supporting Cancer Council advocacy campaigns that will benefit the people of the community.
 - Using appropriate communication channels, venues and networks to help deliver Cancer Council's information and education.
 - Supporting Cancer Council efforts to raise money for cancer research, prevention and support.
3. Appropriate Association staff be nominated to act as relationship managers for this community partnership.

Note from Council:

The Cancer Council NSW has been approaching councils to form valuable partnerships with local communities in the fight against cancer. In recent material the Cancer Council NSW made the following comments:

"Cancer directly affects one in three people in the community - and everyone else will see and feel the impact in physical and emotional suffering , premature death and financial burden. Australians have identified it as their number one health concern (Roy Morgan Poll).

While local government does not have control over spending in hospitals or on Medicare, there are many ways to help reduce the impact of cancer on our community, and councils are well placed to provide a real boost to the wellbeing of residents.

The Cancer Council NSW has been working with Local Government across NSW on an informal basis for a long time through a range of activities, including Relay For Life, Smoke-free playgrounds, advice on sun safety for workers, and the provision of free cancer information through local libraries."

In order to support and assist the Cancer Council NSW with its work and support for the community it is considered that in addition to councils forming formal relationships with the organisation that the Local Government Association of NSW, being the peak representative body of local councils, should also form a similar relationship.

ORDINARY MEETING

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Motion Two

From: Hawkesbury City Council
Subject: Banning of Chewing Gum in Public Places

Motion Text:

That in view of the potential health problems, cleaning costs and difficulties caused by the inappropriate disposal of chewing gum that the Local Government Association of NSW make representations to the State Government to ban the use of chewing gum in public places.

Note from Council:

All councils encounter problems associated with health and cleaning aspects due the inappropriate disposal of chewing gum in public places. Many of the pavements in shopping centres and where people gather are generally marked and soiled due to people discarding gum onto the pavement. Not only is this unsightly, it also presents councils with additional cleaning costs when endeavouring to remove the material.

In today's society where personal habits that affect others (i.e. The regulation and/or banning of smoking in restaurants, clubs and hotels) are being regulated it is considered that the State Government should be urged to address this problem by introducing a ban on chewing gum in public places.

ORDINARY MEETING

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Motion Three

From: Hawkesbury City Council
Subject: Councillor Remuneration

Motion Text:

That the Local Government Association of NSW make representations to the State Government for the *Local Government Act 1993* to be reviewed to enable reasonable remuneration incentives being set for Councillors that is reflective of their time given to community service during their time in office and of the circumstances in which Councillors face increasing personal liability for decisions made in the community interest. Any such amendment to allow Councils to set the remuneration levels for Councillors outside of the recommendations of the Local Government Remuneration Tribunal PROVIDED THAT:

- 1) Councillor remuneration is considered separately by a Council from the administration and general management salary vote such that remuneration determinations do not impede a Council's ability to operate effectively or to create a circumstance whereby a Council is required to amend its staffing or service levels in any way in order to accommodate such remuneration arrangements;
- 2) A Council must ensure that its Councillor Remuneration Policy is publicly advertised for 28 days prior to it being adopted by Council;
- 3) Where a Councillor Remuneration Policy of a council provides for a remuneration level that exceeds the allowances as prescribed by the Local Government Remuneration Tribunal; such policy shall include criteria for remuneration that is performance-based with those performance objectives being independently determined and assessed by a Remuneration Committee whose membership shall be comprised of internal and external remuneration experts as determined by the General Manager, and;
- 4) Provision is made for a superannuation component that is consistent with the statutory requirements for general employees in effect at that time.

Note from Council:

Local government authorities in certain jurisdictions are not subject to the same remuneration constraints as NSW authorities. Elected representatives of Local Government face ever-increasing pressure to ensure sound corporate governance, which also gives rise to a consequential increase in personal liability.

At the same time publics may be critical of the way remuneration levels are determined for Councillors, without necessarily understanding what outcomes are being achieved and for what purpose, particularly when such outcomes may be geared around governance issues or operational standards.

There are also many Councillors that commit themselves to civic duties that span many years, and sometimes decades of public service, but without necessarily being rewarded for assisting a Council to achieve its goals over the longer term.

The purpose of this recommendation is to facilitate a strategic approach to the remuneration of elected officials, ensuring that their efforts are appropriately rewarded - regardless of an authority's planning horizons or tenure of office.

ORDINARY MEETING

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Motion Four

From: Hawkesbury City Council
Subject: Use of Alternate Advertising Media by Councils

Motion Text:

That the Local Government Association of NSW make representations to the State Government for the *Local Government Act 1993* to be amended to allow Councils to use alternative media for the provision of public information and required advertising, including the use of the Internet and on-line service providers to give effect to the intention of the Act in this regard.

Note from Council:

The Local Government Act requires an authority to advertise certain dealings in daily newspapers circulating throughout the State. However, advances in telecommunications and information technology have provided new paradigms for the way that society accesses and uses information.

The purpose of this recommendation is to enable Council's to use more cost effective communication mediums, such as the Internet, when meeting its advertising obligations under the Act.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 26 July 2005

CONFIDENTIAL REPORTS

Item: 240 **SS - Expressions of Interest For Former Library Building - (73947, 79337)**
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: 26 July 2005

Item: 241 **CS - Tender for Tourism Services - (91811) CONFIDENTIAL**

Previous Item: 116, Ordinary (26 April 2005)
 3, Ordinary (25 January 2005)

Reason for Confidentiality

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

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

ORDINARY MEETING

Meeting Date: 26 July 2005

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Sandstone Quarry Committee Meeting - 4 May 2005 - (79347)

The meeting commenced at 4:00pm

Present:	Councillor Leigh Williams (Chairperson) Mr D Milgate Mr Stimson Mrs Stimson Mr T Head
Apologies:	Mr J Halpin
In Attendance:	Mr J Pye Mr G Hall

REPORT:

1. Previous Minutes

Minutes of the previous meeting were adopted.

Matters arising from the previous meeting - NIL.

2. General Business

Revegetation

Photos were provided of the revegetated areas, which when compared to previous photos, shows signs of the vegetation beginning to establish, given the recent lack of rainfall.

New Development Application

The preparation of the new DA has commenced and a letter has been written to DIPNR to find out the requirements for the EIS. Discussions took place about the need for a new committee if the new DA is approved.

The existing consent issued by the Land and Environment Court will lapse in April 2006 and the new consent, if issued, takes over.

The new DA should be lodged to allow adequate time to process and assess and a determination being made prior to April 2006.

3. Next Meeting

The next meeting will be held in August with a date to be confirmed by Council staff.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees



ordinary
meeting

end of
business
paper

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