



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 14 June 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.

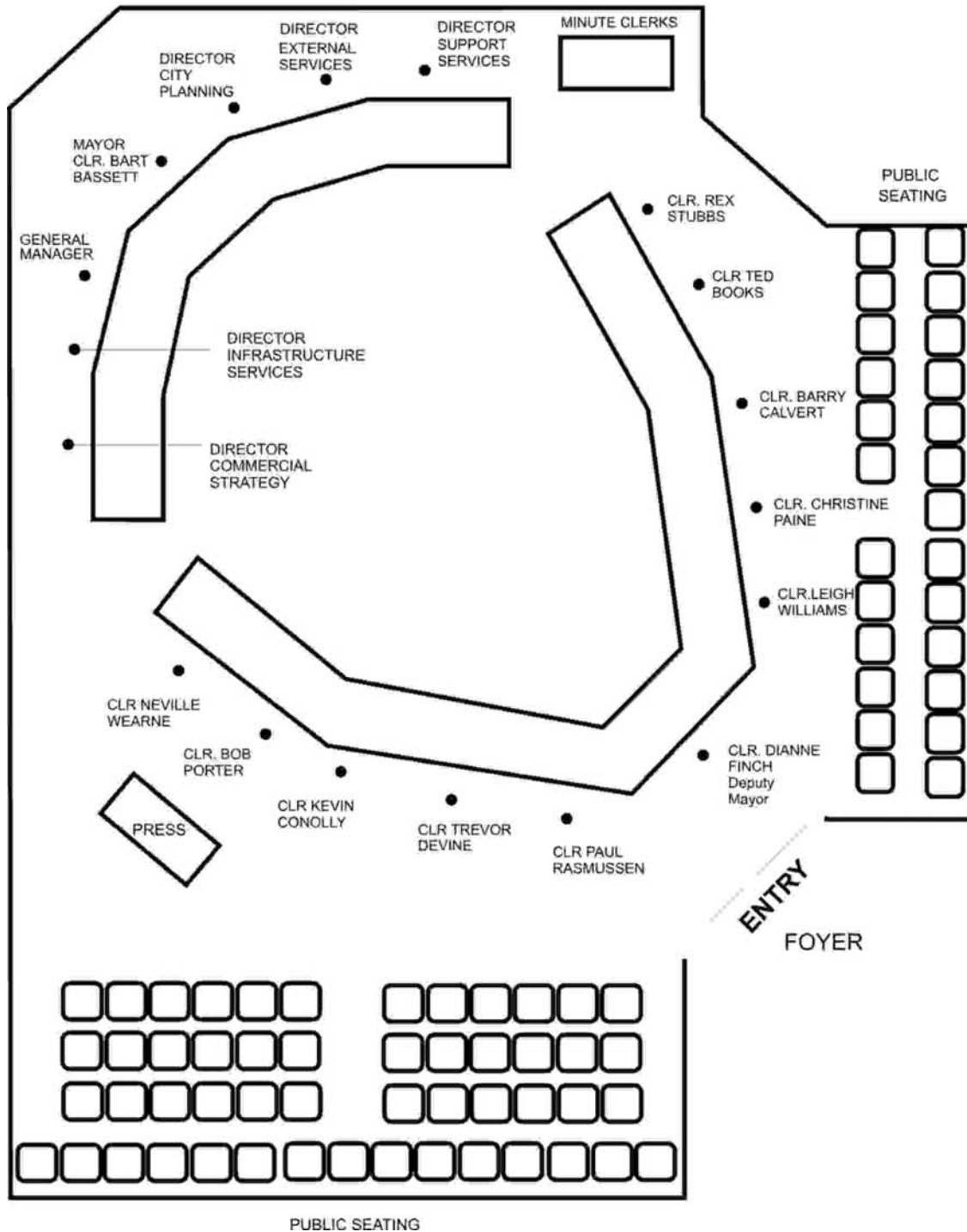
Website

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**
- **AGENDA ITEMS SUBJECT TO PUBLIC ADDRESS**
- **SECTION 2 - Mayoral Minutes**
- **QUESTIONS WITH NOTICE**
- **SECTION 3 - Notices of Motion**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 4 - Reports for Determination**

General Manager

Commercial Strategy - (Corporate Response Unit)

Environment and Development

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- **SECTION 5 - Reports of Committees**
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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 177 **GM B - Audit Committee Constitution - (79351, 91369)**

Previous Item: 41, Special (15 April 2004),
 126, Special (27 September 2004)
 61, GPC (2 November 2004),
 61, Ordinary (9 November 2004)

REPORT:

The Audit Committee has resolved that changes are required to the Constitution in relation to a number of matters including Quorum, adherence to Councils Code of Meeting practice and discretion in convening meetings.

RECOMMENDATION:

That:

1. The Audit Committee Constitution Section 7(h) be amended to read:

A quorum of the Audit Committee shall be constituted by four (4) members being present at meetings;

2. The Audit Committee Constitution Section 7(g) be amended to read:

Except as otherwise provided for herein the rules governing meetings and the procedures of the Audit Committee shall, so far as they apply, be those covered by the Hawkesbury City Council's Code of Meeting Practice, as may be altered from time to time by resolution of the Council;

3. That the Audit Committee Constitution have Section 7 (o) inserted as follows:

The Audit Committee may, at the determination of the Committee, meet in closed session and nothing elsewhere contained within the Constitution shall prevent same or condition the circumstances in which the Audit Committee shall so determine.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date:** 14 June 2005**Item: 178** **GM B - Internal Audit Plan - (79351, 91369)****REPORT:****AUDIT PLAN 2005/06****Management Summary**

As per the requirements of the Internal Audit Charter and Policy Statement, a Strategic Audit Plan has been developed that ensures coverage of all the key aspects of the Strategic Plan v5.5 as adopted by Council in April 2005. A detailed Annual Audit Plan for the 2005/06 period has also been developed.

Strategic Audit Plan

In developing the Strategic Audit Plan due consideration was given to all aspects of Council's strategic plan. Audit Topic(s) and the proposed timing of the audits have been allocated against each of the key processes identified as being an auditable area.

Given the fact that Council's Strategic Plan is currently at the initial stages of implementation there are a limited number of audit topics of a strategic nature that has been incorporated into the 2005/06 audit plan.

Attachment 1 contains a copy of the Internal Audit Strategic Plan.

Annual Audit Plan

In developing the Audit Plan for the 2005/06 period, a list of auditable areas was created, revised and a high level risk assessment was undertaken by the Internal Auditor. The result of the risk assessment was reviewed by the General Manager. Appropriate resources have been allocated to those areas that have been included in the plan.

An important part of the process is the allocation of resources. The plan proposes audit coverage utilising the services of the Internal Auditor as summarised below.

Days Available		172
Total Weekdays		260
Less Public Holidays		-10
Less Annual Leave		-20
Less RDO's		-15
Total Working Days Available		215
Internal Auditor resource allocation		
Internal Audit	80%	172
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Contingencies

0

Attachment 2 contains a copy of the 2005/06 Annual Audit Plan.

Audit Objective

In the fulfilment of the plan, the Internal Auditor is committed to adding value to the business units and activities subject to the audit and Council as a whole. The Internal Auditor will achieve this by making constructive and workable recommendations in relation to systems and management practices, being available for advice and facilitating change and innovation.

Review

The Internal Audit Strategic Plan will be reviewed annually to incorporate any changes to Councils Strategic Plan, changes to the audit approach utilised by the Internal Auditor and any other matters that are identified as presenting a significant business risk.

Reporting

Reporting on the progress re the completion of the Annual Audit Plan will be conducted on a quarterly basis to the Audit Committee.

Targets

The following Key Performance Indicators have been established in relation to the 2005/06 Annual Audit Plan.

1. To achieve at least an 85% completion of the 2005/06 Annual Audit Plan.
2. That 85% of all audits are performed within budget (days).
3. To achieve at least an 85% completion rate on follow-ups within the agreed timeframe.

RECOMMENDATION:

That:

1. The information in this report be received by Council.
2. The Internal Audit Strategic Plan be adopted.
3. The 2005/06 Annual Audit Plan be adopted.

ATTACHMENTS:

AT - 1 Internal Audit Strategic Plan - *(Distributed Under Separate Cover)*

AT - 2 2005/06 Annual Audit Plan - *(Distributed Under Separate Cover)*

oooO END OF REPORT Oooo

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ENVIRONMENT AND DEVELOPMENT

Item: 179 **ES A - 16 Lot Community Title Subdivision, Lot 271 DP 661436, Lot 275 DP 751649, Lot 277 DP 751649, Lot 1 DP 711222, Lot 270A DP 358629, Lot 279 DP 751649 and Lot 3 DP 114551, 57 Mill Road, Kurrajong NSW - (73916, 21488)**

Development Information

Applicant: McKinlay Morgan & Associates Pty Ltd
Applicants Rep: Mr Brian McKinlay
Owner: Merroo Christian Centre Limited
Stat. Provisions: HLEP 1989
SEPP No 20 (No 2 - 1997)
Area: 67.35H
Zone: Rural 1(c1)
Advertising: 11 August 2004 to 27 August 2004
Date Received: 30/07/2004

Key Issues:

- ◆ Lot Averaging Subdivision
- ◆ Character of the Area
- ◆ Traffic
- ◆ Road Construction and Safety
- ◆ Heritage
- ◆ Flora and Fauna

Action: Approval

REPORT:

Introduction

The applicant seeks approval for a 16 lot community title subdivision of Lot 271 DP 661436, Lot 275 DP 751649, Lot 277 DP 751649, Lot 1 DP 711222, Lot 270A DP 358629, Lot 279 DP 751649, and Lot 3 DP 114551, 57 Mill Road Kurrajong.

This matter is being reported to Council due to the number of objections received as a result of the public exhibition of the application. This report will detail the proposal, the current statutory situation and provide an assessment of the application in accordance with Section 79C (1) of the Environmental Planning and Assessment Act 1979.

The Proposal

The development consists of a 16 lot community title subdivision of the subject site utilising the recently gazetted subdivision provisions of Hawkesbury Local Environmental Plan 1989 - Amendment 126.

Lot 1 is proposed as a community lot and is to contain endangered ecological communities, asset protection zones and a proposed centralised sewage treatment plant. Lots 2 - 16 are proposed as development lots. Lots 3 - 16 are generally in the order of 1ha, Lot 2 has an area of 32.8ha and is to contain the buildings and facilities associated with an exiting education/convention centre. An existing dwelling on proposed Lot 3 is proposed to be demolished.

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The development is defined as "Integrated Development" as it requires approval from the NSW Rural Fire Service and DIPNR. Both agencies have provided their General Terms of Approval.

Description of the Site and Surrounds

The site is commonly known as Camp Mackay and consists of 7 lots with a combined area of approximately 67.35ha. The site is irregular in shape has frontages to Bells Line of Road, Mill Road, Derring Lane and Little Wheeny Creek.

Little Wheeny Creek bisects the site with the existing education/convention centre and proposed Lots 13 - 16 located to the north and west of the creek and proposed Lots 3 - 12 located to the south and east of the creek.

The site is undulating with elevations varying from approximately 160m AHD toward the intersection of Mill Road and Bells Line of Road, 116m AHD towards Little Wheeny Creek and 188m AHD towards Derring Lane.

Vegetation on the site predominantly consists of grassland with scattered trees, however tracts of endangered ecological communities (Shale Sandstone Transition Forest, Sydney Coastal River Flat Forest and Cumberland Plain Woodland) are located within the vicinity of Little Wheeny Creek and towards Bells Line of Road.

The site is affected by RTA road widening along Bells Line of Road and Council road widening along Mill Road.

Surrounding lots primarily consist of rural residential land uses with a wide variety of allotment sizes ranging from less than 1ha to 18.75ha.

Statutory Situation

Hawkesbury Local Environmental Plan 1989

Clause 6 Adoption of Model Provisions

The model provisions require Council to consider the aesthetic appearance of the development

Clause 9A - Zone objectives

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

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

- (a) *to primarily provide for a rural residential living style with "on-site" collection of water and disposal of waste;*
- (b) *to maintain a subdivision pattern which permits the land to be subdivided for an urban use where such a use has been identified as being appropriate on the long term;*
- (c) *to ensure that development does not create unreasonable demands, in the present or in the future, for provision or extension of public amenities infrastructure;*
- (d) *to prevent the establishment of traffic generating development along main and arterial roads;*
- (e) *to ensure that development maintains the rural character of the locality and to minimise disturbance to the landscape through clearing, earthworks and access roads;*

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

- will allow for a rural residential living style with on-site collection of water and disposal of effluent;
- will have no affect on future subdivision for urban purposes as the area has not been identified for such a use. Due to the endangered ecological communities on the site and lack of reticulated water and sewer either now or in the foreseeable future, potential for future urban subdivision is unlikely;
- the number of additional lots proposed by the development is unlikely to create an unreasonable demand, in the present or future, for the provision or extension of public amenities infrastructure;
- access to Bells Line of Road for proposed Lots 11 and 12 is to be denied. Vehicle access to these lots will be via a private accessway off Mill Road; and
- the proposed development is not inconsistent with the rural character of the locality and will involve relatively minimal disturbance to the landscape.

Clause 10 (1) requires development consent for the subdivision of land.

Clause 11 *Rural subdivision - general provisions*

Relevant extracts are:

(1) *In this clause:*

endangered ecological community means any endangered ecological community referred to in Part 3 of Schedule 1 to the Threatened Species Conservation Act 1995.

lot averaging subdivision means a subdivision of land within Zone No 1 (b) or 1 (c1) that complies with subclause (4) and will not result in an original allotment being divided into more allotments than the number resulting from dividing the area of the original allotment in hectares:

(a) by 10, if the land is in Zone No 1 (b), or

(b) by 4, if the land is in Zone No 1 (c1).

(2) *Except as otherwise provided by this clause and clause 13, the Council may consent to the subdivision of land in Zone No 1 (a), 1 (b), 1 (c), 1 (c1), 7 (a) 7 (d) or 7 (d1) only if the area of each of the allotments to be created is not less than:*

(a) *if it is not a lot averaging subdivision, that shown for the zone in Column 2 of the following Table, or*

(b) *if it is a lot averaging subdivision, that shown for the zone in Column 3 of that Table.*

Column 1	Column 2	Column 3
Zone	Minimum allotment size if not lot averaging subdivision	Minimum allotment size if lot averaging subdivision
1 (c1)	4 hectares	1 hectare

The application is for a lot averaging subdivision.

(3) *The Council may consent to the subdivision of land to which this clause applies only if:*

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- (a) *there is a ratio between the depth of the allotment and the frontage of the allotment that, in the opinion of the Council, is satisfactory having regard to the purpose for which the allotment is to be used, and*

The depth to frontage ratio is satisfactory given the intended rural-residential and current educational/convention centre use.

- (b) *the pattern of allotments created by the proposed subdivision and the location of any proposed buildings on those allotments will, in the opinion of the Council, minimize the impact on any threatened species, populations or endangered ecological community or regionally significant wetland, watercourses, agriculture and bush fire threat, and*

Compared with a conventional subdivision which would provide for lots with a minimum size of 4ha, the proposed subdivision layout and location of future buildings will minimize the impact on threatened species and endangered ecological communities by confining building envelopes within predominantly cleared areas and confining endangered ecological communities to the proposed community lot.

- (c) *the Council has considered a geotechnical assessment that demonstrates the land is adequate for the on-site disposal of effluent, and*

A suitable geotechnical assessment has been provided.

- (d) *in the opinion of the Council, each of the allotments created contains suitable areas for a dwelling-house, an asset protection zone relating to bush fire hazard and effluent disposal.*

The plan of bushfire protection and effluent disposal shows each of the development lots containing (where required) treated effluent irrigation areas and asset protection zones. In minor cases the outer asset protection zone for Lots 3 - 7, 10 - 12 are provided within the community lot. No objection is raised to this given the outer protection zone is predominantly within cleared land and will also serve as a fire trail for access and management. Such an approach is common practice to which the NSW Rural Fire Service has not previously raised objection.

- (4) *A subdivision of land within Zone No 1 (b) or 1 (c1) complies with this subclause only if:*

- (a) *the number of allotments proposed for dwelling-houses does not exceed the number of allotments that could have been created for dwelling-houses by a subdivision of the land immediately prior to the commencement day, and*

The site has a numerical potential of 16 lots. 16 lots are proposed.

- (b) *at least 20% of the land is occupied by an endangered ecological community or is a regionally significant wetland, and*

The applicant has advised that site contains 16.5ha of endangered ecological communities, these being Shale Sandstone Transition Forest, Sydney Coastal River Flat Forest and Cumberland Plain Woodland. The combined area of the lots is approximately 67.35ha. Therefore the Endangered Ecological Community (EEC) equates to 24.4% of the site.

- (c) *the Council is satisfied that there will be a better environmental outcome from a lot averaging subdivision than would result without such a subdivision and that the long term survival of the endangered ecological community or regionally significant wetland will be enhanced, and*

The proposed subdivision represents a better environmental outcome than that of a "conventional" subdivision adhering to the minimum 4ha allotment size. The applicant has submitted a plan of subdivision showing lots with a 4ha minimum, which would divide the endangered ecological community into eight lots. Containing all of the EEC within the community lot (Lot 1) will allow for better long term management and survival of this vegetation.

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- (d) *any endangered ecological community will be contained within and managed on neighbourhood property under the provisions of the Community Land Development Act 1989, and*
- (e) *the allotments proposed for a dwelling-house do not contain an endangered ecological community or, unless they are allotments designed for large scale agriculture, a regionally significant wetland.*

The applicant has provided a plan of subdivision showing the endangered ecological communities all within proposed Lot 1. The applicant's mapped EEC differs from that identified in the flora and fauna report submitted with the application. The flora and fauna maps show various relatively small parts of EEC within some of the proposed development lots. It is noted that the flora and fauna maps state that the location of the EEC is approximate and have not been fixed by survey. The applicant (a surveyor) has advised that the difference in the maps are as a result of subsequent survey work and further field investigations. The applicant's revised map is not accompanied by verification from the flora and fauna consultant. This matter can be resolved by condition of consent and further investigation, verification and certification by the applicant's flora and fauna consultant.

(5) N/A

(6) *Consent must not be granted to a subdivision of land within Zone No 1(a), 1(b), 1(c), 1(c1), 7(d) or 7(d1) that creates an allotment (otherwise than for use for a public purpose) unless the Council is satisfied that there is an area of land above the 1-in-100 year flood level on the allotment that is:*

(a) *sufficient for the erection of a dwelling-house, and*

(b) *at natural surface level or at a level achieved by filling carried out with the consent of Council.*

The subject land is above the 1 in 100 flood event level.

(7) N/A

(8) N/A

(9) *References to a number of allotments in this clause do not include allotments created for a public purpose or allotments created as neighbourhood property.*

The applicant has advised that no objection would be raised to certain areas of the site being dedicated to Council by way of condition of consent for the purposes of road widening and public reserve.

The areas affected by road widening are along Mill Road near Little Wheeny Creek and the northern extremity of the site. In the event of this dedication the land will be consolidated with the existing road reserve.

The land to be dedicated as public reserve is 1.7ha in area. It adjoins Little Wheeny Creek, is to the east of Mill Road and will provide a link an existing Council reserve called Mill Road Reserve. In the event of dedication this land would be created as a lot in its own right separate to the community title lots.

The proposed public reserve and part of the road widening area contain EEC. When these areas of EEC are subtracted from the total EEC the resultant development still, complies with Clause 11 (4) (b), which requires at least 20% of the land to be occupied by an endangered ecological community.

Clause 18(1) states that development consent will not be granted unless satisfactory arrangements have been made for the provision of water, sewerage, drainage and electricity to the land.

The applicant has demonstrated that effluent can be disposed of on site. Electricity can be provided to the site. Water supply will be potable. Drainage runoff created by additional impervious areas is not expected to significantly impact upon surrounding properties, water courses, vegetation etc.

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Clause 22 Development fronting a main or arterial road

Bells Line of Road is defined as a "main or arterial road". The proposed subdivision is considered to be consistent with the provisions of Clause 22 as it will substantially maintain the existing scenic and built character of the locality by way of the preservation of existing vegetation and the sympathetic location of building sites. The proposed subdivision will not create significant additional traffic relative to the capacity and safety of Bells Line of Road. Furthermore the applicant proposes that access from the new lots to Bells Line of Road be denied.

Draft Hawkesbury Local Environmental Plan - Amendment No 108

Under draft local environmental plan 8/98 (Amendment 108) the properties are zoned Rural Living.

This plan has been exhibited and therefore is a matter for consideration.

It is considered that the proposed subdivision satisfies the objectives of the Rural Living zone.

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

The subject land falls within the Colo River Catchment Area of SREP 20.

The aim of SREP NO. 20 is to protect the environment of the Hawkesbury - Nepean River system by ensuring that the impacts of future land use are considered in a regional context. SREP No. 20 contains general and specific matters for considerations, specific planning policies and recommended strategies, and development controls which are to be considered in the assessment of a development application. Relevant specific planning policies and recommended strategies include total catchment management, environmentally sensitive areas, water quality, water quantity, flora and fauna, agriculture/aquaculture and fishing, rural residential development, and metropolitan strategy. Relevant development controls include buildings, works or land uses within conservation area sub-catchment areas, sewerage systems or works.

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

State Environmental Planning Policy No. 44 - Koala Habitat Protection

S.E.P.P. No. 44 *"aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:*

- (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat; and*
- (b) by encouraging the identification of areas of core koala habitat; and*
- (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones."*

S.E.P.P. No. 44 applies to land within the Hawkesbury Local Government Area to which a development application has been made and has an area of more than 1 hectare.

The flora and fauna report indicates that the land is not considered to be 'core koala habitat', as defined by this Plan

Under clause 8 of S.E.P.P. No. 44 Council is not prevented from granting consent to the proposal.

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Hawkesbury Development Control Plan

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

General Information - It is considered that sufficient information has been submitted with the application for Council to assess the application.

Notification - The application was publicly exhibited for the period 11 - 27 August 2004. Eight submissions were received.

Soil Erosion & Sedimentation Control - Soil erosion and sedimentation measures are to be installed and maintained during construction. Erosion and sediment control can also be enforced through conditions of consent

Effluent Disposal - The report submitted by Toby Fiander and Associates is considered to adequately address the provisions of this chapter. The report proposes that Lot 3 – 9, 11 and 12 be connected to a centralised sewage treatment plant. Lots 13, 14 and 16 are to be serviced by individual systems and Lot 2, 10 and 15 are to use the existing onsite systems. The report recommends that the individual systems be aerated wastewater treatment systems. Treated waste water is also to be provided to Lots 3 - 9, 11 and 12 for toilet flushing and outdoor uses. The report does not provide an assessment of the existing systems on proposed Lot 2, 10 or 15. This can be addressed by way of condition of consent.

Subdivision – Relevant extracts of this chapter relate to flora and fauna protection, visual amenity, utility services, landslip and contamination, rural lot size and shape, rural road and access way design, and effluent disposal. Where relevant these matters will be discussed in the planning assessment below or addressed by condition of consent.

Development Control Plan - Contaminated Land Policy and State Environmental Planning Policy No 55 - Remediation of Land

The applicant advises that the new lots proposed for rural residential uses are located on previously cleared grasslands with only grazing occurring on these lands since 1970. No chemical use has occurred on this site and no burial of livestock has occurred on the site. It is therefore considered that the likelihood of the land being contaminated is low and that the land is suitable for the future rural residential use.

Community Consultation

The application was exhibited for the period 11 - 27 August 2004. Council received eight submissions. A summary of the matters raised in the submissions is provided below:

- Increased traffic volume and impact on bicyclists, joggers, walkers and horse riders.
- Concern regarding width and safety of Derring Lane
- Adequacy of proposed sewage treatment plant
- The blocks area too small, contrary to the current zoning, and inconsistent with surrounding allotments and rural character
- Proposed public reserve should be left in its current undisturbed state to allow future historical investigation of this unique site.
- Is it possible for the private accessway to be extended behind Lot 3 to 10 to allow all blocks to feed onto it and hence only one point of entry and egress to/from Mill Road?
- Safety of Bells Line of Road/Mill Road intersection. Are there any plans to improve this intersection.
- Consider a "Give Way" or "Stop" sign erected in Derring Lane where it enters Mill Road.
- Who maintains the community land and is it guaranteed
- Impact on flora and fauna. Increased traffic will threaten Swamp Wallabies, Wombats, Echidnas, Frogs and Black Snakes. Vegetation around the Wheeny Creek Bridge and Mill Road is the habitat of the mountain goanna.
- Concern regarding further subdivision of residual lot.

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- Loss of view, houses should be single storey and positioned below the embankment so as not to interfere with the outlook from 40 Derring Lane.
- A plaque should be placed within the proposed development lots recognising the historical importance of Camp Mackay.
- Oppose the upgrading of Derring Lane as it will change the "remoteness" currently enjoyed
- Slope of land and possible subsidence
- Satisfactory depth to frontage ratio
- Concern re bushfire and water supply

Planning Assessment

Context and Setting

Surrounding properties are mainly used for rural - residential purposes and vary in size from less than 1ha to 18.75ha. The subdivision proposes 1 additional lot to Bells Line of Road, six additional lots to Mill Road and 3 additional lots to Derring Lane and proposes the preservation of ecologically significant vegetation along Little Wheeny Creek and near Bells Line of Road.

Given the proposed easements for sewer and water mains and depth of irrigation areas it is likely that many of the new dwellings to Mill Road will be setback approximately 20m from the front property boundary. This land is generally set below the height of the road and screened from the road by road verge landscaping. The new dwellings to Derring Lane are likely to be setback 7.5 – 30m from Derring Lane. This land is similarly set below the height of the road and screened by existing road verge landscaping.

It is therefore considered that the subdivision is not inconsistent or incompatible with the rural - residential development that surrounds the site, will not significantly adversely impact upon the scenic quality of the landscape or the character and amenity of the area.

The proposed development is not inconsistent with the existing land uses and activities in the locality. Surrounding properties will not be significantly or unreasonably impacted upon in terms of sunlight access, overshadowing, loss of visual and acoustic privacy, loss of views and vistas.

Access, Transport and Traffic

The lots are to be accessed from Mill Road and Derring Lane. The private accessway to Lots 11 and 12 is to be accessed off Mill Road and in close proximity to an existing dam wall. Based on RTA forecasts the additional lots are likely to generate approximately 90 additional daily vehicle trips onto Mill Road.

Some improvement could be made to the width and alignment of Mill Road and the applicant has advised that no objection would be raised to localised road widening within the vicinity of Little Wheeny Creek and to the north of the site being dedicated by way of condition of consent.

Site distances for the proposed lots are satisfactory. The steep road batter across the frontage of lots 8 and 9 will require rural sealed crossing to be constructed to house lots.

A respondent's suggestion that the private accessway to be extended behind Lot 3 to 10 to allow all blocks to feed onto it and hence have only one point of entry and egress to/from Mill Road is not supported due to concerns regarding sight distance, steepness of terrain, and poor road alignment.

A respondent's suggestion that Council consider a "Give Way" or "Stop" sign in Derring Lane where it enters Mill Road can be referred to the Local Traffic Committee as a separate matter to this application. A suitable condition can be imposed.

Appropriate conditions of consent are proposed in relation to the upgrading of Derring Lane, road widening, dust abatement and structural adequacy of the dam wall.

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Given the relatively minor increase in additional traffic volume and proposed improvements to Mill Road and Derring Lane it is considered the proposed subdivision will not create unreasonable traffic demands on the surrounding street pattern or significant conflict with other users of the local road network.

The application was referred to the Roads and Traffic Authority for comment. No reply was received. Given the minor increase in traffic volume, any required improvement to the Mill Road and Bells Line of Road intersection is a matter that Council and the RTA should resolve separate to this application.

Utilities and Public Domain

The applicant has demonstrated that the site is suitable for the onsite disposal and reuse of treated effluent generated by the new lots. Electricity and telephone supply are matters, which the applicant can resolve with relevant authorities once the determination of the application has been made. Section 94 contributions will be levied on this subdivision to ensure that sufficient open space, recreational facilities and community facilities are provided for the future residents. These matters can be addressed by way of condition of consent.

Heritage

Some respondents have advised of the historical importance of the 1.7ha strip of land to the east of Mill Road, which the applicant proposes to dedicate to Council as public reserve. The respondents advise that this area contains the remains of Benjamin Singleton's flour mill built between 1810 and 1816, mill pond, mill race and house. The mill is one of the oldest watermills in Australia and is very significant to the history of Kurrajong and the Hawkesbury area. The site is quite overgrown and has not been disturbed. Respondents recommend the site should be left in its current undisturbed state to allow further historical investigation

The suggestion of a plaque within the subdivision recording the history and importance of Camp Mackay is a matter for the current landowners.

Effluent Disposal, Water, Soils, Air and Climate and Other Land Resources

The waste water feasibility report by Toby Fiander and Associates supports the capability of the site to support on-site disposal of waste and provides recommendations for the type and location of on-site effluent disposal. It is considered appropriate for an 88b restriction to be applied to the lots to require any effluent disposal system for the properties to be carried out as per the recommendation of the geotechnical report. Proposed lots 3 - 9, 11 and 12 are to be connected to a communal packaged sewage treatment plant. This will need to be installed prior to release of the subdivision certificate.

The properties created by this subdivision will require a potable water supply and some of the lots will be provided with treated waste water for outdoor use and toilet flushing. Generally, the soil structure of the site is suitable for the proposed subdivision and resultant development. Erosion and sedimentation devices are to be installed during construction. The air and microclimate of the locality is suitable for the proposed subdivision and resultant development. The proposed subdivision will not significantly reduce the potential of Lot 2 to be used for the existing conference/tourist facility and low scale agricultural uses.

Flora and Fauna

A flora and fauna assessment has been submitted with the application, which adequately addresses the provisions of the Eight Part Test pursuant to the Act (Section 5A) and State Environmental Planning Policy 44 - Koala Habitat Protection.

The proposed community lot is to contain the endangered ecological community and management under the provisions of a community management plan, which will include vegetation and weed management obligations. By containing and managing the EEC within one lot, further fragmentation and disturbance is avoided. The protection of this vegetation will maintain the scenic and environmental significance of the vegetation, add to soil stability and maintain a link between surrounding bushland.

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Proposed building sites and APZs are located in areas, which are substantially cleared. Clearing and reshaping works required for private accessways are considered satisfactory and can be controlled by condition of consent.

Waste, Energy, Noise and Vibration, Construction

Waste services will need to be provided to the new lots. The design of the subdivision achieves satisfactory performance in terms of energy efficiency. It is anticipated that constructed of the subdivision and future use of the lots will not create offensive noise pollution or vibration. Construction works required for the subdivision are not expected to unreasonably impact upon surrounding neighbours

Natural and Technological Hazards

The property is within an extreme, major and moderate bush fire risk. The risk is not sufficient to make the site unsuitable for the proposed subdivision. The NSW RFS have provided general terms of approval for the development.

The site is not subject to flooding from the Hawkesbury – Nepean River and Council has no recorded incident of landslip on the site.

The applicant has submitted a report investigating the past land uses where the new development lots are to be created. The report concluding that the land is suitable for the proposed development.

Safety, Security & Crime Prevention, Social and Economic Impact in the Locality

Improvements to Mill Road and Derring Lane will enhance existing pedestrian safety. No significant negative social impact is anticipated. The subdivision will create a positive economic impact.

Site Design and Internal Design

The proposed subdivision complies with minimum “lot averaging” area standards permitted by Clause 11. Each development lot has an area of at least 1ha nominated for the purposes of a house site, effluent disposal and Asset Protection Zones. Note: the Hawkesbury DCP requires that building envelopes be a minimum distance of 30m from significant vegetation, however this rule is somewhat outdated since the introduction and *Planning for Bushfire Protection, January 2001* and given that the EEC is to be protected. Each lot has a satisfactory depth to width ratio as determined by the Hawkesbury DCP. Under the provisions of Clause 11 the lots created by this subdivision will not be capable of further subdivision.

Building envelopes for the proposed lots are located below ridge tops and generally below the height of Mill Road and Derring Lane. The building envelopes and accessways are generally located on gentle to moderately sloping land.

The visual impact of the subdivision and resultant development will not be significant or out of character with the surrounding area. Significant stands of vegetation throughout the site are proposed to be retained.

It is therefore considered that the lot layout is such that resultant development of the land will not have a significant impact upon the environment, in particular watercourses and existing stands of significant vegetation

The site is within the Colo River Catchments and not within an area of scenic significance. It is considered that the subdivision satisfies the relevant provisions of SREP No. 20 (No.2 - 1997)

Cumulative impacts

The proposed development is compatible with the surrounding land uses and, given the benefits of the lot averaging subdivision, in particular preservation of the EEC, no significant negative cumulative impact is foreseen. Clause 11 4(a) of HELP 1989 prevents further subdivision of the large allotment. However, it is

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proposed to require a restrictive covenant to be placed on the title to ensure that future purchasers are alerted.

Suitability of the site for the development

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

Public interest

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

Conclusion

The proposed subdivision demonstrates satisfactory compliance with the provisions of HELP 1989 and the Hawkesbury DCP and will assist with the preservation of endangered ecological communities. It is recommended the application be approved.

RECOMMENDATION:

That the application for subdivision be approved subject to the following conditions:

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
4. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
5. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

NSW Rural Fire Service General Terms of Approval

6. Section 88B restriction as to user shall be placed on all lots within the subdivision requiring the provisions of asset protection zones identified on plans submitted in the Bushfire Threat Assessment dated 2 June 2004 by McKinlay Morgan and Associates P/L in accordance with Planning for Bushfire Protection 2001. These APZ's are to be based on AS36959 Level 3 Construction.

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Department of Infrastructure Planning and Natural Resources General Terms of Approval (DIPNRGTA)

Requirement for Permit

7. Any work which requires a permit under Part 3A of the R&FI Act ("Part 3A permit") is not to commence until such time as a Part 3A permit has been applied for, and subsequently issued by DIPNR. Any work the subject of a Part 3A permit must be carried out in accordance with drawings and any other documents required by these conditions, and which are approved by DIPNR, and which will accompany the Part 3A permit.

Standard of Design, Documentation and Implementation

8. All works proposed must be designed, constructed and operated so that they result in NIL or minimal harm to aquatic and riparian environments and do not cause erosion, sedimentation, or increase flood levels of protected waters. Works that result in net positive outcomes for aquatic and riparian environments are encouraged.
9. All designs and documentation required by these conditions are to be prepared and implemented by persons with relevant knowledge, qualifications and experience in current best practice, and to the satisfaction of Council and DIPNR, and approved by DIPNR, **prior to the issue of the Part 3A Permit.**
10. The **implementation** of any design or "plan", or **carrying-out** of any activity at the Site, is to be undertaken by persons suitably experienced in that aspect of the work they are doing, and such persons must be under the direction and supervision of a person with knowledge, qualifications and experience in current best practice in the relevant aspect of the operations being undertaken.

Cessation of Works

11. If, in the opinion of a DIPNR officer, any work is being carried out in such a manner that it may damage or detrimentally affect protected waters or protected land, or damage or interfere in any way with any thing not authorized to be so affected, such work shall cease immediately upon oral or written direction of such officer.
12. Should any of the conditions of the Part 3A permit not be complied with, DIPNR may issue a Stop Order on Part 3A permit related operations at the Site until the conditions have been complied with.

Work as Executed Plans

13. If requested by DIPNR, work as executed survey plans of a professional standard, and including information required by DIPNR, shall be forwarded to DIPNR within 14 calendar days of such request. (NOTE: Apart from extractive industry operations, or large earthmoving projects, DIPNR usually only invokes this condition in matters of contention).

Remedial Works

14. The Part 3A permit holder shall carry out any instructions given by DIPNR with a view to preventing damage to the environment of protected waters or protected land.
15. If any Part 3A permit condition is breached, the permit holder shall follow DIPNR directions to address the breach and shall rehabilitate the Site as directed by, and to the satisfaction of, DIPNR. If any breach of the permit conditions requires a special site inspection by DIPNR, then the permit holder shall pay a supplementary permit fee for this inspection and for each and every subsequent inspection until the breach has been rectified.

Disposal of Vegetation

16. Any vegetation or other material removed from the area of operations shall be disposed of lawfully to an appropriate site where the material cannot be swept into protected waters during a flood. Burning must not be carried out unless an approval has been obtained from the relevant authority(ies).

Stormwater Outlets and Dam Spillway

17. Detailed designs of any stormwater outlets and any necessary scour protection works within the riparian zone or any protected waters are to be prepared. The designs must include one or more representative surveyed cross sections and a long section showing existing and proposed bed and bank profiles and water levels at the outlet point. The sections are to extend beyond the structure for a distance of 5m for the cross section, and for the long section, 5m beyond the landward extent of the riparian zone and 5m from the toe of the bank of the receiving protected waters. Any proposed stormwater outlets or spillways are to be designed in accordance with the DIPNR guideline: *Stormwater Outlet Structures to Streams (For pipes, culverts, drains and spillways - Version 1)* (**Attachment A**).
18. Stormwater outlets must be designed, located and constructed to minimise any erosion or scour of riparian zones or the bed or banks of any protected waters. The construction methods adopted must ensure that disturbance to soil and vegetation in these areas is kept to an absolute minimum.

Scour Protection

19. Points of constriction or any other places where scour is likely within or near any protected waters or any part of the riparian zones on the Site, are to be suitably protected against scour. Designs of scour protection works, based on predicted velocities and scour potential, together with methods of construction, **are to be included in submitted plans.**
20. All permanent rock scour protection must consist of hard and durable run-of-quarry rock, sized to resist predicted scour velocities. Rock must be angular and blocky rather than flat, to ensure a good "bind" and to resist negative hydraulic pressure. Rock is to be placed over a bedding layer of angular cobbles with geotextile underneath to prevent erosion of underlying fine bed sediments and to facilitate placement.
21. All finished rock rip-rap surfaces are to be rough, and evenly aligned with the adjoining bed, bank and floodplain profile and must not reduce the capacity of protected waters in any way.
22. All rock and cobbles installed for scour protection are to be packed with topsoil and the crevasses in the rip-rap planted with local native sedges and rushes, to further stabilise the works and to increase riparian zone values and functions.
23. Wire mesh structures and concrete grouting are not permitted for use with rip rap scour protection unless specifically approved by DIPNR.

All Crossings – General Requirements

24. Any crossing design over protected waters and riparian zones must be sensitive to the ecology, wildlife corridor and geomorphic functions of protected waters and protected land. To achieve this, any crossing is to be designed and constructed in accordance with the principles in the *Draft Guidelines – Watercourse Crossing Design & Construction – Version 3* (**Attachment B**).

Accessways

25. All accessways, being cycleways, pedestrian pathways or other non-vehicular form of accessway that may be proposed for the Site, are to be designed and constructed in accordance with the *Draft Guidelines for the Design and Construction of Paths and Cycleways in Riparian Areas- Version 2* (**Attachment C**).

26. Any accessway, or accessway lighting, proposed to be located within any riparian zone or protected waters is not to be constructed without consultation with, and prior approval of, DIPNR.

Maintenance of Works within Protected Waters

27. All works within protected waters are to be monitored after each major storm event for the duration of any Part 3A permit issued by DIPNR. Stabilisation works consisting of soft-engineered designs are to be undertaken as required, after seeking advice and approval from DIPNR, if there are signs of erosion or instability of protected waters.

Works Within Protected Waters to Satisfy NSW Fisheries

28. Prior to the issue of the Part 3A permit, agreement in writing from NSW Fisheries is required for the designs of all proposed works located within, or connecting, any protected waters.

Exclusion Fencing – prior to commencement of works

29. Prior to the commencement of any earthworks or vegetation clearing at the site, vegetation and habitat to be protected is to be fenced off with clearly visible, durable, and appropriately signposted exclusion fencing.

Designation of Riparian Zones

30. The extent of the riparian zones, is to be measured horizontally landward from the top of the bank or shore (as approved by DIPNR) and at right angles to the alignment of the bank or shore, of protected waters, including beneath any crossings, for their entirety within the Site,, unless otherwise approved by DIPNR, and shall be:
- a) Little Wheeny Creek
Of a width of 40m.
 - b) Watercourse A (draining from Derring Lane)
Of a width of 20m.
 - c) Watercourse B (draining from Mill Rd)
Of an average width of 20m minimum 15m.
31. Any reference to “riparian zones” in any condition in these General Terms of Approval is to be regarded as a reference to the “riparian zones” described within this section.

Preparation of a Vegetation Management Plan (VMP)

32. Site rehabilitation and maintenance is to be carried out in accordance with a VMP.
33. The VMP is to be prepared **prior to the issue of the Part 3A Permit**. The VMP is to be in accordance with the guideline: “How to Prepare a Vegetation Management Plan – Version 4” (**Attachment D**).
34. The VMP is to fully address all matters relating to riparian zone protection, vegetation to be retained, vegetation to be removed, obtaining plant material for rehabilitation, establishment methods, sequencing of tasks, maintenance and performance monitoring relating to the rehabilitation of the riparian zones. The VMP is to include drawings that clearly show the approved extent of the riparian zones. The VMP is to clearly state planting densities and the species mix for all areas to be rehabilitated. The VMP is to be cross-referenced to other “plans” required by these conditions, where appropriate.

Site Rehabilitation - Vegetation

35. Site rehabilitation must:

- a) protect any remnant local native riparian vegetation at the Site wherever it is reasonably possible to do so, and,
- b) restore any riparian zones, including the area within protected waters, that are disturbed or otherwise affected by the development to a state that is reasonably representative of the natural ecotone of the protected waters and their environment.

The riparian zones so restored are to consist of a diverse range of native plant species local to the area and are to be fully structured (i.e. trees, shrubs and groundcovers), unless otherwise approved by DIPNR. The plants used are to consist of species and communities that emulate the original natural situation. Planting densities are to be at least **1 tree or shrub** (in approximately equal numbers) alternately planted **at 1 plant per square metre** and in addition, **groundcover plants at 4 plants per square metre**, unless otherwise specified in the VMP.

36. The riparian zones may be rehabilitated using a combination of methods, such as natural bush regeneration, brush matting, hydro-seeding, direct seeding or tubestock planting, provided the required densities and clear evidence of the plants' ability to survive are achieved by the end of the maintenance period.
37. Revegetation must be carried out over all areas in the riparian zone affected by the works, including beneath crossings, and including all areas that are temporarily occupied by soil and water management controls, once those controls have been decommissioned and the ground surfaces restored to the correct profile and stabilised.
38. Bush regeneration, for weed control and to promote natural regeneration, is to be undertaken for a minimum distance of 10 metres beyond any disturbed areas in the riparian zones. Revegetation, in accordance with the standards required by these conditions, is to be undertaken in this 10 metre wide area if it is significantly degraded or is likely to give rise to weed invasion due to lack of native vegetation cover before or after weed control.

Maintenance of Rehabilitated Areas within Riparian Zones

39. The rehabilitated riparian zones must be maintained and monitored for a period of **at least two years** after final planting, or where other revegetation methods are used, **two years** after plants are at least of tubestock size and are at the densities required by these conditions and with species richness as described in the VMP. Maintenance must include sediment and erosion control, watering, weed control, replacement of plant losses, disease and insect control, mulching and any other requirements necessary for achieving successful vegetation establishment.

Maintenance Report

40. A brief and concise report addressing the performance criteria as specified in the VMP, and any problems implementing the VMP, as well as means to overcome these, shall be forwarded to DIPNR **immediately after completion of initial planting/seeding**, and prior to the release of any cash bond or bank guarantee, and **every six months** thereafter for the duration of the maintenance period. The report must also comment on the stability and condition of any associated stream works. Implementation of the VMP will be considered incomplete without DIPNR sign-off of the final monitoring report at the end of the minimum two-year maintenance period.

Seed and Plant Material Collection, Propagation and Certification

41. The person responsible for implementing the VMP must certify in writing to DIPNR that plantings (including follow-up plantings) have been carried out using stock propagated from seed or plant material collected only from native plants from the **local botanical provenance**. This certification is

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to be provided with the first monitoring report, and prior to the release of any cash bond or bank guarantee, and for any supplementary plantings with the next monitoring report thereafter.

42. DIPNR is to be advised of the person responsible for any seed or vegetative propagation prior to the commencement of propagation.

Exotic Plant Species not to be Planted or Placed Within or Near the Riparian Zones

43. No exotic plant species, other than temporary sterile cover crops, are to be planted within, or within **10 metres** of, the riparian zones on the Site, unless otherwise approved by DIPNR.
44. Only certified weed free and contaminant free mulch is to be used on the Site. This is because mulch products imported onto the Site may contain weed seeds and viable vegetative matter and other contaminants, which could impact adversely on the vegetation, soil, water quality or ecology of the Site.

Works and Activities not to Compromise Riparian Zones and Implementation of the VMP

45. The riparian zones are to function as ecological systems and as such, all works, access routes, roads, recreational areas, service easements and any other non-ecologically functioning work or activity are to be located beyond the riparian zones, unless detailed on plans approved by DIPNR, prior to the issue of the Part 3A permit.
46. Works and activities must not compromise the implementation of the VMP in any way.

Bushfire Asset Protection Zones not to Compromise Riparian Zones

47. Any requirements for bushfire asset protection zones are not to compromise in any way the extent, form or function of the riparian zones. Fuel reduced areas are to be located outside of riparian zones.

Council Requirements for Flooding, Drainage, Stormwater Detention and Water Quality

48. The development is to satisfy all requirements of Council in relation to flooding, drainage, stormwater detention and water quality, but in so doing, must not compromise in any way the form and function of any works, protected waters and riparian zones required by these conditions.
49. With regard to the previous condition, there is to be no permanent or temporary excavation of, or placement of material on, protected land, or anything done that may affect the flow of protected waters, other than as shown on the DA plans and associated documentation provided to DIPNR, and approved by DIPNR, without approval in writing from DIPNR and NSW Fisheries.

Soil Suitability

50. Wherever possible, riparian zone soils should be those naturally occurring at the Site. If this will not be the case for the final landform, approval from DIPNR must be obtained **prior to the issue of any Part 3A permit**. If importation of soil into the riparian zone is unavoidable, such soil must be tested and certified by a NATA registered soils laboratory to be:
 - a) similar to the naturally occurring local riparian zone soil
 - b) suitable for the establishment and on-going viability of riparian vegetation
 - c) free of any weed propagules
 - d) free of any contaminants
51. Documentation arising from this testing and certification must be provided to DIPNR prior to the placement of any soil.

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52. Any fill material placed in a riparian zone that is inconsistent with the requirements of the previous condition must be removed and relocated beyond the riparian zone or taken off-Site and disposed of in a lawful manner.
53. The structure of the soils in the riparian zones must be suitable for the vegetative rehabilitation of the Site and are therefore not to be proof rolled or subjected to other unsuitable compaction unless otherwise approved by DIPNR.

Access to the Site to be Provided for the Purpose of Fully Implementing the VMP

54. Prior to the issue of any Part 3A Permit, documentation that demonstrates a right of access to the site for a sufficient time to enable the full implementation of the VMP is to be provided to DIPNR. Such documentation is to be legally binding upon the land and its present and future owners until such time as the implementation of the VMP is complete, and as approved by DIPNR.

Water Quality and Environmental Protection

55. The Applicant must ensure that the amount of dirty water and sediment from the Site that enters protected waters or that is exposed to the flow of protected waters, or that is likely to detrimentally affect water quality, riparian vegetation or habitat or the environment, is minimised in a manner acceptable to DIPNR.

Soil and Water Management

56. The Applicant must submit a Soil and Water Management Plan (SWMP) indicating how the works at the Site will achieve the outcome required in the previous condition. The SWMP must cover all works on protected land and in protected waters, and staging and maintenance requirements. The SWMP must meet the requirements outlined in the Landcom publication *Managing Urban Stormwater: Soils and Construction – Volume 1, 4th Edition (2004)*. The SWMP is to be cross-referenced to other “plans” required by these conditions, where appropriate. The SWMP is also to meet any EPA licence requirements.
57. All works and activities at the Site are to satisfy all requirements of Council in relation to water pollution issues. Oils and greases, or any other contaminants, must not be permitted to pass to protected waters.
58. All Site drainage and sediment and erosion control works and measures as described in the SWMP, and any other pollution controls, as required by these conditions, shall be implemented prior to commencement of any other works at the Site.

Maintenance of Erosion and Sediment Control Measures

59. All erosion and sediment control measures at the Site are to be inspected and maintained as required on a weekly basis, and immediately following any rainfall events, to ensure their efficient operation. This obligation remains until the Site has been fully stabilised.

Decommissioning of All Erosion and Sediment Controls and Water Diversion Structures

60. Decommissioning of all erosion and sediment controls and any water diversion structures must be documented in detail to the satisfaction of DIPNR. Decommissioning must meet the requirements outlined in the Landcom publication *Managing Urban Stormwater: Soils and Construction – Volume 1, 4th Edition (2004)*. The timeframes for decommissioning are to be cross-referenced to the implementation of any riparian zone plantings. Decommissioning of sediment and erosion controls is not to detrimentally affect the implementation of the VMP.

Costing to be Provided

61. A costing based on current industry rates is to be provided for all works and activities that are associated with the DA and that are subject to these conditions. The costing is to identify each type

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of work or activity and is to present the costing in a break-down format that covers each aspect of that work or activity. Costings are to cover labour, equipment and materials and maintenance and reporting where these tasks are relevant. The costing is to cover, but may not be limited to, the following works and activities:

- a) construction of any stormwater outlets and their revegetation as described in the VMP
- b) construction of any scour protection works and their revegetation as described in the VMP
- c) construction of any vehicular crossings over protected waters and/or through any riparian zones
- d) implementation of the VMP, including monitoring, reporting and maintenance for a period of not less than two years after the date of final planting
- e) construction of any accessways in any riparian zones
- f) decommissioning of any temporary works in any protected waters or any riparian zone, including sediment and erosion controls, or other pollution controls, and water diversion structures.

Security Deposit

- 62. As a pre-condition to the granting of the Part 3A permit, the applicant for a Part 3A permit will be required to provide a security deposit. The security deposit can be in the form of either a cash bond or bank guarantee. The security deposit is to cover the cost, as approved by DIPNR, of completing the works and activities listed in the previous condition in accordance with the conditions of the Part 3A permit.
- 63. Any bank guarantee is to be provided from a bank licensed pursuant to the Banking Act 1959 (Cth) and is to be provided in favour of DIPNR and it must be drawn up in the format provided in **Attachment E**.
- 64. Any security deposit will be held until such time as the works and activities the subject of the cash bond or bank guarantee have been satisfactorily completed in accordance with the conditions of the Part 3A permit.
- 65. The sum held may be reduced on application to DIPNR, subject to the satisfactory completion of stages of works or activities required by the Part 3A permit.
- 66. DIPNR may at any time, and more than once and without notice to the Part 3A permit holder, utilise any cash provided or demand all or part of the moneys available under a bank guarantee, if in its opinion, the Part 3A permit holder has failed at any time to satisfactorily complete the works or activities in accordance with the requirements of the Part 3A permit.

Resolution of Inconsistencies

- 67. In the event that there is any inconsistency between the drawings, other documentation and the conditions herein, the interpretation that will result in the best outcome for the stabilisation of the Site, and the subsequent rehabilitation and maintenance of the Site and protected land and protected waters, is to prevail. Such interpretation is to be applied in consultation with, and with the approval of, DIPNR.

Any Part 3A permit issued to be kept current

- 68. Any Part 3A permit issued for works proposed under the DA, and as required by these conditions, must be kept current by payment of the appropriate fee until such time as the Site has been fully stabilised and rehabilitated, and any required maintenance satisfactorily completed and reported on, in accordance with these conditions. Any application for renewal is to be lodged at least 1 month prior to the expiry date of the Part 3A permit.

General Advice

- 69. A Part 3A permit, subject to conditions, will be issued for the proposed works upon application.

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70. Any Part 3A permit granted for works the subject of the DA will be for a period of one year, and renewable thereafter on an annual basis.
71. Prior to the issue of the Part 3A permit the applicant must provide DIPNR with the following:
 - A copy of Council's development consent including all conditions of approval
 - Any approval from NSW Fisheries required by these conditions
 - Sufficient number of sets of plans and other documentation that satisfy DIPNR's General Terms of Approval, and any associated recommendations, for distribution to: the proponent, Council, DIPNR and any other approval body likely to be affected by DIPNR requirements
 - The appropriate Part 3A permit fee and any required bond
 - Full details on land ownership of all areas affected by the proposed works, and written authorisation for the works by the relevant land owners
72. The rehabilitation of the Site in accordance with the Part 3A permit conditions, as determined by DIPNR, is the responsibility of the Part 3A permit holder and the owner or occupier of the land.
73. The Part 3A permit holder and the owner or occupier of the land are responsible for construction of works or any excavation or removal of material undertaken by any other person or company at the Site.
74. Any Part 3A permit granted is not transferable to any other person or company without written approval from DIPNR and does not allow operations at any other site.
75. Any Part 3A permit granted does not give the holder the right to occupy any land without the consent from the owner(s), nor does it relieve the Part 3A permit holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the Site of the work and/or the activities proposed to be undertaken.
76. A "person" for the purposes of these GTAs, means a person, persons or organisation authorised by the recipient of the consent for the DA, or their agent, should such consent be issued, to undertake any of the requirements of these GTAs.
77. These GTAs are issued with the proviso that operations shall be carried out on freehold land. Should operations be on Crown Land, any Part 3A permit is rendered invalid for such Crown Land and has no force or effect on the same, and the occupier of Crown Land should contact the Department of Lands for their requirements.

COUNCIL CONDITIONS

Prior to Issue of a Construction Certificate

78. The Construction Certificate will not be issued until a copy of the Part 3A Permit, issued by the Department of Infrastructure, Planning and Natural Resources (DIPNR) has been provided to Council
79. Construction of the road, access and drainage works are not to commence until three (3) copies of the plans and specifications of the proposed works are to be submitted to and approved by Council or an Accredited Certifier.
80. Where appropriate, payment of Construction Certificate and Compliance fees to Council is accordance with Council's Revenue Pricing Policy
81. 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.

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All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

82. A Traffic Management Plan prepared in accordance with AS 1742-3 (1996) by an appropriately qualified person shall be submitted to Council.
83. A report from a suitably qualified and experienced Geotechnical Engineer on the dam wall is to be submitted. The report shall assess the adequacy of the dam wall for use as an access road including a detailed layout of the proposed road and existing and proposed ground levels, and any spillway(s) in the vicinity of the crossing. The report shall detail any works necessary to upgrade the dam wall for the proposed use as an access road. This report shall be submitted prior to the release of the Construction Certificate for the access to proposed lots 11 and 12.
84. Submission to Council for approval of a vegetation management plan in accordance with the recommendations of the flora and fauna assessment prepared Conacher Travers and dated 2004.
85. Submission of proof of the payment of the Building Industry Long Service Levy where the value of civil works exceeds \$25,000.00.

Prior to Commencement of Work

86. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.
87. Recent colour photographs of all elevations of the existing dwelling on proposed Lot 3 shall be submitted to Council. The photographs shall be labelled and cross referenced to a base plan drawn to scale.
88. 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.
89. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
90. 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.
91. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of construction works. Such facility shall be located wholly within the property boundary.
92. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.
93. Submission to and approval by Hawkesbury City Council of an "Application to Install a Sewage Management Facility" for the proposed centralised sewage management facility.

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During Construction

94. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
95. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
96. Boundary fence lines shall be hand cleared only, with no topsoil disturbance, to a maximum width of 1m.
97. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
98. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7:00am – 6:00pm and on Saturdays between 8:00am – 4:00pm.
99. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
100. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
 - (a) Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.
 - (b) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
 - (c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
 - (d) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
 - (e) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
 - (f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
 - (g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
 - (h) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
 - (i) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.

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- (j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
- (k) No material is to be burnt on site.
- 101. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
- 102. Table drains and associated drainage shall be constructed along the road frontage for lots 2, 13 to 16 in Derring Lane.
- 103. All necessary drainage works shall be constructed along the access strip and across the footway to the proposed lots 11 and 12 as required.
- 104. 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.
- 105. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
- 106. The road shoulders and full width sealed pavement of Derring Lane Road shall be constructed for the length of proposed lots 2, 13 to 16.
- 107. Subject to endorsement by the Local Traffic Committee, a "stop" or "give way" sign shall be erected in Derring Lane at the intersection of Mill Road, as appropriate.
- 108. A pavement with a bitumen seal 4.5m wide shall be constructed along the Private Accessway and across the footway to lots 11 and 12 a passing bay with a total carriageway width of 7 metres wide and 20 metres long is to be constructed on the "Private Accessway" on the northern side of the watercourse. The bitumen sealed crossing is to have a minimum width of 6m.
- 109. A pavement 3.5m wide shall be constructed along the access strip and to the existing dwelling on proposed lot 11 and the proposed STP appropriate to the gradient of the land in accordance with the following table:

Gradient	Surface Construction
0-16%	Compacted crushed rock
17-20%	Bitumen seal
21-25%	Reinforced concrete

Driveway gradient shall not exceed 25% in any section.

- 110. A bitumen sealed rural footway crossing 3m wide shall be constructed to lots 8, 9 and 15 in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.
- 111. All necessary street signage and pavement markings shall be installed.
- 112. A 4 metre wide fire trail is to be constructed at the rear of the proposed lots 3 to 12 as shown on the "Plan of Proposed Bushfire Protection and Effluent Disposal". Passing bays 7 metres wide and 20 metres long are to be constructed every 200 metres. Works are to be in accordance with the documents, "Planning for Bushfire Protection" dated 2001 by Planning NSW.
- 113. The spillway and dam wall crossing is to be a minimum of four (4) metres wide and able to carry a fully loaded fire truck, which is 28 tonnes or 9 tonnes per axle. The spillway crossing is to be able to withstand the forces of flowing water (including buoyancy forces) and the impact of debris for up to a

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1 in 100 year ARI storm event. Flood warning signage, depth indicators and reflective guideposts are to be in accordance with AS 1743.

Prior to Issue of Subdivision Certificate

114. Compliance with all conditions of this development consent to the satisfaction of Council.
115. Confirmation is to be provided to Council by way of detailed survey and certification from an appropriately qualified and experienced flora and fauna consultant showing that Lots 2 - 16 do not contain any endangered ecological communities.
116. The creek crossing and dam wall upgrading works if necessary are to be certified on completion by a suitably qualified and experienced Engineer.
117. All works for the installation of the proposed centralised sewage management system are to be completed and a works as executed plan submitted to Hawkesbury City Council.
118. Confirmation is to be provided to Council by way of detailed survey showing that the location of proposed disposal areas on Lot 2, 10 and 15 are in accordance with the recommended buffer distances contained within Environment & Heath Protection Guidelines On Site Sewage Management for Single Dwelling, January 1998
119. A report from a suitably qualified and experienced consultant shall be provided to Council for approval which:
 - i. investigates the operation of the existing on-site sewage management facilities; and
 - ii. confirms that the systems are functioning appropriately and the system and irrigation areas comply with recommended buffer distance of Environment & Heath Protection Guidelines On Site Sewage Management for Single Dwelling, January 1998 with respect to the location of driveways, dwellings and property boundaries, or
 - iii. makes appropriate recommendations for the augmentation, relocation, repair or replacement of these systems. Any such works are to be completed to the satisfaction of Council prior to the release of the subdivision certificate for the respective stage of subdivision
120. All required Asset Protection Zones are to be established on site.
121. Completion of relevant works required by the approved vegetation management plan.
122. Dedication of road widening in Mill Road as public road.
123. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
124. A Section 73 Certificate from Sydney Water shall be submitted to the Principal Certifying Authority.
125. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
126. Easements 4m wide and 10m long shall be created over the site for drainage discharge from roads (at no cost to Council).
127. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
128. Reciprocal rights of carriageway and easements for services shall be created over the access handles to lots 11 - 12 and 13 - 14.
129. A survey plan showing all existing services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.

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130. A Management Statement complying with Schedule III of the Community Land Development Act, 1989, shall be lodged with and approved by Council. This statement shall include a provision that no dwelling shall be erected on the neighbourhood lot.
131. Submission to Council of an amended Plan of Subdivision and Plan of Constraints demonstrating compliance with conditions of consent, provision for the dedication to Council as public reserve the generally 1.7ha part of proposed Lot 1 adjacent to Little Wheeny Creek, and showing Lots 11 and 12 having a minimum area of 1ha exclusive of any future road widening by the Roads and Traffic Authority.
132. The creation of a restriction on the use of the land under section 88b of the Conveyancing Act requiring:
- Any future development is to occur in accordance with the approved plan of constraints.
 - Access to Lot 11 and 12 is prohibited from Bells Line of Road.
 - Further subdivision of lot 2, other than by boundary adjustment, is prohibited.
 - Any on site effluent disposal system installed on the lots is to be designed, installed, certified and maintained in accordance with the report prepared by Toby Fiander and Associates titled feasibility of On-Site Wastewater Treatment & Disposal Study at Proposed Subdivision Lots 1 - 16 Mill Road, Kurrajong dated 5 July 2004 and any supplementary reports/plans required by conditions of this consent. This restriction is to advise that any development application for development which will generate more than 5 equivalent persons of waste water is to be accompanied by a feasibility study examining the capacity of the sewage management facilities to cater for the increased loading.
 - Asset Protection Zones are to be maintained in accordance with the provisions of Planning for Bushfire Protection, January 2001. (This is to include any necessary legal mechanism to allow for maintenance of Asset Protection Zones on adjacent land lots within the development.)
 - Where relevant, lots are to be managed in accordance with the approved vegetation management plan
 - Compliance with relevant conditions of consent required by the NSW Rural Fire Service and Department of Infrastructure Planning and Natural Resources.
133. Payment of a linen release fee of \$2,100. This amount is valid until 30 June 2005.
134. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the provision of the following public facilities in the locality:
- | | | |
|-----|---------------------------|------------|
| (a) | Open Space and Recreation | (\$25,138) |
| (b) | Community Facilities | (\$17,774) |

Contributions are to be paid prior to issue of the Construction Certificate. The amount has been determined in accordance with Hawkesbury Section 94 Contribution Plan. A copy of the Contributions Plan may be inspected at Council's Offices, George Street, Windsor.

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

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Advisory

135. Persons acting upon this consent are required to advise the Department of Infrastructure Planning and Natural Resources if any plans or documents are amended and these amendments change or result in additional "works" in or within 40 metres of a watercourse/foreshore to ascertain if the new plans require review and variations to the Department's General Terms of Approval. This applies even if the proposed works are as a result of conditions of consent and the "works" do not appear in the original/approved documentation.
136. 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.
137. The applicant is advised to consult with:
- (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) a local telecommunications carrier
- regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.
138. 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** Plans of Proposed Subdivision, Bushfire Protection and Effluent Disposal Areas
- AT - 3** Plan of Conventional 4ha Minimum Subdivision

AT - 1 Locality Plan

Standard A4 Portrait Map Print

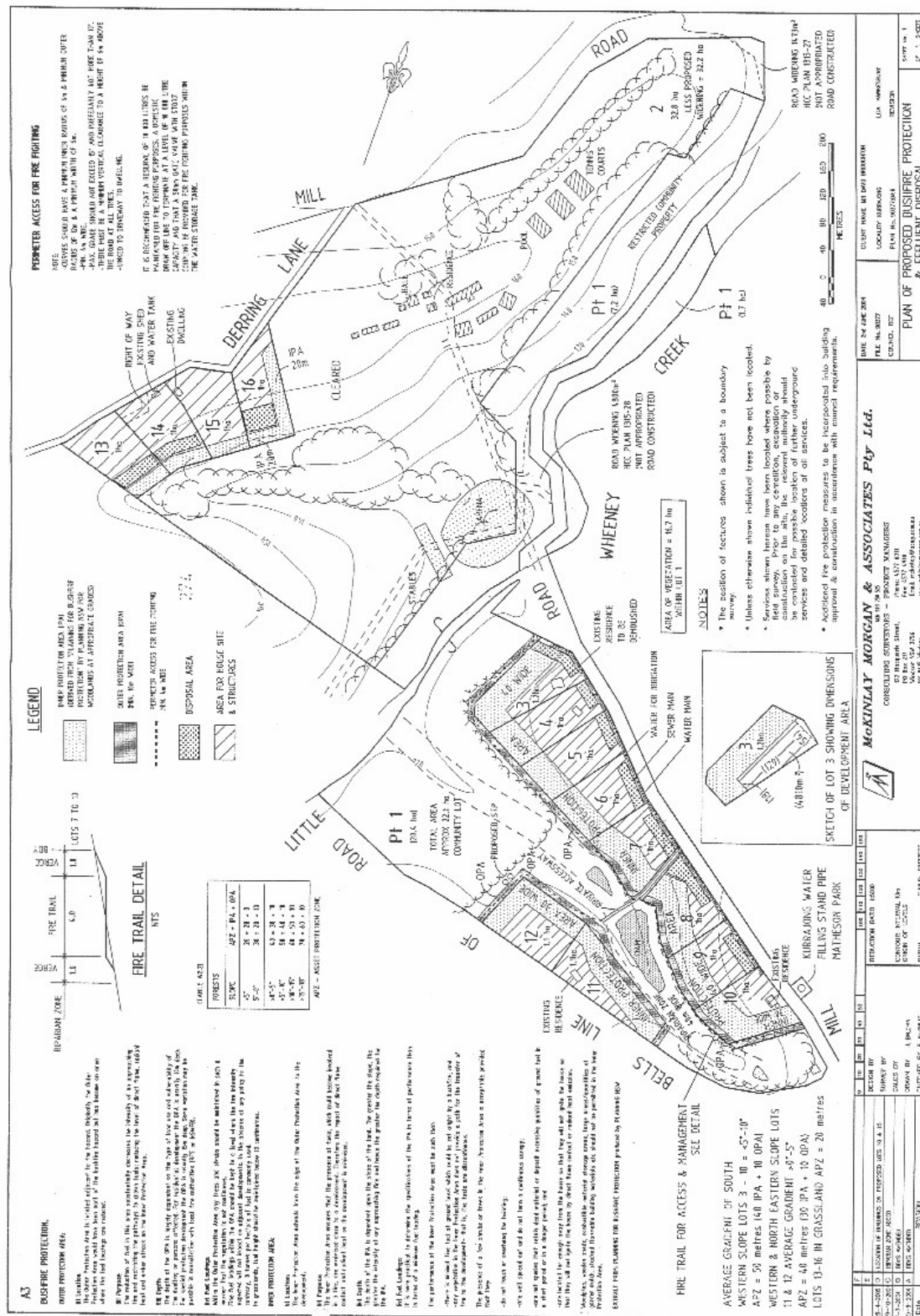
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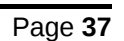
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Item: 180 **ES B - Review of Section 356 Expenditure - (95494)**

Previous Item: 134, Special (9 May 2005)

REPORT:

This report has been prepared to provide information to Councillors in relation to the financial assistance programs administered by Council. At the Special Meeting of Council held on 9 May 2005 Council resolved that:

'A report be provided to the Special Meeting on 27 June 2005 detailing the proposed allocation of Section 356 expenditure'.

The requested report has been prepared in advance to enable Councillors to consider issues relating to Section 356 expenditures prior to the Special Meeting to be held on 27 June 2005.

Background

Section 356 of the Local Government Act 1993, enables Council to resolve to contribute money or grant financial assistance to persons for the purpose of exercising Council's functions.

While financial assistance can be given to recipients who act for 'private gain' (provided that 28 days public notice of Council's resolution to do so has been given), the more usual method of distributing financial assistance is by way of specific programs. This approach does not require public notice provided that program details have been included in Council's draft management plan and the program applies uniformly to all persons within the Council's area. There is also a requirement that programs budget should not exceed five per cent of the Council's income from ordinary rates.

In accordance with the requirements of Sec 356, Council's Draft 2005-2005 Management Plan identifies five financial assistance programs including:

1. The Minor Assistance Program – which allows for donations of up to \$150.00 to individuals, schools or community organisations. These funds have been used primarily to support individuals travelling to competitions and/or to meet requests for financial assistance, which fall outside other Sec 356 grant programs.
2. The Community Donations Program – which provides small grants to local, not-for-profit community organisations to support community projects and initiatives including community events, promotional activities, equipment purchases, and other resources.
3. Cultural and Arts Sponsorship – which provides small grants to local organisations and entities to support cultural events and activities.
4. The Local Heritage Assistance Fund – which provides grants to owners of heritage properties (as listed in the Hawkesbury Local Environmental Plan) for works to preserve and protect these properties.
5. The Hawkesbury Sister City Program – which provides financial assistance to support student exchange programs administered through the Hawkesbury Sister City Association.

Within these programs, Council also provides contributions towards the day-to-day operating costs of a number of organisations including the Hawkesbury Sister City Association and Radio 2 VTR. From time to time Council may also resolve on an 'ad-hoc' basis to provide financial assistance to individuals and organisations - in November 2004, Council resolved to fund the rent levied on the Women's Cottage at 22 Bosworth Street for a period of 12 months from the Community Donations Program at a total cost of

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\$12,000. The allocation of these funds has meant that Round 3 of the Community Donations Program for 2004/2005 was unable to proceed, and has reduced the funds available for community grants in 2005/2006.

Projected Allocations for 2005/2006.

In 2005/2006, Sec. 356 financial assistance programs are budgeted for in four Council components – Community Administration (component 12), Cultural Services (component 39), Commercial Response Unit (component 40), and City Planning (component 43). In total \$166,559 has been allocated for Sec. 356 programs in Council's draft 2005/2006 budget, an increase of 3% from the 2004/2005 allocation of \$161,565. Attachment 1 contains a schedule of Sec 356 programs and their components and also includes costing for 2004/2005 and 2005/2006.

Community Donations Program (component 12) - Funds allocated for this program have been reduced by \$15,000 primarily within the community grants component of this program (apart from Council's contribution of \$6,000 to subsidise the operating costs of the Women's Cottage). Funds within the minor assistance program and 'other discretionary projects' have also been reduced (though sufficient funds have been provided to meet ongoing 'historical' commitments). These reductions can be justified on the basis that new grant programs such as the Community Development and Support Expenditure Scheme (CDSE) and the Castlereagh Community Fund have been established to provide community organisation with the opportunity to attract small grants.

Cultural and Arts Sponsorship (components 39) - Funds allocated for this program have been reduced by \$15,000 primarily within cultural grants and sponsorship. These reductions can be justified on the basis that they have largely been offset by the significant operational funding provided for the Regional Gallery to fund exhibitions and cultural development programs.

Hawkesbury Sister City Program (component 40) – Funds allocated for this program have been increased by \$27,880 to meet the increased costs of the UWS scholarship program and to fund a research component that will provide a direct benefit to Council through the support of research projects relevant to Council's operations and strategic directions. The additional funding will also enable the development of a trade and export element within Council's sister city relationships as well as maintaining its contribution to the Hawkesbury Sister City Association and student exchange program.

Heritage Assistance Fund (component 43) - Funds allocated for this program have been increased by \$10,000 in accordance with Council's Resolution of 9 May 2005.

Review of Community Donations Program.

A number of issues have been identified with the Community Donations Program, which may be worthy of further review. These include:

- a) the use of community donations budget to fund the hire of the Windsor Function Centre WFC – in 2004/2005, 44% of the total Community Donations budget (\$29,000) was spent on the hire of the WFC. The current parameters of the community donations program exclude Council providing assistance to schools and other community organisations who may wish to hire other community venues within the Hawkesbury. This has the practical effect of limiting the eligible recipients for some of the components of the community donations program - for example an average of eight schools per year (out of a total of 37 schools within the district) are provided with assistance to stage events in the WFC. It may be more equitable to broaden the scope of this program to enable all schools to access financial assistance to hire community venues – this may require Council to place a limit on the amount of assistance provided to an individual school based on enrolment numbers.
- b) the equity of some of the components within the program, for example, historically Council funds have been used to pay the rates of nine organisations – no other organisations have been invited to apply for a rates re-imbursement nor can they be accommodated under current arrangements. It may be more equitable for Council to offer this facility to other not-for-profit entities, which may require Council to assess the level of contribution to be provided to each organisation in order to free up funds to meet the legitimate requests of other organisations.

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- c) the use of Council community grants to fund the activities and operations of state and federally funded organisations. Since 2001/2002, almost 50% of Council's community grants have been directed to organisations, which receive funding from state and federal agencies for projects for which they are already funded to provide. Given the limited funding available under this component of the Community Donation Program, it may be reasonable to review the criteria of this component to direct funds to local community groups who do not have access to other sources of funding.
- d) the duplication inherent in some components - for example almost 70% of minor assistance grants were provided to persons participating in sporting events, the Sports Council also provides assistance to these persons. In practice an individual may be funded twice by Council (directly and indirectly through the Sports Council) to attend a sporting function.
- e) the use of community donations on an ad-hoc basis to meet 'out of guidelines' request by community organisations. While not seeking to limit Council's ability to provide assistance to community groups on an 'ad-hoc' basis, issues of equity and fairness should be considered in these deliberations. In practice, the use of the community donations budget to meet 'out-of-guidelines' requests effectively reduces funds available to community groups who apply through the 'normal' channels.

These issues have been identified to ensure that Council's Sec 356 programs continue to be seen to meet the requirements of Section 356 of the Local Government Act. There may be anomalies in the current operation of some elements of Council's 356 programs in that it could be perceived that some of these elements do not apply uniformly to all persons and organisations within the Hawkesbury LGA.

RECOMMENDATION:

That a review of the Community Donations Program and subject policies be undertaken and a further report be submitted to Council by 30 August 2005.

ATTACHMENTS:

AT - 1 Schedule of Section 356 Financial Assistance Programs.

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AT - 1 Schedule of Section 356 Financial Assistance Programs.

A. Sec 356 Expenditure – Community Donations (Component 12)

Desc.	Element	Comments	04/05 est	05/06 est
Community Donations Program	Subsidised hire of Windsor Function Centre – funds provided to WFC to meet costs of hiring this venue for school presentations and concerts.	Assistance provided for avg of 8 schools per year with avg contribution of \$760 – varying from max of \$1617 to min of \$395.	\$6,877	\$6,500
	Contribution to costs of staging Schools Dance/Music Festivals and Youth Concerts.	Cost of hiring WFC to stage school festival and support Catholic Voices of Youth Concerts	\$4,861	\$4,000
	Community Grants – grants provided to not-for-profit local organisations.	Recipients include Colo Wilderness Unit, Hawkes District Health, Hawkes. Care, Nova Employment, Nth Richmond Community Services, Windsor Pre-school, etc	\$5,785	\$0
	Subsidy paid to Women's Cottage for rent of 22 Bosworth Street.	Council Resolution to subsidise operating costs of the Women's Cottage	\$6,000	\$6,000
	Other discretionary projects	Tsunami Concert, Red Nose Day, hire of chairs for Anzac + Remembrance Day, Cancer Council Relay for Life, Small Farms Expo, Blood Bank, Little Athletics	\$12,068	\$5,185
	Rate subsidies – funds provided to 9 organisations to meet costs of Council rates	Assistance to CWA Kurralong & Richmond; School of Arts at Wilberforce, Comleroy + East Kurralong; Grose Vale Com. Centre, Rose Cottage and Wilberforce Scouts Hall.	\$5,986	\$5,000
	Contribution to Radio 2VTR	Financial assistance towards operating costs	\$1,776	\$1,500
	School Citizenship Program	Council program to recognise citizenship achievement	\$2,773	\$1,700
	Hawkesbury Eisteddfod – subsidised hire of WFC	Funds provided to WFC to meet costs associated with staging of Hawkesbury Eisteddfod	\$15,000	\$15,000
	Minor Assist Program	Small donations to individuals and groups for sporting, cultural or community activities	\$5,144	\$3,500
Sub-total for Component 12			\$66,271	\$48,385

B. Sec 356 Expenditure – Cultural Programs (Component 39)

Description	Element	Comments	04/05 est	05/06 est
Cultural + Arts Sponsorship	Cultural Grants Program – financial assistance provided to local organisations for events and activities	14 grants provided in 04/05 (Hawkesbury Skills, Waratah Festival, Kurralong Scarecrow, Bilpin Bite, St. Albans Folk, Hawkesbury Jazz, Fiddle Festival, Ferry Artists, Breewood Galleries, Macquarie Towns Orchestra, Arkadian Bilpin Performers, St Albans Gallery, Ferry Artists, 'Big Thing'.	\$21,500	\$14,000
	Fruits of the Hawkesbury Festival – sponsorship of events and activities to coincide with festival	12 grants to organisations for events and activities. Also includes printing, marketing and other costs for festival	\$22,174	\$14,674
Sub-total for Component 39			\$43,674	\$28,674

C. Sec 356 Expenditure – Citizenship and Contributions (Component 40)

Description	Element	Comments	04/05 est	05/06 est
Hawkesbury Sister City Program	Contribution to Hawkesbury Sister City Association and sponsorship of sister city student exchanges.	Contribution to operating costs of HSCA, and 9 student exchanges. Increased contribution for 05/06 earmarked for development of export/trade focus in sister city relationships.	\$24,120	\$34,500
	UWS Scholarships.	Provision of scholarships to students attending UWS. Increased contribution for 05/06 to meet increase in course costs and to allow development of research focus to scholarship program (related to Council function)	\$7,500	\$25,000
Sub-total for Component 40			\$31,620	\$ 59,500

D. Sec 356 Expenditure – Heritage Assistance Programs (Component 43).

Description	Element	Comments	04/05 est	05/06 est
Heritage Assistance Fund	Heritage Program – financial assistance provided to owners of heritage listed properties.	Allocation for 05/06 increased by \$10,000	\$ 20,000	\$ 30,000
Sub-total for Component 43			\$20,000	\$30,000

Totals

Component	04/05 est	05/06 est
12 - community donations	\$66,271	\$48,385
39 - cultural grants and events	\$43,674	\$28,674
40 - sister cities + UWS scholarships	\$31,620	\$ 59,500
43 - heritage	\$20,000	\$30,000
TOTAL	\$161,565	\$166,559

0000 END OF REPORT 0000

Item: 181 ES B - Purchase of Waste Collection Compaction Body and Truck - (95498)

REPORT:

Tenders for the supply of a new waste collection compaction body and truck, in the 2005/2006 financial year, closed on 26 April 2005.

Two submissions were received, one from Sydney Truck Sales P/L and the other from MacDonald Johnston Engineering Company P/L.

The submission from MacDonald Johnston was for the supply of their compaction unit only, without a cab and chassis. Council is able to use any suitable cab chassis of its choice in their submission. There was no "trade in" offered by this company.

The price for this unit, including GST is \$123,369.00.

For comparison purposes, the total cost of cab and chassis and compaction unit, if Council were to purchase from MacDonald Johnston Engineering Company P/L, would be \$303,229.30, which includes GST.

The submission from Sydney Truck Sales P/L was for the supply of an Iveco ACCOF 2350G/250 6 X 4 cab and chassis, with a Superior Pak compaction unit complying with tender specification requirements.

The cab chassis component of the submission is costed at \$179,860.30, which includes GST.

The compaction unit is costed at \$124,096.50, which includes GST.

A "trade in" price of \$65,000.00 has been offered for our replacement waste collection vehicle.

Total cost of supplying the cab chassis and compaction unit by Sydney Truck Sales P/L is \$303,956.80, which includes GST, less the "trade in" price of \$65,000.00, The net cost to Council is \$238,956.80.

The cab chassis and compaction unit tendered by Sydney Truck Sales P/L, is consistent with Council's other waste collection vehicles in its fleet, which have proven to be reliable and well manufactured, meeting all driver expectations for the work undertaken.

The paddle packing compaction mechanism of the MacDonald Johnston unit tends to be less effective than the pendulum packing compaction mechanism of the Superior Pak unit, and the Superior Pak unit is much preferred by the mechanics who work on the vehicles, and by the drivers who operate them.

Allowances have been made for the purchase of this equipment in the 2005/2006 budget.

RECOMMENDATION:

That the submission made by Sydney Truck Sales P/L be accepted, for the supply a Iveco ACCOF 2350G/250 6 X 4 cab and chassis, fitted with a Superior Pak Compaction unit, at a cost of \$238,956.80 including GST after "trade in" of the waste collection vehicle being replaced.

ORDINARY MEETING

Meeting Date: 14 June 2005

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 182 **CP B - Cities for Climate Protection CCP Plus - (95498)**

Previous Item: 63, Ordinary (14 December 2004)

REPORT:

Council at its Ordinary Meeting on 14 December 2004 resolved that:

"That:

- 1. The Green Energy Strategy be revised with the intention of updating the existing Green Energy Strategy as recommended by Omega Environmental Pty Limited.*
- 2. An application, as made to ICLEI for funding of Council's Green Energy Strategy through involvement with CCP PlusTM Program.*
- 3. Development of, and the accounting for the energy saving priorities of the existing Green Energy Strategy 2002/2003 continue.*
- 4. In future, the Strategy be known as the 'Clean Energy Strategy'."*

It is proposed to streamline the process by which Council collates and manages the data to feed into its internal and external reporting processes, including the annual State of the Environment Report. Monitoring the implementation of the organisation reports such as the Management plan, State of the Environment, Clean Energy Strategy can be achieved by regular data entry of environmental performance information by staff into a Microsoft Excel spreadsheet. The spreadsheets would link to a Microsoft Access database for storing this data, and for producing updated automated and semi automated reports for management and staff on environmental performance indicators.

A number of Councils are looking to implement similar systems, however, Hawkesbury Council will be the first to progress to such a system and would be viewed favorably by the Department of Environment Conservation, the Department of Infrastructure, Planning and Natural Resources and other regulatory agencies. Hawkesbury Council's system will also become a model that other Council's may adopt.

The development of an environmental indicators database and associated processes for data collection, management and reporting would negate the need to proceed with the application to join the CCP Plus Program at this time.

RECOMMENDATION:

That:

1. A letter be forwarded to ICLEI with Council's decision to not join the CCP Plus Program at this time.
2. The performance indicators contained within the Clean Energy Strategy and the State of the Environment Reporting mechanism be combined.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 14 June 2005

Item: 183 **CP B - Additional Information - Local Heritage Assistance Fund - (95498, 80242)**

Previous Item: 123, Ordinary (26 April 2005)

REPORT:

On 26 April 2005 Council considered a report concerning the distribution of grants under the Local Heritage Assistance Fund and the resolution was as follows:

That the matter be referred back to the Committee for further consideration with the Catholic Church being allocated \$1,000 with the following reductions:

- '1. A \$400 reduction in grant to Mr P and Mrs K Van Gestel of 190 March Street, Richmond for external painting;*
- 2. A \$400 reduction in grant to Mr R and Mrs Hanlon of 254 Yarramundi Lane, Agnes Banks for reconstruction of a chimney; and*
- 3. A \$200 reduction in grant to Mr A Mitchell of 231 Wollombi Road, St Albans for repairs to slab corn shed and dairy shed, re-fencing of cemetery.'*

The Heritage Advisory Committee considered this request on 19 May 2005 and in response provided the following explanation for the distribution of grants monies:

- a) Windsor Catholic Church - this project was not successful because there were insufficient funds in the grant budget to fund major projects and any funds given would be minor in relation to the overall cost of the project. In light of this, it was deemed more effective to fund smaller projects with a higher proportional contribution from Council. Furthermore, the works were considered to be primarily cosmetic and not essential to the preservation of the building;
- b) 190 March Street, Richmond - this project was successful because the painting of the roof will assist in maintaining the significance of the building by prolonging the life of the roof and thus avoiding its replacement;
- c) 254 Yarramundi Lane, Agnes Banks - this project was successful because it will contribute to enhancing the significance of the building by replacing a missing chimney. Chimneys are a key feature of the architectural style of the house; and
- d) 238 Wollombi Road, St Albans - this project did not comply with the grant guidelines because only one quote was provided. Notwithstanding this, the project is worth funding due to the significance of the site and because cemeteries are a new focus of the Committee. The applicant should not be penalised due to the remoteness of the site and subsequent difficulty in obtaining a second quote.

In light of the further advice provided by the Committee it is recommended that the grant recommendations contained within the report to Council of 26 April 2005 be adopted without change.

RECOMMENDATION:

That the recommendations to Council of 26 April 2005 be adopted as follows:

ORDINARY MEETING

Meeting Date: 14 June 2005

Funding Recommendations

The Heritage Advisory Committee resolved to recommend to Council that funding be provided to the following projects.

Applicant	Address	Application	Funding Sought	Funding Recommended	Special Conditions
Mr D Shannon	"The Industrious Settler", Wollombi Road, St Albans	Straighten and strengthen barn	\$900	\$900*	
Mrs R Miller	17 Little Church Street, Windsor	Renewal of footings and brick piers, levelling of house, replacement of floor boards	\$14,000	\$3,950	Prior to acceptance of offer applicant is to liaise with Council's Heritage Advisor to examine options to resolve existing surface and subsurface drainage problems and expenditure of some grant monies on improving drainage problems.
J and J Perrottet	119 Francis Street, Richmond	Replacement of corrugated metal roof	\$8,228	\$2,000	Roofing material to be in galvanised custom orb. Colourbond or Zincalume is not to be used.
Ms E Chilman	35 North Street, Windsor	Metal roof and gutter repairs	\$250	\$250	
Mr J and Mrs M Attard	52 Salters Road, Wilberforce	Install damp proof course, rendering, sandstone repairs and repainting	\$10,000	\$5,000	Damp proof to be injected only. Works to be approved by Council's Heritage Advisor prior to commencement.
Mr P and Mrs K Van Gestel	190 March Street, Richmond	External painting	\$1,400	\$1,400	Gloss acrylic is not be used. Roof is to be painted with a metallic roof paint which matches the existing paint finish.

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Applicant	Address	Application	Funding Sought	Funding Recommended	Special Conditions
Mr H and Mrs N Daniel	283 George Street, Windsor	Replacement of metal roof, guttering and downpipes	\$7,250	\$2,000	Roofing material to be in galvanised custom orb. Colourbond or Zincalume is not to be used.
Mr R and Mrs L Hanlon	254 Yarramundi Lane, Agnes Banks	Reconstruction of chimney	\$2,000	\$2,000	
Mr A Mitchell	231 Wollombi Road, St Albans	Repairs to slab corn shed and dairy shed, refencing of cemetery	\$2,500	\$2,500 *	Design of fence to be approved by Council's Heritage Advisor prior to commencement.
TOTAL				\$20,000	

* = these projects did not strictly comply with the assessment criteria however the Committee strongly recommends funding be made available due to the merits and benefits of the project.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 14 June 2005

ASSET MANAGEMENT

Item: 184 INF B - Tenders for the Hire of Plant - (79338, 79344)

REPORT:

Tenders for the Hire of Plant on a comprehensive basis for the period 1 July 2005 to 30 June 2006, closed at 10:00am on Wednesday, 13 April 2005.

Tendered prices have been grouped into respective plant categories and listed in order of price.

The selection of plant for this hire period is based on price, availability, performance and the satisfactory compliance of all OH&S requirements.

RECOMMENDATION:

That the tender list be adopted for the selection of plant for the 2005/2006 financial year.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 14 June 2005

CORPORATE AND COMMUNITY

Item: 185 SS B - Submission of Monthly Investment Reports - (95496, 96332)

REPORT:

Clause 16(1) of the *Local Government (Financial Management) Regulation 1999* provides that the responsible accounting officer of a Council:

- "(a) *must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:*
- (i) *if only one ordinary meeting of the council is held in a month, at that meeting, or*
 - (ii) *if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines"*

Until the commencement of 2005 there was only one ordinary meeting of Council in a month at which the monthly investment report could be submitted. However, as there are now two ordinary meetings of Council each month, excluding January and December, it is now necessary for the Council to "determine", by resolution, at which meeting this report is to be submitted.

Due to Council's meeting cycle and the timing involved in the preparation and distribution of the business paper it would not be generally practical for the report to be submitted to the first Council meeting in a month and, therefore, the following recommendation is submitted for Council's consideration.

RECOMMENDATION:

That the monthly investment report required under the provisions of Clause 16(1)(a) of the *Local Government (Financial Management) Regulation 1999* be submitted to the last ordinary meeting of Council in those months where two or more ordinary meetings of Council are held.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Meeting Date: 14 June 2005

REPORT:

RECOMMENDATION:

Lease Agreement for Shop 2, Wilberforce Shopping Centre with Mr H and Mrs E Munro trading as Munro's Colonial Meats for a term of five years with a five year option. All other terms and conditions shall remain as per the previous resolution - annual rent to commence at \$21,840.00, plus outgoings and GST with the tenants to be responsible for 9.6% of the Council Rates and 11.9% of all other outgoings, plus GST.

There are no supporting documents for this report.

0000 END OF REPORT 0000

ORDINARY MEETING**Meeting Date:** 14 June 2005

Item: 187 **SS B - Consultants Utilised by Council - Question Without Notice by Councillor T Devine - (95496, 90476)**

Previous Item: QWN, Ordinary (29 March 2005)

REPORT:

At the meeting of Council held on 29 March 2005 Councillor Devine referred to the recently reviewed contract for legal services and asked if a report could be provided to Council on what other consultancy services exist and the nature of those contracts.

In response to Councillor Devine's question the following table details the various firms/persons the Council has utilised as consultants during the 2003/2004 and 2004/2005 financial years, detailing the purpose of the consultancy and the amount paid in each of those years.

Firm	Purpose	2003/04	2004/05
R A Bell & Company	Statistical reporting re GPTs & cleaning GPTs	\$25,646.67	\$45,285.98
Peter Berry Consultancy	Staff Related Issues	\$0.00	\$12,400 (approx)
Berzins Environmental Planning P/L	Planning Information Update and Land Reclassification LEPS	\$11,660.00	\$24,810.00
Brink & Assoc	Pavement Design	\$2,838.00	\$0.00
Geoffrey Britton	Conservation plans - Richmond, Wilberforce & McQuade Parks	\$10,312.50	\$3,437.50
CDS Pty Ltd	Design & construct gross pollutant traps	\$0.00	\$191,169.00
Change Communications	Stormwater projects	\$0.00	4,320.00
CH2M Hill Aust Pty Ltd	Envir/Waste Water	\$0.00	\$56,936.00
Patricia Chadwick Chadwick & Williams	Plans of Management - Hollands Paddock & Macquarie Park	\$4,391.00	\$13,025.00
Christopher Stapleton Consulting	Windsor Traffic Study/Pitt Town	\$31,944.00	\$7,623.00
Conacher Travers Pty Ltd	Fire assessment of parks (REF's)	\$11,082.50	\$0.00
Connell Wagner	Planning and Environmental Services	\$8,641.50	\$179,425.35
Douglas Sanger Pty Ltd	Main St Programs	\$4,158.00	\$6,842.00
Dynamic Pumps and Irrigation	Irrigation Design	\$12,201.39	\$27,106.12
Donald Elsmore	Heritage Consultant	\$25,825.25	\$17,903.05
Falson & Associates Pty Ltd	DA Assessment & LEC Expert Witness	\$23,336.83	\$43,152.55

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Firm	Purpose	2003/04	2004/05
Golder Associates Consultancy	Planning	\$15,051.30	\$25,029.40
Gutteridge Haskins & Davey	Engineering Design	\$82,617.63	\$24,851.59
Haron Robson Pty Ltd	Design Fees-Old Hosp Site	\$16,638.00	\$12,675.31
Harris Page and Associates P/L Site Inspections	Fire	\$21,755.00	\$3,932.50
HBA Consulting Engineers Pty Ltd	Consulting Engineers	\$8,008.00	\$1,540.00
Ian Jack Heritage Consulting Pty Ltd	Landscape design for Ham Common Regional Playground	\$4,950.00	\$2,750.00
LandArc Consulting Services	Plans of Management - Yarramundi Reserve	\$0.00	\$11,396.00
G J McDonald & Associates	Consulting Engineer	\$0.00	\$825.00
McKinlay Morgan & Assoc P/L	Surveying, etc	\$35,375.50	\$27,358.00
Molino Stewart Pty Ltd	Environmental education	\$89,492.67	\$51,721.78
G J Monaghan & Associates	Surveying, etc	\$14,651.75	\$28,855.92
Colleen Morris Landscape	Conservation Plans - Richmond, Wilberforce & McQuade Parks	\$6,750.00	\$4,825.00
Mullane Planning Consultants	Land Reclassification Public Hearings	\$11,165.00	\$2,970.00
MPI Consultants (NSW) Pty Ltd	Design of Co-Generation System	\$103,950.00	\$0.00
Oliver-Higgins Consulting Pty Ltd	Treatment Tank Design	\$5,895.00	\$0.00
Omega Environmental Pty Limited	Environmental Services	\$5,895.00	\$13,750.00
Orana Management, Planning & Eng Pty Ltd	Engineering Services Associated with DA Assessment.	\$58,740.22	\$52,830.25
Robert Pont Pty Limited	Architecture	\$186,395.00	\$119,487.50
Keith G Pye	Structural Engineer	\$957.00	\$2,024.00
Richmond Irrigation & Pumping Supplies	Irrigation Design - Richmond & McMahon Parks	\$15,101.02	\$43,704.85
Ruth Williams Chadwick & Williams	Plans of Management - Hollands Paddock & Macquarie Park	\$4,100.00	\$1,967.13
G J Ryan & Assoc	Engineering Services	\$1,848.00	\$4,767.23
W G Scott	Structural Engineer	\$495.00	\$4,180.00
SMEC Australia Pty Ltd	Pavement Mgt Sys	\$8,380.90	\$6,584.12
Spectrum Automation Pty Ltd	Cultural projects & events	\$32,811.07	\$28,745.75

ORDINARY MEETING**Meeting Date:** 14 June 2005

Firm	Purpose	2003/04	2004/05
The Playground Doctor	Reports on Council playgrounds	\$84,192.41	\$21,414.38
Total Catchment Services Pty Ltd	Environmental consultation, education & reporting	\$7,307.50	\$32,120.00
Treescan Urban Forest Management	Environmental Services	\$4,204.75	\$858.00
Twyford Consulting	Mediation	\$8,734.00	\$0.00
University of Western Sydney	Community survey & stormwater management research	\$11,077.59	\$146,234.14
Webb McKeown & Associates	Flood studies	\$12,332.00	\$7,149.35
K D Wood Valuations (Aust) Pty Ltd	Valuations	\$4,986.00	\$23,598.50
TOTALS		\$1,035,894.95	\$1,341,581.25

In addition, the following consultants, while utilised by Council, have not as yet received a payment in the two financial years in question.

FIRM	PURPOSE
Bewsher Consulting	Overland flow study Bligh Park & Hobartville
C4ES Pty Ltd	Waste technologies
Paul Carey	Skate park designs for Ham Common & North Richmond skate parks
Kari l'Anson & Associates	Project co-ordination & casework supervision

RECOMMENDATION:

That the information concerning consultants utilised submitted in response to a question from Councillor T Devine be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 14 June 2005

CONFIDENTIAL

Item: 188 **GM B - Appointment of Director External Services - (95494, 79355, 79351)**
CONFIDENTIAL

Reason for Confidentiality

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

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

ordinary

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Waste Management Advisory Committee - 27 April 2005 - (95249)

The meeting commenced at 3:10pm

Present:	Councillor Trevor Devine, Hawkesbury City Council Councillor Bob Porter, Hawkesbury City Council Mr Robert Dennis, Baulkham Hills Shire Council
Apologies:	Councillor Ted Books, Hawkesbury City Council Mr Rick Smith, Blacktown City Council Professor Steven Riley, University of Western Sydney Mr Barry McMahon, Blue Mountains City Council Mr Barry Ryan, Penrith City Council Assoc. Professor Basant Maheshwari, University of Western Sydney
In Attendance:	Mr Malcolm Ryan, Hawkesbury City Council Mr Garry Baldry, Hawkesbury City Council Mrs Dianne Tierney, Hawkesbury City Council

REPORT:

Committee Members voted unanimously for Councillor Trevor Devine to be appointed to the role of Chairperson of the Waste Management Advisory Committee.

ITEM 1: Apologies

RESOLVED on the motion of Mr Garry Baldry and seconded by Mr Councillor Bob Porter that the apologies be accepted.

ITEM 2: Confirmation of Minutes

RESOLVED on the motion of Mr Malcolm Ryan and seconded by Mr Garry Baldry that the Minutes of the Waste Management Advisory Committee held on 27 April 2005, be confirmed.

ITEM 3: Agreement for Provision of Consultancy Services

DISCUSSION:

- The Committee discussed the options surrounding Council requesting public consultation with regards to the waste strategy for the Hawkesbury. Mr Malcolm Ryan advised that feedback received from surrounding Council's shows that if the public is engaged in community issues/problems, they are more accepting to changes.
- Mr Garry Baldry advised that ultimately Council will receive a report on the Consultant's feedback which includes suggestions on appropriate technologies/processes that best suit the Hawkesbury area, and a report containing the public's views - from both of these documents, roundtable

ORDINARY MEETING
Reports of Committees

discussion will take place to assess what options are available to meet the end result and keep all parties informed and involved.

- Mr Robert Dennis commented that Baulkham Hills Shire Council have recently had GHD provide them with a report on this same issue. He agreed & supported the move that Council provide public consultation with regard to the waste strategy. He also suggested that the Committee organise to meet with three of the Consultant's that best meet Council's needs, and have them provide a presentation to the Committee on their proposal. This will also allow the opportunity for Committee Members to ask any relevant questions.
- Councillor Bob Porter inquired into the life of the current depot if the Committee decided to not go ahead with the option of interview and selecting a consultancy group. Mr Malcolm Ryan advised that the life span of the depot is 8 (eight) years. He further advised that if the process with the Consultants was not successful, then Council would have no option but to haul Hawkesbury's waste off-site. A comparison of the charges is provided below:
 - \$79 per tonne - charged at Eastern Creek;
 - \$40 per tonne - charged at Hawkesbury Waste Depot. If the Depot at Hawkesbury were to cease operation, the charge will be increased to \$80 per tonne plus additional transport charges.
- Mr Malcolm Ryan advised that if Hawkesbury can reduce the amount of rubbish being dumped into landfill over the next couple of years, then we might be able to extend the life of the Depot for another 10-20yrs.
- Councillor Trevor Devine supported the suggestion that the Committee arrange to interview 3 (three) Consultant's and question them in relation to their submissions.

MOTION

RESOLVED on the motion of Councillor Bob Porter, seconded by Garry Baldry.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. Three Consultants; those being Golder Associates, C4ES and Closed Loop Management be invited to provide a ½hr presentation to the Committee during week commencing 2 May, 2005.

ITEM 4: Fees - Kerbside Collection

DISCUSSION:

- Mr Malcolm Ryan advised that the new kerbside collection fee was to be set at \$15.00, (current fee \$32.80 p/annum) as outlined in the Management Plan and the waste collection fee has been increased by 3%, which amounts to an increase of approx. \$8.80. Councillor Trevor Devine was interested to know how to go about combining these charges and was advised by Mr Malcolm Ryan that this would need to be done via Council resolution, but stated that from a staff perspective it would be preferred if these charges could be kept individual.
- Mr Malcolm Ryan further advised that the Waste Budget Reserves needs to be at \$600,000 every year to allow for the rehabilitation and construction of a new cell. Reference was also made to the fact that Kurrajong Waste Depot needs to be rehabilitated.

MOTION

RESOLVED on the motion of Malcolm Ryan, seconded by Garry Baldry.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be received.

ITEM 5: Management Issues of Current Landfill

DISCUSSION:

- Mr Malcolm Ryan briefed Councillor Bob Porter on the current situation with THIESS. Discussion surrounded the compactor provided by THIESS. Mrs Dianne Tierney advised that THIESS do not own the compactors but lease their machinery and charge customers for total running hours of the machine, and therefore felt the better option for Council would be to purchase it's own machine.
- Mr Garry Baldry advised that discussions are ongoing with THIESS to extend their contract for another two years, which he felt was not a suitable avenue for Council to progress with. He further advised that via written correspondence, contact will be made with THIESS to outline the following changes to the contract:
 - a) THIESS no longer process our greenwaste over the 3,000 tonnes limit;
 - b) Investigate options of using heavier machinery (e.g. compactor); and
 - c) Negotiate an extension of the lease of up to two years, but on a month-to-month basis.
- Councillor Bob Porter inquired that when a new cell is constructed at the Depot, is the excavation work included in this construction? Mr Malcolm Ryan advised that the excavation of a cell involved a separate tender that Council renews every three years, and went further to say that the Committees ultimate goal is to have greenwaste as free to the Depot, which would only benefit the Community.

MOTION

RESOLVED on the motion of Councillor Trevor Devine, seconded by Garry Baldry.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. Negotiations are continued with the current contractor.

ORDINARY MEETING
Reports of Committees

ITEM 6: Waste Management Advisory Committee - Constitution

DISCUSSION:

- Members were presented with a copy of the Committee's Constitution as resolved by Council at it's meeting on 22 February 2005.

MOTION

RESOLVED on the motion of Mr Garry Baldry, seconded by Councillor Bob Porter.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The constitution for the Waste Management Advisory Committee be received.

ITEM 7: General Business

DISCUSSION:

- Mr Malcolm Ryan briefed Committee members on the restructuring of staff/services within Council, and advised that Mrs Dianne Tierney will be Malcolm's representative at future Waste Management Advisory Committee meetings.
- Mrs Dianne Tierney to provide Councillors of the Committee with a tour of the Waste Depot, to display our current systems, etc. Mr Malcolm Ryan suggested that the Councillors might be also interested to view Council's truck fleet whilst at the Depot.

The meeting closed at 4:20pm.

Future Meeting Dates:

Waste Management Advisory GroupWednesday, 1 June 2005
Waste Management Advisory GroupWednesday, 3 August 2005
Waste Management Advisory GroupWednesday, 5 October 2005
Waste Management Advisory GroupWednesday, 7 December 2005

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Cultural Precinct Advisory Committee - 17 May 2005 - (79342)

The meeting commenced at 5:05pm

Present: Councillor Dianne Finch, Hawkesbury City Council (Chair)
Margarete Formanek, Education representative
Carolyn Kelly, Community representative
Glenda Ewin, Community representative
Sharon Stone, Chamber of Commerce representative
Simon French, Community representative
Leanne Tobin, Darug Custodian Aboriginal Corporation representative
Ian Jack, Hawkesbury Historical Society representative
Ingrid Hoffmann, Hawkesbury City Council Staff representative
Alan Aldrich, Hawkesbury Historical Society representative
Michael Georgeson, Tourism Hawkesbury representative
Michael Ginnings, Friends of the Hawkesbury Art Collection and Regional Art Gallery Inc. representative
Graham Edds, Friends of the Hawkesbury Art Collection and Regional Art Gallery Inc. representative
Johnneen Hibbert, Community representative (5.30pm)

In Attendance: Joseph Litwin, Hawkesbury City Council
Prue Charlton (Minute Taker)

REPORT:

Welcome and Introductions

Councillor Finch welcomed those in attendance and expressed admiration for their wide range of skills, breadth of experience, enthusiasm and support for the venture. Members introduced themselves. Those representing particular groups indicated the needs and hopes of those groups. Community representatives spoke for those members of the community who are not aligned with any particular group but nevertheless claim ownership of the precinct and have a strong desire to be involved. All agreed the precinct is a wonderful development for the Hawkesbury, with the potential to add to our quality of life in many and diverse ways, from the education of our young people to the revitalisation of our economy.

Membership and Constitution of the Cultural Precinct Advisory Committee

- a) Membership. Manager Community & Cultural Services referred to the Memorandum of Understanding (MOU), copies of which are available to those members who haven't yet received one. Eleven groups signed the MOU, which also sets out the conditions for membership of the Advisory Committee. Minutes are to be reported to Council. The committee has been established as a Committee of Council under Section 377 of the Local Government Act. Constitutions for Section 377 committees are standard across Council. The committee may raise issues and seek a Council response, but does not have the power to make decisions without a resolution of Council. Meetings will be held bi-monthly. Representatives are expected to serve for the duration of committee. Questions about membership and the constitution will be answered at next meeting, when members have familiarised themselves with the MOU.

ACTION

ORDINARY MEETING
Reports of Committees

Members to familiarise themselves with the MOU. Those without copies to contact Ingrid Hoffmann.

RESOLUTION

It was agreed that the Library Manager be invited to join the committee in order to provide information on Library operations.

- b) The Manager Community & Cultural Services advised the Committee of its role and objectives as defined by the constitution including:

To provide advice and guidance to staff on the development of plan to facilitate the best use of infrastructure, staff and resources.

To make a centre that people want to visit and that meets the aspirations of the community.

To advise on the development of policies and plans for the conservation and exhibition of the various collections – library, museum and gallery.

To work with staff and volunteers to seek funds, in addition to the annual budget allocation by Council.

To advise staff on the implementation of the cultural plan, which is expected to be completed by the end of the year with the help of Australia Street consultancy.

Councillor Finch confirmed that the priority of the committee is the development of a business plan within 12 months. The business plan will be the 'road map', setting goals for funding and other performance measures.

Manager Community & Cultural Services confirmed that operations will be funded by income derived from commercial tenancies and that the committee is expected to set targets for augmenting those funds, as well as other performance measures, such as volunteer recruitment.

ACTION

Ingrid will prepare a discussion paper on performance indicators and distribute to members before next meeting.

Review of Operational Structure, including provision for Subcommittees
Sub-committees may be established to help with ongoing operations. They will not report to Council and will operate less formally than the Advisory Committee.

Performance measures.

ACTION

Draft to be brought to next meeting (see above).

Deerubbin Centre Progress Report

Ingrid provided a list of milestones and invited members to attend the events to be held 2 June - 26 June.

Deed of Agreement terms

It was explained that the preparation of this document is a matter for the owners of collections, viz, the Hawkesbury Historical Society and the Friends of the Hawkesbury Art Collection and Regional Art Gallery inc., and the Council.

ACTION

ORDINARY MEETING
Reports of Committees

Ian Jack and Michael Ginnings, being responsible for the collections concerned, are to meet with Ingrid and bring a draft deed to the next meeting for comment and recommendations.

General Business

Ingrid reported that the volunteer recruitment program has been very successful with targets reached and training underway by the highly professional Margaret Helman, who has been engaged by Council with the help of a grant from the NSW Ministry for the Arts.

ACTION

Members to let their networks know that volunteers are welcome.

Site tour. Ingrid invited members to join the site tour being organised for the media following the ribbon cutting of Hospital Beds on 2 June. Those who aren't available are welcome to contact Ingrid to make other arrangements.

Museum matters. Graham Edds spoke in support of a resolution of current archaeological issues and urged Council to consider the possibility that with the discovery of 7,000 indigenous artefacts, Council may be in possession of one of the best resources of archaeology in Australia. Manager Community & Cultural Services explained the difficulty of accurately projecting costs necessitates a cautious approach.

Next Meeting 5:00pm - 6:30pm Tuesday, 19 July 2005.

The meeting closed at 6:40pm

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees



ordinary
meeting

end of
business
paper

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