Hawkesbury City Council

ordinary meeting business paper

date of meeting: 11 October 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.

When a Special Meeting of Council is held it will usually start at 7:00pm. These meetings are also 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 Corporate Services on 4560 4426 or by email at lmifsud@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.

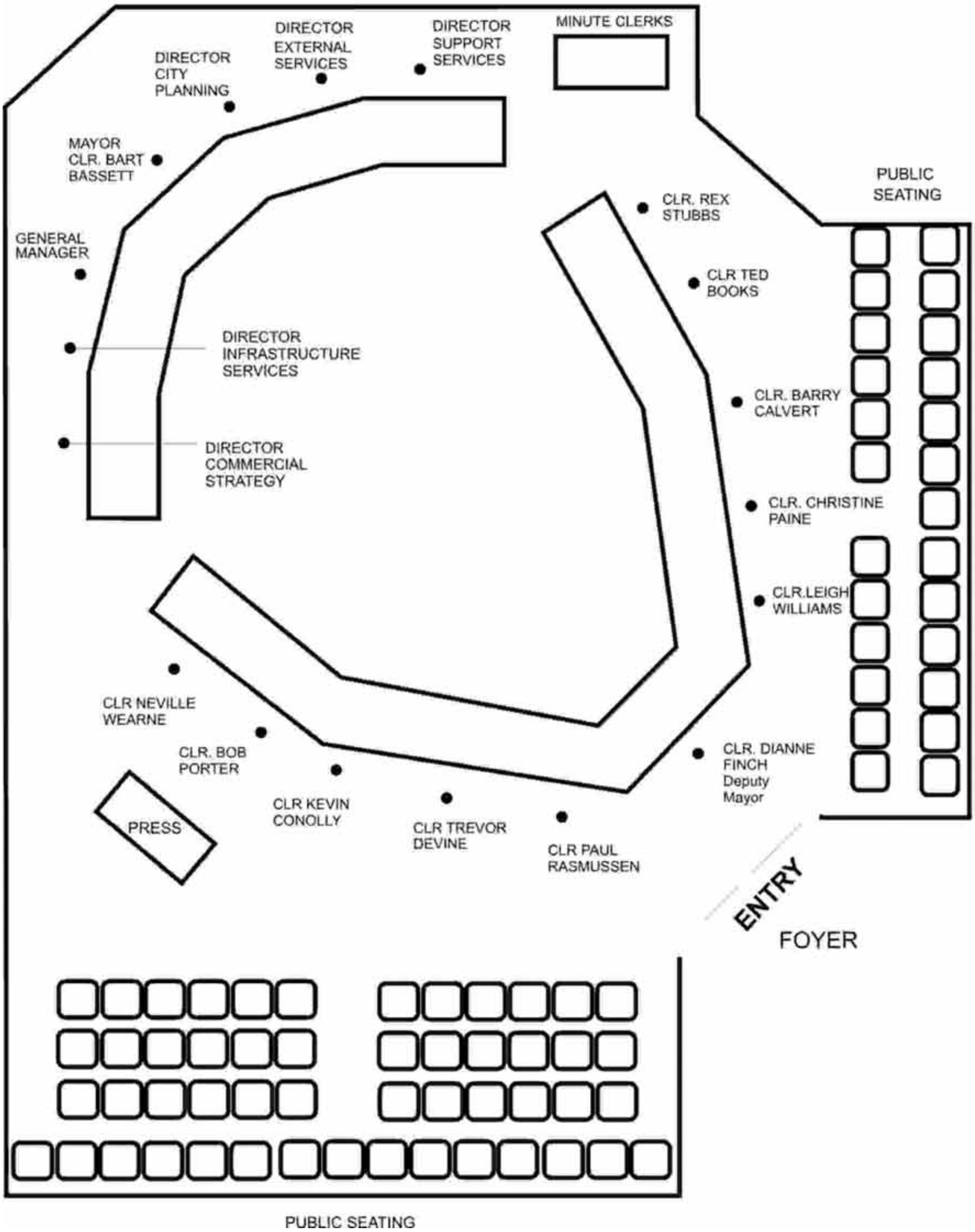
Website

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, Corporate Services on, telephone
02 4560 4426.

council chambers



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GENERAL MANAGER

Item: 295 GM - Christmas Leave Period 2005/2006 - Annual Close Down Report - (79355)

REPORT:

As per past precedent, Management is proposing a partial close-down for the upcoming Christmas/New Year period.

This partial close-down period will be for a period of four weeks and will commence on Monday, 19 December 2005 through to Friday, 13 January 2006, which includes Christmas, Boxing and New Years Days as well as the gazetted public holiday on Tuesday, 27 December 2005 and Monday, 2 January 2006.

Over this period minimal staff will be required to work to provide basic services to the public. The partial close-down minimises costs as there is reduced workload during this period and allows as many staff as possible the opportunity to take annual leave. This will also enable us to reduce the Employment Leave Entitlement liability.

A notice will be placed in the weekly Gazette prior to this period and on Council entrances to advise the public of these arrangements.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 296 **GM - 2005 National General Assembly of Local Government to be Held 7-10 November 2005 in Canberra, ACT - (79351, 82046)**

REPORT:

The 2005 National General Assembly of Local Government will be held 7-10 November 2005 in Canberra, ACT.

This years National General Assembly *Good to Great: pursuing progress through partnerships*, will focus on Local Government relationships - with the community, with Federal and State Governments, and with other Councils both in Australia and overseas.

Proposed intergovernment agreement on cost shifting and what potential this has to create new partnerships between Local Government and State Government and Federal Government will also be discussed.

This year's Regional Cooperation and Development Forum (held in conjunction with the General Assembly) will also focus on resourcing Local Government infrastructure. The core work of the General Assembly - debate and determination of council motions - will focus on four key themes:

- Local Government financing;
- Population and ageing;
- Environment; and
- Infrastructure.

Cost of attendance at the 2005 National General Assembly of Local Government to be held 7-10 November 2005 in Canberra, ACT, is $1,955.00 plus travel expenses per delegate.

Budget for Delegate Expenses - Payments made and future commitments:

• Total budget for Financial Year 2005/2006	$44,481.30
• Expenditure to date	$16,817.68
• Budget Balance as at 4 October, 2005	$27,663.62

Conformance to Strategic Plan

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

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

Funding

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

RECOMMENDATION:

No Councillor or staff representatives to attend the 2005 National General Assembly of Local Government.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

CITY PLANNING

Item: 297 **CP - Draft Local Environmental Plan 1/05 - Amendment 150 to Hawkesbury Local Environmental Plan 1989 (Part Lot 2, DP202288, East Market Street, Richmond) - (95498)**

Previous Item: 78, Ordinary (12 April 2005)

REPORT:

Background

Council at its meeting of 12 April 2005, resolved that:

> *A draft Local Environmental Plan be prepared in accordance with the Department of Infrastructure, Planning and Natural Resources Best Practice Guidelines to reclassify approximately 7,700(seven thousand and seven hundred) square metres of land on the southern end of Lot 2 in Deposited Plan 202288 at 71 East Market Street, Richmond being part of the Richmond Pool site, from Community to Operational and to rezone the land from Open Space 6(a) to Multi Unit Housing.*

The location and extent of the land to be rezoned is shown in the attached plan.

Section 62 Consultation With Government Agencies

The Draft Local Environmental Plan was referred to the following Government Agencies for comment and requirements:

- State Emergency Service
- AGL Gas Company (NSW) Ltd
- Telstra Countrywide
- Sydney Water
- Integral Energy
- Roads and Traffic Authority
- Wentworth Area Health Service
- Department of Community Services
- NSW Fire Brigade
- Department of Environment and Conservation
- Darebin Local Aboriginal Land Council
- Department of Infrastructure, Planning and Natural Resources

Then following table summarises the main issues raised by a number of agencies:

Agency	Issue
State Emergency Service	The SES has not provided an assessment of the merit or otherwise of the Richmond Public Pool rezoning because of the uncertainty involved in the impact of the evacuation of the future urban component of the Penrith Lakes Scheme on traffic from the Hawkesbury LGA. Also the SES has advised that it can only undertake a worthwhile risk assessment as part of the global floodplain

Agency	Issue
	risk management process. The work done to date in evaluating the evacuation capacity for the Richmond, Windsor, and South Windsor areas will need to be updated using reliable and consistent information about the level of development, both current and projected. This is best done via a Technical Working Group of the Hawkesbury Floodplain Risk Management Committee. The SES has advised Council that there is a fixed upper limit to evacuation route upgrades and that the State government is possibly close to that limit.
Department of Infrastructure, Planning and Natural Resources	The Department has requested further justification of the proposed rezoning in terms of: 1. Contradiction with Amendment 130 which reduces the density of new development from multi-unit to single dwellings in residential zones in other parts of the floodplain because of flood hazard; 2. Assessment of the development against the provisions of the revised Floodplain Development Manual 2005; 3. Reduction in Open Space zonings within the LGA, and 4. Any advice from SES in regard to evacuation risk.
Department of Environment and Conservation	The proposal has the potential to create land use conflict especially in relation to noise. Any future residential design should take into account the noise from the adjoining school and pool (pool filter, car parking and PA system)

Comment

The issues raised by the SES are significant in terms of proceeding with the draft LEP. The issue of evacuation risk not only applies to the Richmond Pool site but to many other sites within the Hawkesbury LGA. It is apparent the issue of evacuation risk cannot be resolved for the subject site until there are further discussions and work undertaken by the Hawkesbury Floodplain Risk Management Committee. It is also clear that the Department of Planning will not advance the matter until the issue of evacuation risk has been addressed.

Conclusion

Given the above discussion, it is recommended that the draft LEP to rezone part of the Richmond Pool site, from Community to Operational and to rezone the land from Open Space 6(a) to Multi Unit Housing be deferred.

Also it is recommended that the SES comments in relation to the draft LEP be tabled at the next Hawkesbury Floodplain Risk Management Committee with the aim of addressing the evacuation risk issue and its effect on the short and long term urban growth potential within the City of Hawkesbury.

Conformance to Strategic Plan

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

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

Funding

No impact on Funding

RECOMMENDATION:

That:

1. Council defer the draft LEP.

2. The SES comments in relation to the draft LEP be tabled at the next available Hawkesbury Floodplain Risk Management Committee with the aim of addressing the evacuation risk issue and its effect on the short and long term urban growth potential within the City of Hawkesbury.

ATTACHMENTS:

AT - 1 Location Map

AT - 1 Location Map

Refer to Attachment Agenda

(This Attachment has been removed to reduce the overall size of this business paper to allow quicker download times)

(Click on the link above to open the Attachment Agenda)

oooO END OF REPORT Oooo

Item: 298 **CP - Draft Development Control Plan - Bligh Park Neighbourhood Business Precinct, Cnr Colonial Drive and Rifle Range Road, Bligh Park - (95498)**

REPORT:

Council at its Meeting of 13 July 2004 considered a number of expressions of interest for the development of 139 Colonial Drive, Bligh Park. The subject land is described as Lot 1249, DP 800323, has an area of 2.42 hectares and contains, in part, the Tinningi Community Centre.

From that meeting, Council's resolution in regard to the subject land is as follows:

(a) That following the subdivision of the Tinningi Community Centre from the land at 139 Colonial Drive, Bligh Park, and the preparation of a site specific DCP for the surplus property be sold at public auction, with a positive covenant to assist with ensuring that mixed development of retail/residential occurs on the site; and
(b) That action be commenced to close the unnamed laneway adjoining 139 Colonial Drive, to be consolidated with the development site.

Bligh Park Neighbourhood Business Precinct DCP

In accordance with the above resolution, a draft Development Control Plan has been prepared for the subject land. The written document, plan, elevations and 3D projection are attached to this report. The subdivision of the land is still proceeding.

The draft DCP is a guide to future commercial and residential development. The main features of the draft DCP are as follows:

- the total floor space of new commercial buildings on the site shall not exceed 3000 m^2;
- commercial development shall not exceed two storeys in height;
- residential development shall comply with Part D, section 1 of this DCP. (The DCP plan shows 16 x two storey dwellings);
- provision of 80 on-site car parking spaces, seven of which are designed for quick stop shopping;
- separate on-site access roads for the commercial and residential components of the development; and
- provision of pedestrian and cycle paths that link the development to the surrounding residential community.

The design of the residential component of the DCP utilises the existing laneway with the result that the second part of Council's resolution as shown above is not necessary. It is recommended that the unnamed laneway not be closed pending the exhibition of the draft DCP

Conformance to Strategic Plan

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

> *"Objective: Establish processes and develop flexible plans that will enable the City to respond to change."*

Funding

Funding has been utilised from the Property Reserve used for study. When the land is sold then the Property Reserve will receive the funds.

RECOMMENDATION:

That:

1. The draft Development Control Plan for Bligh Park Neighbourhood Business Precinct be placed on public exhibition.

2. The unnamed laneway adjoining the south-western boundary of the subject land not be closed pending the outcome of the exhibition of the draft DCP.

ATTACHMENTS:

AT - 1 Bligh Park Neighbourhood Business Precinct - Draft DCP - *(Distributed Under Separate Cover)*

oooO END OF REPORT Oooo

Item: 299 **CP - Local Ranking Committee - (96737, 95498)**

REPORT:

As part of the assessment process Hawkesbury City Council is required to form a Local Ranking Committee (LRC). The LRC is scheduled to meet in October 2005, to assess and rank eligible applications in order of priority (High, Medium, or Low). The 'High' ranked projects proceed to the Regional Ranking Committee (RAC), which make recommendations to the Minister of Community Services for funding (usually announced by April the following year).

According to the WSAAS Guidelines, the Hawkesbury Local Ranking Committee must consist of:

- an independent Chairperson (approved by the Regional Coordinator of AAS);
- two representatives of Hawkesbury City Council;
- four community representatives that are able to represent the diverse views of the local community; and
- the community project officer (non-voting member).

Each member of the committee serves a two-year term with one half of the total membership nominated each year. Members cannot serve for more than four years continuously.

At Council's Special Meeting of 20 September 2005, nominations were received for the following Councillors to attend as representatives of Council:

- Councillor Bassett;
- Councillor Paine; and
- Councillor Stubbs

The guidelines received from the NSW DoCS Communities Division, only allows for two (2) Councillor representatives to attend the Western Sydney Area Assistance Scheme Local Ranking Committee.

Members must:

- live or work within the Local Government area;
- understand community issues and services;
- have a commitment to work with AAS guidelines;
- have a commitment to access and equity principles; and
- be generally accepted by the community/ies they represent

The Chairperson must:

- not derive financial or membership benefit from any of the applicants or their sponsor organisations;
- understand AAS policy and procedure;
- be able to lead the committee to operate within AAS assessment, probity, confidentiality and access and equity guidelines; and
- have adequate skills to facilitate meetings.

Executive Support

The community project officer is responsible for providing executive support for the Local Ranking Committee. A package of information about funding proposals is given to LRC members before meetings. They also receive information on priority areas for the region and specific issues and needs in the Hawkesbury area.

Conformance to Strategic Plan

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

> *"Objective: Work in partnership with community and government to implement community plans to meet the social, health, safety, leisure and cultural needs of the City."*

Funding

No impact on funding.

RECOMMENDATION:

That Council appoint two Councillors to represent Council on the Local Ranking Committee, and appoint an alternate Councillor to represent Council at these Committee meetings.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

COMMERCIAL STRATEGY

Item: 300 CS - Enterprise Panel Projects - (95497)

Previous Item: Ordinary (14 September 2004)

REPORT:

At the Ordinary Meeting of 14 September 2004, Council resolved to establish a Commercial Development Enterprise Panel (Enterprise Panel) for the purpose of pre-qualifying potential contractors that would identify and take ownership for specific Council-sponsored projects and be held accountable for the implementation and success of such projects through performance-based agreements.

At its Ordinary Meeting of 14 December 2004, Council resolved in part to appoint the Windsor Business Group (WBG) to the Enterprise Panel and that:

> *"…Council note the possibility of up to $20,000.00 could be made available from the CRU budget for the purpose of procuring goods and services…[from the Windsor Business Group]…depending upon the proposal having appropriate merit as considered by Council.."*

Pursuant to Council's resolution in this regard, the CRU has been in constant discussions with the WBG to develop a Hawkesbury Cooperative Marketing Program (Program) as a strategic initiative to:

- facilitate growth in existing businesses and to encourage healthy competition amongst businesses,
- encourage profitable business enterprise within the community,
- educate existing businesses in the importance of marketing,
- encourage local businesses to market their business more effectively,
- increase confidence and lift morale amongst the business community,
- provide stimuli for co-operative and complementary marketing promotions..

The program will be established and run over two a year period with an opportunity to review, assess and maintain subject to satisfactory performance.

It is foreshadowed that this program will help develop more successful, self-sufficient and competitive local businesses in the Windsor area in particular and throughout the Hawkesbury by educating local business owners on the importance of marketing their business. The program will show participants that marketing and promotion is an essential activity of any business owner/manager and is necessary for survival in an increasingly competitive world. Fundamentally, the program will make use of local successful business owners knowledge to help show the way forward to fellow business owners.

The program will be structured as an evening workshop and will include learning outcomes designed to address marketing concepts such as:

- What is marketing?
- How can marketing be undertaken on a shoestring budget?
- Identifying reasons for declining trade
- Marketing tactic and planning

The program will also provide an avenue for local businesses to develop networks with other businesses in differing markets and industries, which may in turn lead to new marketing and business relationships.

This program is seen to complement the Hawkesbury Customer Service Assurance Program recently launched by Council with the Chamber of Commerce. The program will provide businesses with an opportunity to improve their competitive situation and devise a marketing strategy, which will enable them to position themselves in light of ongoing development and improvements in the Windsor CBD and other commercial/retail precincts.

Viktoria Darabi will deliver the program tutorials.

Viktoria has 25 years experience in marketing and in working with corporate and small in the areas of publishing and services. Viktoria is perhaps best known for putting her local business "Renaissance Rocking Horses" on the map as Australia's Largest Maker and Restorer of Rocking Horses; offering made to order, restorations, kits, plans, accessories, classes, group tours and a B&B.

Both the business itself and its participating employees will receive Certificates of Attendance, prepared by WBG, to confirm workshop completion be used for publicity purposes by the business and the like.

The certificate of Attendance is simply that and does not constitute any formal qualification under the Vocational Education and Training (VET) system that operates across the country. The VET system provides formal recognition of courses [and registered training organisation (RTO)] or accreditation, to recognise national qualifications not covered by nationally endorsed training packages. In order to achieve accreditation, competences, standards and the like must be achieved and be of national relevance and need. In this regard, the program is not designed to be of relevance at the national level and is fundamentally a local business community's response to local needs. Participants will not be required to achieve any accreditation or skills competence and the Certificate of Attendance will have no formal recognition under the Australian Qualifications Framework. The program raises no issues of concern in terms of formal accreditation and can be supported on its 'workshop' basis that will provide 'grass-roots' marketing advice to interested business and its employees.

The WBG will also be funding the development of the program, contributing cash and in-kind support for set-up; project management, enrolments and ongoing assessment, which is anticipated to amount to approximately $7,250.

Under the proposed terms of contract, Council will share in any profits generated by the program on a 50:50 basis. It is envisaged that any income generated by this initiative can be used to offset any future commitment of Council (as may be the case).

Proposal

It is proposed that Council enter into a suitable supply agreement with the WBG for set-up and delivery of the Hawkesbury Cooperative Marketing Program.

Conformance to Strategic Plan

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

> *"Objective: Commercial Enterprise Development Panel established to support/undertake targeted economic development programs and projects".*

Funding

The overall cost of this initiative is estimated to be $20,460. After the contribution from the WBG towards the cost of developing the program, the <u>total cost to Council will be $13,210</u> over two years with funds of $5,610 expected to be allocated from the CRU budget for the current 2005/2006 financial year.

RECOMMENDATION:

That:

1. A Hawkesbury Cooperative Marketing Program be established in partnership with the Windsor Business Group Inc at a cost of $13,210.

2. Negotiations be entered into with the Windsor Business Group Inc with a view to forming a two year performance-based agreement, subject to satisfaction of the General Manager.

3. Authority be given to prepare and execute all necessary documents (including the use of common seal of Council as required) to give effect to this resolution.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

EXTERNAL SERVICES

Item: 301 **ES - Development Application and Modification Application for proposed Shopping Centre - "Hollands Paddock", George Street Windsor - (95494, DA0597/05)**

Lot b DP 376809 (No 245) George Street and various properties bounded by George Street, New Street, The Terrace and Johnston Street known as "Hollands Paddock".

Previous Item: Special Meeting, (4 May 2004)

Development Information

Applicant: Pirasta Pty Limited, Leffler Simes Pty Ltd Architects
Applicants Rep: Mr Walter Kullen
Owner: Pirasta Pty Limited
Stat. Provisions: SEPP 11 - Traffic Generating Developments
SREP 20 - Hawkesbury - Nepean River
Hawkesbury LEP 1989
Hawkesbury DCP
Area: DA0597/05 (new DA) - 558m^2
DA0098/04 (modification) - 1.17ha
Zone: Business General 3(a)
Advertising: 8 August 2005 to 29 August 2005
Date Received: 11 July 2005

Key Issues:
- Flooding
- Car Parking
- Design

Recommendation: Recommended approval of development application and modification application.

REPORT:

Introduction

This report relates to two separate applications, being a development application to incorporate an adjoining property and an additional 474m^2 of retail area, and a modification to the approved DA0098/04, which incorporates some changes and design refinements.

The applications are reported to Council due to the previous DA being determined by Council.

Background

At a Special Meeting on 4 May 2004, Council resolved to issue a deferred commencement consent for demolition of existing buildings, erection of a shopping centre and roadworks.

The deferred matters were:

1. Land necessary for roadworks to The Terrace and Johnston Street shall be dedicated as public road.

2. Submission of evidence demonstrating that suitable arrangements have been made for the use of Lot 2 DP 788531 Johnston Street for access to the proposed development.

3. Plan of Management for Howe Park is in place that contemplates the relocation of the Girl Guides Hall and landscaping.

The deferred conditions were satisfied and the consent became operational on 19 November 2004.

The additional property, 245 George Street, was purchased by the owner of the Hollands Paddock property and consent was issued on 14 July 2005 for demolition of the building erected thereon.

Description of Proposal

DA0597/05 (new DA)

This DA proposes to incorporate an additional property, with frontage to George Street, with the existing shopping centre approval. The proposal adds a relatively small amount of floorspace and provides opportunities for a modified layout of the existing approved plans. The following table details the changes as a consequence of this DA.

		Original DA	New Proposal
	Site Area	12027.2	12585.1
A	Car-park Area	10,209m^2	11,182m^2
	Car No Parked	327 cars	330cars
	Cars' Req.	309 cars	330cars
	Cars in Credit	57	70
B	Total retail area (incl. Ci & D)	6968m^2	7574m^2
C	Ci) Supermarket Cii) Mezzanine Offices	3600m^2 200m^2	3603m^2 199m^2
D	Specialty Area	3368m^2	3971m^2
E	Mail Area	1758m^2	1577m^2
F	Loading Area	287m^2	329m^2
G	Terrace Area	171m^2	152m^2
H	Service Corridors	179m^2	245m^2
I	Amenities	219m^2	301m^2

DA0098/04 (modification)

A number of modifications are sought which comprise altered internal layout due to the new DA, design enhancements and general improvements. The modifications are detailed by the applicant as follows:

A.1 Supermarket Mezzanine Offices, Plant and Condensor Deck

The Mezzanine Offices have been relocated from the centre of the north-east wall of the Supermarket to the central area of the north-west wall.

The attached drawings show the Mezzanine Offices located over the 'back of the house' area extending from the Dock to Bakery area.

The air conditioning Plant Room is located above the Truck Dock area, which allows utilisation of the Truck Dock set-down of 1275mm to help reduce the overall building height.

The Condensor Deck is located on a concrete floor above the Air Conditioning Plant Room.

The acoustic screen surround will be designed when all equipment is finally selected to meet the 'Acoustic Control Consent Condition of the original DA'.

A.2 Small Shop Dock

It is proposed to enclose the Small Shop Dock with the objective of encapsulating any noise generated activities. The walls are extended in concrete panels with acrylic glazed fixed windows and an inclined roof at 25 degrees. The result is a heritage styled attached 'out house'. (Ref to drawing GA 12, grids F-D).

We believe this is a better acoustic solution than had been originally approved.

A.3 Access Driveway and Travelator Lobby

The access drive from Johnston Street opposite Union Lane has always created a tortuous driveway within the Shopping Centre. It required a split Car Park with up to 1.8m difference in levels. This also resulted in a proportion of the car park, necessitating access by flights of steps, from or to the Travelators.

The new design requires the Driveway access to extend into the Building for a further parking module for an aisle and two banks of cars. The result, all the Car Parking is achieving, basically one level.

The Travelator Lobby has been enhanced to create a point of 'arrival'. The Lobby will be well illuminated and set with a floating ceiling, attractive lighting and easy access.

A Taxi Set-down /pick-up bay, with a direct telephone line, outside of the Auto-doors, has also been incorporate into the immediate layout of the Car-park Lobby.

The enhanced area, will also accommodate a small retail space which should help monitor and disperse any anti-social activity of vandalism within this rea, etc. Monitoring security cameras will also record general activities.

A.4 Trolley Return Hoist

A specifically designed Trolley Return Hoist has been incorporated from the Car-Park Level, discharging into the Retail Level Trolley Return Bay adjacent to the Supermarket Checkouts.

C Refinement in Design

We wish to draw Council's attention to the following items, we deem a "Refinement in Design". We believe these items do not change the intent of the original DA, nor do they diverge from the intent, of any Conditions of Approval.

B.1 Car Park Level

B.1.1 The Car parking configuration adjacent to George Street is redesigned, standardising the aisles to 6.7m wide, and creating more cars by squaring the Car Bays into the driveways. The foundation space becomes the mechanical ventilation Air-plenum.

B.1.2 Additional trolley return collection points have been created for convenience of customers, at the sacrifice of several car-parking bays.

B.1.3 The Lift is of larger proportions.

B.1.4 The Stair shaft is larger and more open to create a more user-friendly access Stair from Retail level to Car Park.

B.1.5 The driveways are made wider and user friendly from both new Street and Johnston Street.

B.1.6 Utility rooms have been created adjacent to the Johnston Street Main access driveway.

B.1.7 The clearance height for cars has been increased from 2.2m to 2.4m, which will allow more 4WD and Sports Utility Vehicles to enter.

B.1.8 Proposed installation of a water Storage Tank to provide irrigation to the landscaping of both the parkland and Shopping centre is proposed as adopted in 'The Parkland Plan of Management' in the N.W. of the Parkland site and is to be filled from the Roof of Shopping Centre.

C.2 Retail Level

C.2.1 Improved Toilet Facilities adjacent to the Food Court area. The elimination for access doors provides easier and more convenient access to the Toilets by Customers with strollers or trolleys. The Disabled toilet is provided with an Automatic Door.

C.2.2 Main Mall from the top of the Travelators to the Supermarket is moved to the South by 3.0m.

C.2.3 Main Mall to entry, via George Street is refined in the location of the doors, and transition ramps are designed to be more wheel chair access friendly.

C.2.4 The awning is redesigned to include a Heritage style arched window, which allows more natural light into the Mall Entry. (The design has been endorsed by our Heritage Architect).

C.2.5 The top of the storm-water irrigation Storage Tank as proposed is to be used as a Terrace and provides a pedestrian Ramp Linking to the Park. As the name terrace implies, the area has several levels i.e. Terraces integrating it into the Park.

C.2.6 A series of 1:14 ramps access the terraced areas. Landscaped walls to the planter beds give an appropriate visible link into the Park.

C.2.7 The inclusion of a Substation and further utility rooms to Johnston Street adjacent to the access docks have now been formalised, their locations based on the recommendations from the supply Authorities.

Statutory Considerations

SEPP 11 - Traffic Generating Developments

The original DA0098/04 was referred to the RTA-Sydney Regional Development Advisory Committee. The Committee endorsed the development subject to a number of requirements, which were included in conditions of consent. The proposed extension and modifications are minor changes, which will not alter the traffic impacts of the overall development.

SREP 20 - Hawkesbury - Nepean River

The site is within the SREP 20 but is not in a Scenic Corridor. The aim of the policy is to protect the environment of the Hawkesbury-Nepean River System by ensuing the impacts of future land use are considered in the regional context.

The relevant specific considerations for the site are water quantity, part 2(6)(2) and cultural heritage, part 2(6)(5). These matters have been previously assessed in DA0098/04. The current applications are only minor extensions and alterations. The objectives and specific matters are satisfied by the proposal.

Hawkesbury LEP1989

The site is zoned Business General 3(a) and the development (new DA and modification) is permissible with consent. Relevant clauses are clause 25 - Development of Flood Liable Land and clause 28 - Development in the Vicinity of Heritage Items. The requirements of the LEP are satisfied.

Hawkesbury DCP

The relevant chapters of the DCP are Notification and Car Parking. The development satisfies the DCP requirements.

Community Consultation

The applications were placed on public exhibition from 8 - 29 August 2005. Letters were sent to approximately 200 nearby property owners and occupiers. One submission was received from P.A.D.D.O.C., which raises the following concerns:

- Concern that other properties owned by Pirasta are not included in this DA and that further DAs will be submitted. Objection to expansion by stealth.

  Comment
  Council is required to assess the development application and modification, which it currently has before it. Any future proposals will be assessed if/when applications are received. It is not uncommon for retail centres to expand and change in response to market demand and opportunities.

- Objection to the possibility of a petrol outlet.

  Comment
  The applications do not propose a petrol outlet.

- Concern about further delay in construction, including lack of parking in Windsor.

  Comment
  This is not a matter for consideration in these applications.

- Increase in specialty shops of 235m2 and loading area required.

  Comment
  A two storey commercial building was demolished on this site to allow for the "expansion" of the centre. There is a net reduction in floorspace in the area, rather than an increase as suggested. Additional loading dock activities will be negligible for the proposal.

- Adverse economic impact.

  Comment

  The economic impacts were assessed by Council in determining DA0098/04. The current applications do not alter that assessment and do not change the situation with regard to economic impact.

- Concern that an irrigation tank is proposed on community land.

  Comment
  The irrigation tank is proposed in the modification application. The tank is located on adjoining parkland in accordance with Council's resolution to provide this infrastructure. Although an amendment to the draft management plan has been prepared which recognises the tank, the amended Plan has not yet been finalised. Accordingly Council cannot approve this aspect of the

modification at this time.

The applicant has since removed the proposed irrigation tank from this modification application and has indicated that a separate modification will be submitted when the Management Plan is finalised. This application will be dealt with under delegated authority.

- Concern that modified plan shows vehicular exit as well as entry to Johnston Street.

  Comment
  The amended plans depict two-way arrows in the driveway between Johnston Street and the development. At first glance it would appear that two-way traffic is proposed to the development. Closer examination shows that the two-way section is for vehicular access to the rear of the adjoining property 23-27 Johnston Street. Traffic movement to the carpark of the development is clearly shown as entry only, as per the approved plans. The applicant has confirmed this to be the case

Planning Assessment

The new DA and modifications are relatively minor, in terms of the overall proposal. The main matters for assessment are therefore minimised.

Car Parking

The new DA and amendments comprise a total commercial floor area of 9,350m2. This generates a requirement for 312 spaces in accordance with the car parking chapter of the DCP. The application proposes 330 car parking spaces, which is in excess of that required by the Development Control Plan.

Flooding

DA0597/05 includes an area of the site, which is more than three metres below the 1 in 100 year flood event of 17.3mAHD. Clause 25 (4) of HELP provides that a building may be extended, altered or replaced in such circumstances with consent, provided the floor level of the new works is no more than 3 metres below the floor height standard.

The proposal complies with this clause.

Building Design/Heritage Impact

The applications are accompanied by additional heritage impact statements prepared by a heritage consultant on behalf of the applicant. The statements conclude:

> *"Overall the DA if approved would replace a building identified in the Streetscape Study as "Non-intrusive" with buildings in scale form and character which are (by comparison) contributory to the streetscape values of George Street.*
>
> *Our opinion is that the additional frontage proposed to be added to the existing approved DA buildings would reinforce the heritage character of the George Street Streetscape with little impact on the heritage values of George Street or items in the vicinity of George Street.*
>
> *We would support the proposed change as having little or no detrimental impacts in terms of heritage character of Windsor as a whole."*

In our view this statement is accurate and the proposed DA and modifications are acceptable in terms of heritage character.

Conclusion

The proposed additions and modifications sought in the two applications are relatively minor compared to the overall development. The DA for 245 George Street is a logical inclusion for the original proposal. The modifications provide a better retail layout, better located public toilet facilities and a number of minor changes, which improve the development. As can be seen from the comments provided, the matters raised by the respondent are not significant and do not warrant any further attention.

Accordingly the applications are recommended for approval.

Conformance to Strategic Plan

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

> "A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the city", and
>
> "Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".

Funding

No impact on budget.

RECOMMENDATION:

A. The Modification Application for Consent 0098/04 be approved in the following terms:

1. Condition No.1 of schedule B is amended as follows:

> *"1. The development shall be carried out in accordance with the approved stamped plans as submitted with Development application No DA0098/04 and any supportive documentation, except as modified by plans GA96/1/01, GA96/1/02, GA96/1/03, GA96/1/04 and GA 12."*

2. Condition No.48 of schedule B is amended as follows:

> *"48. A minimum of 312 off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plans."*

B. Development Application No. DA0597/05 be approved subject to the following conditions:

General

1. The development shall be carried out in accordance with the approved stamped plans as submitted with Development Application No. DA0597/05 and any supportive documentation, except as otherwise provided by the conditions of this consent.

2. This consent includes approval for the occupation and use of the building for individual retail tenancies.

3. Compliance with the provisions of the Environmental Planning and Assessment (Amendment) Act 1979 and the Building Code of Australia.

4. Prior to construction of the approved development it is necessary to obtain Construction Certificates for the whole or any parts of the development.

5. The applicant is advised to consult with:

   a) Sydney Water Corporation Limited;

   b) Integral Energy; and

   c) 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 road(s).

6. Any part of the building to be used for food preparation shall comply with Council's Code for the fitting out of food premises.

7. No excavation or site works shall be commenced prior to the issue of a relevant Construction Certificate.

8. The applicant shall make themselves aware of the Disability Discrimination Act, 1992 in order to assess their responsibilities and liabilities with regards to the provision of access for all people.

Prior to Issue of Construction Certificate

9. The submission of a Traffic Management Plan approved by the Roads and Traffic Authority.

10. Details of any fill material removed from or imported to the site to be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.

11. A monetary contribution is to be paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, towards the upgrading of local roads at the rate of 3 (three) cents per tonne per kilometre of local roads travelled by trucks delivering soil to or removing soil from the site.

    This contribution is 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. In this respect the attached fee schedule is valid for 3 (three) months.

12. The submission of a satisfactory soil and water management plan (SWMP) prepared in accordance with the State Government guidelines titled "Managing Urban Stormwater: Soils and Construction (1988)".

13. Submission of proof of the payment of the Building Industry Long Service Levy.

14. The proposed shopping centre complex and all associated development is to be constructed in accordance with the requirements of the New South Wales Government Flood Plain Management Manual (2001), Interim Development Guidelines for a "high hazard-flood storage area".

15. Design and construction of site drainage shall be carried out in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification: Part 1 Design Specification; and Part II Construction Specification. The drainage system shall be designed to:

    a) Minimise impacts on local flooding characteristics;

    b) Incorporate source control measures to provide a primary level of treatment for the removal of all gross pollutants.

    Full details of works shall be submitted for approval.

16. All stormwater from impervious areas of the site and the immediate local catchment upstream of the site shall be collected and drained by the existing underground trunk drainage system. A concept drainage plan, including any modifications required, is to be the submitted to and approved by Council.

17. Details of all street lighting, line marking and traffic signage to be submitted with the application for the construction certificate.

Prior to Commencement of Works

18. Erosion and sediment control devices are to be installed and maintained to ensure that there is no increase in downstream levels of litter, vegetation debris or other water borne pollutants in accordance with Council's Development Control Plan. The enclosed warning signs shall be affixed to the sediment fences/erosion control devices at all times.

19. The applicant or person having the benefit of this development consent must give at least 2 (two) days notice prior to commencement of works to Council of the intention to commence works.

20. A waste management plan shall be submitted for consideration and approved by Council. Such plan shall address any builder's waste and waste generated during day to day operations and shall include types and quantities, recycling, reuse, storage and disposal.

21. Approval in the form of stamped Construction Certificate plans is to be obtained from Sydney Water to verify that the development meets its requirements concerning the relationship of the development to any water mains.

22. The applicant shall contact the New South Wales Fire Brigade (Fire Safety Division) in order to determine the Brigade's requirements for submissions regarding, hydrants, boosters, sprinklers, etc.

During Construction

23. All civil work must be carried out in accordance with the provisions of Hawkesbury Development Control Plan, Appendix E Civil Works Specification Part 1 Design Specification and Part 2 Construction Specification.

24. All necessary works being carried out to ensure that stormwater flow from adjoining properties is not impeded.

25. All demolition, construction and associated work necessary for the carrying out of the development is restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and between 8.00am and 4.00pm on Saturdays.

26. No burning of demolition, construction or vegetative material being carried out on the site.

27. No spoil, excavated or demolition material from the site being deposited on any public road, footpath, public place or Council owned property without the approval of Council.

28. The site shall be kept clean and tidy during the construction period and all rubbish shall be removed from the site upon completion of the project to the satisfaction of Council.

29. Should any aboriginal site or relic, as defined under the National Parks and Wildlife Act, 1974 or a relic as defined under the NSW Heritage Act, 1977, be disturbed or uncovered during the construction of this development, all work shall cease and the National Parks and Wildlife Service or the Heritage Office consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974 or the Heritage Act, 1977.

30. The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused by this proposed development.

31. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:

    a) must preserve and protect the building from damage; and

    b) if necessary, must underpin and support the building in an approved manner; and

    c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

    The applicant is liable for the cost of all work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

32. The building shall be set out by a Registered Surveyor and the Survey Certificate of the building shall be lodged with the principal certifying authority upon completion of the footings and prior to the external wall construction proceeding above floor level.

33. Access to the development for people with disabilities shall be provided in accordance with the requirements of the BCA and AS1428.1 (1993), 1228.2 (1992) and 1428.3 (1992) all thresholds and room access (both internal and external) shall have "lipless thresholds". It is preferred that disabled toilet facilities are identified Unisex and that doors open outwards to enable easy access in emergencies.

34. All construction vehicles associated with the development are to use the nominated traffic route as outlined in the Windsor Town Centre Traffic Study prepared by Christopher Stapleton Consulting, February 2003.

35. Inspections for Compliance Certificate to be requested from the Sewer Authority (Hawkesbury City Council) for internal and external sewer drainage prior to covering any pipe, 24 hours notice for inspection is required. Inspection fees apply.

36. All part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 are to be submitted to Council within seven (7) days of the date of issue. The registration fee as per Council's Revenue Pricing Policy will apply.

37. The construction of sewerage reticulation, including junctions, to the development where not already provided.

Prior to Issue of Occupation Certificate

38. Drainage easements of adequate width are to be created over existing water courses flowing through the subject land. Where necessary existing easements for stormwater created in favour of Hawkesbury City Council may be amended to suit approved alterations caused by the works.

39. The approved use shall not commence and an occupation certificate shall not be issued until all conditions of this Development Consent and development Consent DA0098/04 have been complied with.

40. Registration of a plan of survey consolidating the site with the adjoining development lots.

41. The submission of a Surveyor's Certificate stating that all pipelines are contained within the proposed/existing easements.

42. A Fire Safety Certificate, in accordance with the Schedule of Fire Safety Measures issued for the development, is to be submitted to Hawkesbury City Council for separate registration. The registration fee as per Council's Revenue Pricing Policy will apply.

43. Works-As-Executed drawings which indicate the following are to be submitted to and approved by Council:
    a) invert levels of tanks, pits and pipes;
    b) surface levels of pits and surrounding ground levels;
    c) levels of surrounding kerb;
    d) floor levels of buildings;
    e) top of kerb levels at the front of the lot; and
    f) extent of inundation.

44. The construction of concrete kerb and gutter, including layback vehicular crossings, concrete path paving for the width of the footway area and all necessary drainage, for the frontage to George Street.

45. An acoustic screen wall is to be provided in accordance with the stamped approved plans. The sections of these screens which will be visible above the shopping centre trading floor level are to be constructed of clear polycarbonate or acrylic material with sufficient mass to prevent direct noise transmission to adjoining residential properties. Landscaping including mature trees and shrubs is to be incorporated with the screen wall. The acoustic wall shall extend from Johnston Street along the north and west boundaries of No. 17 Johnston Street and return to the building wall.

46. The applicant shall prepare a flood emergency evacuation and management plan for the proposed development. The plan should advise occupants of flood evacuation procedures and emergency contact telephone numbers. The applicant should contact Council and the State Emergency Service for advice in the preparation of the management plan. The evacuation procedures should be permanently fixed to the building in a prominent location and kept up to date at all times.

The Use of the Site

47. The relevant sewer authority (Hawkesbury City Council) must be consulted regarding acceptable discharge limits to the sewerage system. A Trade Waste Agreement must be entered into with the relevant authority prior to discharge of trade waste from the premises.

48. All waste materials to be stored and disposed of at regular intervals.

49. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5dB(A) (LAeq) above background noise levels with respect to noise amenity of residential dwellings.

50. Shopping Centre trading hours shall be limited to:
    a) 7:00am to Midnight, Mondays to Saturdays, and
    b) 8:00am to 8:00pm on Sundays and public holidays.

51. The following activities shall only occur between the hours of 7:00am to 10:00pm Mondays to Saturdays and 8:00am to 6:00pm, Sundays and public holidays:
    a) Delivery or loading of goods;
    b) Stock movement within the loading area;
    c) Garbage Collection;
    d) Cleaning; and
    e) Internal shop fitouts.

ATTACHMENTS:

AT - 1 A3 Plan Booklet - *(Distributed Under Separate Cover)*

oooO END OF REPORT Oooo

Item: 302 **ES - The Women's Cottage Rental - (95494, 79342, 73506, 80358)**

Previous Item: 129, General Purpose Committee (28 November 2000)
12, General Purpose Committee (24 February 2004)
121, Ordinary (14 September 2004)
58, General Purpose Committee (28 September 2004)

REPORT:

This report has been prepared to advise Councillors of the impending lapse of Council Resolution of 9 November 2004 in which Council resolved that:

> *'rent payable on the Women's Cottage be refunded from Council's Donation Budget for a period of 12 (twelve) months and in the intervening period, and, in consultation with the Women's Cottage, Council explore alternate accommodation for the Women's Cottage'*

The reports summarises information previously provided to Council in relation to this matter and outlines the current situation with respect to the position of the Women's Cottage.

Background:

- The Women's Cottage is an activity of the Hawkesbury Area Women's and Kids Services Collective Inc. (HAWAKS). The Women's Cottage operates as an information centre offering resources, referral and advocacy services for women and children living and/or studying in the Hawkesbury. The Women's Cottage also provides women with access to therapeutic and counselling services with a focus on dealing with the impacts of violence, sexual assault and homophobia. The services provided through the Women's Cottage are primarily funded by the Department of Community Services (DoCS).

- In 1985, 22 Bosworth Street was acquired by Council for the purpose of providing car-parking within the Richmond Commercial Area. At the time, due to the lack of demand for additional car parking spaces in Richmond, Council agreed to lease the property to the HAWAKS. The Women's Cottage has been operating from this venue since 1985.

- Since 1985, HAWAKS has paid a subsidised rental to Council for the premises occupied by the Women's Cottage. Initially, a subsidised rental of $130 was paid by HAWKAS for the Women's Cottage. At the time of Council's Resolution of 9 November 2004, the subsidised rent charged for the use of the building had increased to $227 per week (due primarily to CPI adjustments). The current charge is approximately 50% of the market rent of the property (which is estimated to be between $350 to $450 per week).

- Council's Resolution of 9 November 2004 allocated funds from the Community Donations budget to meet the rental charges for the Bosworth Street property. In Council's 2005/2006 adopted budget, a sum of $4,500 has been allocated from the community grants program to meet this commitment for the 2005/2006 financial year. Due to a reduction in the total funds allocated within the Community Donations Program for 2005/2006, no additional funding can be provided from within the Program to maintain the payment of the rental charges for the Women's Cottage beyond November 2005 (without prejudicing Council's ability to meet its other commitments within the Program).

- HAWAKS has consistently argued that the payment of subsidised rental for the Women's Cottage has had the effect of reducing its capacity to provide services. HAWAKS would prefer to divert its rental contribution to Council towards the funding of its programs and services.

- In 1992, HAWAKS was successful in securing an additional recurrent grant under the Western Sydney Area Assistance Scheme of $10,500 as a ‘rental component’ to meet the rental charges levied by Council. This funding was ‘picked up’ by DoCS and subsequently incorporated into the DoCS funding grant received by HAWAKS (a copy of the letter of advice from Council who administered the WSAAS Scheme on behalf of the then Department of Planning is attached - Attachment 1). It would be reasonable to assume that since 1992, this rental component has been indexed by CPI and would conservatively be equal to approximately $14,000 in today’s dollars.

- The decision to divert that portion of the DOCS funding grant which was initially provided to meet the rental charges associated with the Bosworth Street Property, to fund programs and services provided through the Women’s Cottage is one that has been made by the Management Committee of HAWAKS. This was an operational decision taken by HAWAKS without reference to Council. The decision taken by HAWAKS carried the expectation that Council would absorb the loss of income (from the non-payment of the subsidised rental). Council is in effect being asked to further subsidise, on an ongoing basis, the operations of the Women’s Cottage (given that existing subsidised rental charges are 50% of the market rate).

- Council has recognised that the Women’s Cottage is a key provider of services to women and children within the Hawkesbury and that the Bosworth Street property is the only dedicated womens information and resource centre within the Hawkesbury.

- Previous reports to Council have raised the issue of ‘cost shifting’ in relation to this matter. There is a concern that Council, by default, is being asked to provide additional financial assistance to the Women’s Cottage to support programs and activities, which are primarily the responsibility of state and Federal Governments to resource. Council is in effect being compelled to augment insufficient levels of funding provided by state and federal authorities to enable the Women’s Cottage to achieve its desired service levels.

Current Situation

- Pursuant to Council’s Resolution, Council staff have met with representatives of HAWAKS to explore alternate accommodation options. The requirements for such accommodation (in terms of location, lay-out, size and cost) have meant that no readily available alternate accommodation options have been identified.

- Council staff are currently investigating medium-to longer term accommodation options which could be developed using Section 94 funds which have been collected for Catchment 4 (an area which includes Richmond, Hobartville, Agnes Banks). Council’s current S94 plan provides for the building of a multi-purpose centre in this catchment and there is some scope for designing and building a multi-purpose community services centre in Richmond. Preliminary options being explored include the development of land behind Bowman Cottage, the feasibility of extending and reconfiguring the Richmond CWA/Early Childhood Centre, a possible ‘partnership’ development on land held in trust by Council occupied by Hawkesbury Skills, or the construction of a centre on a Council car park. These options would, of course, be subject to the agreement of relevant parties and compliances with Sec 94 requirements.

- Council staff had also requested HAWAKS to consider what level of contribution they could make towards the rental charges for the Bosworth Street premises. Advice has been received (Attachment 2) indicating that HAWAKS considers that a rental contribution of 50% of the current rental can reasonably to be accommodated by their organisation. This would amount to approximately $120 per week or $6,250 per annum. The rental of $120 per week is in the vicinity of 30% of the market rate and would represent a contribution by Council to the operation of the Women's Cottage of approximately $15,000 per annum.

Options

The Women’s Cottage have requested that Council give consideration to a 50% reduction in the rental charge of $227 per week, which previously applied to the use of the Bosworth Street premises (a figure which is approximately 50% of the market rate). The Women's Cottage have indicated they would be willing to contribute an amount of up to $120 a week for the remainder of the 2005/2006 financial year (a period of approximately 34 weeks). If Council resolved to accept this request it would represent a reduction in budgeted income of $3,638. If Council wishes to lower the rental savings would need to be identified from elsewhere within Council's adopted budget to offset this loss of income. Due to the need to maintain projected levels of income for the 05/06 financial year, this report recommends that - at a minimum - the previous subsidised rental charge of $227 per week be reinstated. As outlined above the reinstatement of the previous below market rental charge effectively represents a contribution by Council to the operating costs of the Women's Cottage of approximately $10,000 a year.

Conformance to Strategic Plan

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

> *"Objective: Ensuring minimal vacancies for Council's commercial properties"*

Funding

The reinstatement of the previous subsidised rental charge of $227 a week will have no impact on the budget. A reduction to this charge will reduce the level of projected income within Council's Property Services Branch.

RECOMMENDATION:

That

1. The use of funds from the Community Donations budget to pay the rental charges for the premises at 22 Bosworth Street, Richmond occupied by the Women's Cottage to be discontinued as from 9 November 2005.

2. Council to reinstate the previous subsidised rental charge of $227 per week (plus GST) for the rental of 22 Bosworth Street as from 9 November 2005.

3. Council write to the Minister of Community Services informing the Minister of its decision to contribute $10,000 - by way of a rental subsidy - to the operating costs of the Women's Cottage to compensate for the insufficient level of DoCS funding received by HAWAKS. The Minister be requested to review the level of funding provided to HAWAKS in light of the difficulty experienced by HAWAKS in maintaining appropriate service levels from within its existing funding allocation.

ATTACHMENTS:

AT - 1 Rental Contributions Letter from the Women's Cottage Co-ordinator dated 23 August 2005

AT - 2 Area Assistance Scheme - Recurrent Funding Correspondence dated 5 November 1992

AT - 1 Rental Contributions Letter from the Women's Cottage Co-ordinator dated 23 August 2005

Refer to Attachment Agenda

(This Attachment has been removed to reduce the overall size of this business paper to allow quicker download times)

(Click on the link above to open the Attachment Agenda)

AT - 2 Area Assistance Scheme - Recurrent Funding Correspondence dated 5 November 1992

Refer to Attachment Agenda

(This Attachment has been removed to reduce the overall size of this business paper to allow quicker download times)

(Click on the link above to open the Attachment Agenda)

oooO END OF REPORT Oooo

Item: 303 **ES - Issue of Additional Certificates By Council - (95494, 96330)**

REPORT:

Council, as part of its normal business operations and in accordance with relevant legislative provisions, issues a number of certificates in response to applications made by Solicitors, Conveyancers and others. The certificates referred to are those relating to zoning of land (Section 149 Environmental Planning and Assessment Act 1979), or outstanding fees and charges (Section 603 Local Government Act 1993) applicable to land that is the subject of a sale and impending transfer to a new owner.

The current procedures are that when a Section 603 Local Government Act certificate is prepared, information is also included about any outstanding orders, notices or directions that may have been served on the owners (current or past - prior to the sale) requiring some work, rectification of conditions or remedying unauthorised buildings and the like. Whilst this action is considered to be beneficial customer service the process is flawed for the reason that the certificate under Section 603 is for a specific reason as prescribed by the Local Government Act (i.e. outstanding fees and charges). It is not for the purpose of providing information about outstanding orders, notices or directions for which separate and specific provisions exist - both under the Local Government Act 1993 and under the Environmental Planning and Assessment Act 1979. It is considered that Council, in voluntarily providing the information about outstanding orders etc, when this information has not been requested nor covered by Section 603, may render itself liable to claims should a sale or transaction fail due to this information being given.

The two relevant provisions which specifically relate to certificates as to outstanding orders, notices and directions are Section 735A Local Government Act 1993 and Section 121ZP of the Environmental Planning and Assessment Act 1979.

Section 735A Local Government Act 1993 provides that:

(1) A person may apply to a Council for a certificate as to whether there are any outstanding notices issued by the Council under this Act in respect of any land within the Council's area.

(2) The application must be in the approved form and be accompanied by the approved fee.

(3) The Council is to issue a certificate to the applicant stating:

(a) whether or not a notice is outstanding in respect of the land as at the date of the certificate and, if so, the terms of the notice, and

(b) any action proposed to be taken or that may be taken by the Council in relation to the notice.

(4) The production of the certificate is taken for all purposes to be conclusive proof of then existence or otherwise of any outstanding notices.

A note to this section says: ***Notice*** *is defined in the Dictionary for this Act as including a notification, order, direction and demand.* This means that, apart from a formal notice (such as a Notice of Intention to serve an Order (Section 132) or an Order (Section 124), any letter giving a notification or a courtesy or advisory letter prior to undertaking formal enforcement processes, would be included in the information in the certificate.

Section 121ZP Environmental Planning and Assessment Act 1979 provides that:

(1) A person may apply to a Council for a certificate as to whether there are:

(a) any outstanding notices issued under section 121H,

(b) any orders under this Division in force.

in respect to any land within the Council's area.

(2) The application must be in the form determined by the Council and must be accompanied by the fee determined by the Council under the Local Government Act 1993.

(3) The Council is to issue a certificate to the applicant stating:

(a) whether or not a notice is outstanding or an order is in force in respect of the land as at the date of the certificate and, if so, the terms of any such notice or order, and

(b) any action proposed to be taken or that may be taken by the council or any other person in relation to any such notice or order.

(4) The production of the certificate is taken for all purposes to be conclusive proof of the existence or otherwise of any outstanding notices and any orders in force.

These legislative provisions provide a mandatory obligation on the Council to issue these certificates should an application be lodged. The legislation also overrides any other processes that may have been followed in respect to giving information about outstanding notices in response to applications for other types of certificates.

Apart from implementing procedures that will meet the obligations to provide this information, it could be noted that during the period from 1 July 2002 to 30 June 2003, there were 2,282 sales/transfers of property in the Hawkesbury City Council's area. That is a potential for 2,282 multiple certificates being issued during that period. Similarly, during the period from 1 July 2004 to 30 May 2005 there were 2034 sales/transfers of property in the City area. Whilst it is possible to project the potential number of applications and the potential income, it can be assumed that not all property transaction processes will attract an application. Transfers of properties within families and perhaps vacant land may not give rise to an application.

Resources Required to Research and Issue Certificates

Any applications for these additional certificates will need some research of the Council's files. Whilst the records of outstanding notices, orders or demands etc will be on the Council's computer system, there will be a need for each document applicable to a property to be examined for relevance and the extraction of the required information.

It is expected that any applications for certificates will be confidently answered by administrative staff subject to some further training. Additional assistance would need to be given by professional staff in relation to specific enquiries where there is a need for clarification or input at that level. It is appropriate that the extent of staff resources, in association with the numbers of applications, together with the time involved in responding, be continuously monitored to ensure that determined response target times are met. This monitoring process will also give a guide as to the appropriateness of fees for each application.

Conformance to Strategic Plan

The proposal for the implementation of additional certificates of the type indicated is deemed to meet the objectives and strategies set out in the Council's Strategic plan for the reasons that it satisfies mandatory obligations and meets the *information communication* factors and *business links* of the community.

Management Plan

It is necessary to comply with the provisions of Chapter 13 of the Local Government Act 1993 in respect to the setting of the fee. The fees for these types of certificates was not included in the current Management Plan and it is considered reasonable that the amendment to the Plan for this purpose is warranted now in lieu of waiting for an implementation of the process until July 2006 (when the Management Plan and revenue policy will be adopted for the 2006/2007 period).

Funding

As indicated, it is proposed to undertake the exercise of issuing further certificates (Section 735A Local Government Act 1993 and Section 121ZP Environmental Planning and Assessment Act 1979) within the framework of existing staff resources and other computer records resources - subject to a monitoring and review process to ensure reasonable response target times are met. Should adjustments to resources be required due to the numbers of applications they would be offset by the additional income from fees realised.

As indicated there is the potential for 2 X 2034 (say 4000) applications at a fee of $50 (based on the fee charged for Section 603 Certificates). It is not predicted that this potential will be fully realised however, resources will need to be allocated according to the number of applications received and the income derived from those applications, on a progressive basis.

RECOMMENDATION:

That:

1. The intention to implement procedures for the issue of certificates in accordance with Section 735A Local Government Act 1993 and Section 121ZP of the Environmental Planning and Assessment Act 1979 at a fee (being full cost recovery) of $50.00 for each application for such certificates, be advertised as a public notice in accordance with the provisions of Section 405 of the Local Government Act 1993 for a period of 28 days.

2. Upon expiration of the advertising period a further report be submitted to Council together with details of any submissions that may be received as a result of the public exhibition of the proposal.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 304 ES - Potable Water Education and Monitoring Program - (95494)

REPORT:

Introduction

The nature of drinking water is largely unknown for private water supplies within the Hawkesbury. Private water supplies are those that are not connected to mains reticulated water and provide drinking water as part of a commercial activity. A pilot study by the NSW Health Department indicates that water provided may potentially be of low quality. This means that there may be a significant risk to public health given that the safety of water being provided is unknown. It is suspected drinking water being provided comes from sources that have associated risks. These risks are exacerbated where water is not treated.

In areas not serviced by a reticulated supply, drinking water is usually obtained from:

- Surface water (rivers, creeks, dams)
- Rainwater
- Groundwater (bores, wells, springs and spear points)
- Carted water

Council's Regulatory Services Branch in conjunction with NSW Health are currently undertaking a project that will provide training to caravan park operators who have private water supplies in using the NSW Health Guidelines for the Management of Private Water Supplies to manage their water supplies.

The proposed project has two phases:

1. A training workshop to be run on using the Guidelines for the Management of Private Water Supplies.

2. An on site visit to each premises (estimated between 25 & 30 premises in total) that will achieve the following:

    a. training will be offered to operators in conducting a sanitary survey and taking a chemical and microbiological water sample at each caravan park.
    b. inspect/observe and obtain information on water source, treatment, usage and signage; any previous testing undertaken, by way of a survey and interview process
    c. water samples will be obtained and tested for: Microbiological & Chemical analysis

Scope of study

It is anticipated that the lessons learned from this study might have application and relevance in different settings, within the Hawkesbury. Whilst this study is limited to caravan park operators, there are many other commercial operations in the Hawkesbury that provide water from a private water supply in a manner similar to the caravan parks, including but not limited to school camp facilities, conference centres and bed & breakfast establishments.

Methodology

The training workshop will be undertaken at Council's Deerubbin Centre, Windsor. The workshop will be co-ordinated and presentations will be conducted by both Council and NSW Health Department staff.

On site training and sampling will be undertaken by Council's Environmental Health Officer and a NSW Health Environmental Health Officer. Water samples collected will be analysed by NSW Health's Division of Analytical Laboratories.

Conclusion

Data collection from the survey undertaken will be used to meet a statutory obligation of Council to keep a register of private water suppliers within its Local Government Area.

Results of the survey and drinking water analysis will be used by Council to do a risk assessment of each operators water supply and to aid in the preparation of a report that will assist in determining the relevance of a policy document.

Operators will gain training on the new Private Water Supplies Guidelines and on how to do a risk assessment, a monitoring plan and preparing a management plan for their supply.

The Hawkesbury City Council and Sydney West Public Health Unit will be increasing the skills of caravan park operators in managing and monitoring their water supplies. Operators will be encouraged to comply with the Guidelines and undertake regular sanitary surveys, set up monitoring plans and write a management plan of their water supplies to best protect the health of their residents and visitors.

The illness and potential risk to public health demonstrated by the prevalence of water borne disease outbreaks both internationally and here in Australia justifies the application of the legislation and guidelines in terms of public health and safety.

Conformance to Strategic Plan

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

> *Work in partnership with community and government to implement community plans to meet the social, health, safety and leisure and cultural needs of the city.*

Funding

A funding grant from NSW Health has been obtained for analysis of water samples associated with this project, consequently there will be no direct impact upon the 2005/2006 budget.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 305 **ES - Proposed Establishment of Regional Gallery Membership Program - (95494, 79342)**

REPORT:

This report has been prepared to seek Council's approval to establish a Regional Gallery Membership Program for the Hawkesbury Regional Gallery and to advertise a schedule of fees and charges for the Program.

A Regional Gallery Membership Program is proposed in order to fill an identified gap in the support structure required by the Regional Gallery and to meet the expectations of funding bodies such as the NSW Ministry for the Arts. The Hawkesbury Regional Gallery has already established a successful Volunteers Program with 49 volunteers recruited and trained. The Volunteers assist in the day-to-day operations of the Regional Gallery and are involved in front-of-house reception, customer enquiries, cultural guides, and the installation of exhibitions. The Volunteers have been a critical element in the success of the Regional Gallery.

The aim of the Regional Gallery Membership Program - to be named GEMS (Gallery mEMberS) - is to provide an opportunity for residents to become involved in the life of the Regional Gallery. The Membership Program differs from the Volunteer Program in that Gallery Members are not involved in the day-to-day operations of the Regional Gallery, but may participate in the Regional Gallery's education programs, functions, exhibition openings, and fund-raising campaigns.

The following fee scale is proposed to be advertised for participation in the Regional Gallery Membership Program.

Pearls:	Volunteer Members - free
Jets	Full-time students at an approved institution - $15
Opals	Ordinary Members - $25
Rubies	Families with up to two adults and all children under 18 living at the same address - $35
Diamonds:	$500 per year

The benefits of participating in the Regional Gallery Membership Program include inclusion on the Gallery's mailing lists, the receipt of a regular newsletter, participation in social gatherings, invitations to and advance notice of openings and public programs. There is also potential for Members to be offered discounts at restaurants, car hire, commercial galleries and future gallery shop and the purchase of wine at special prices (arrangements which are yet to be negotiated with the Gallery's sponsors). Members taking out a higher level of sponsorship may also be offered other incentives.

The scheme is designed not to replicate the activities and functions of the existing Friends of the Hawkesbury Art Collection and Regional Gallery (FOHACaRAG), which is an autonomous incorporated body, serving the needs of its members as determined by its constitution. As an independent entity FOHACaRAG has no direct responsibilities to the Regional Gallery or to Council's cultural program.

The preferred industry model for the operation of 'gallery members' schemes is for such a program to be integrated into the gallery management structure. This will enable the Regional Gallery to review and update the objectives of the Membership Program as its own objectives develop, and to ensure that the Membership Program's aims and objectives are consistent with the aims and business plan of the Regional Gallery as adopted by Council.

Conformance to Strategic Plan

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

> *"Objective: Build community connections by supporting information linkages, life-long learning and access to local meeting spaces"*

Funding

No impact on budget.

RECOMMENDATION:

That

1. Council approve the establishment of a Regional Gallery Membership Program for the Hawkesbury Regional Gallery.

2. That public notice be given for a period of 28 days of the following proposed schedule of fees for participation in the Regional Gallery Membership Program, with submissions to be considered by Council:

Membership Level	Membership Criteria	Annual Membership Fee
Pearl	Gallery Volunteers	Nil
Jets	Full time students at approved institutions	$15
Opals	Ordinary Members	$25
Rubies	Families with up to two adults and all children under 18 living at same address	$35
Diamonds	Open	$500

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 306 ES - Hawkesbury Bicycle and Access Committee - HBAMC - (95494, 79342, 80266)

REPORT:

As part of the Committee Review Structure, Council resolved to establish the Hawkesbury Bicycle & Access Mobility Committee to assist Council in the drafting of an Access Mobility Plan for the Hawkesbury Local Government Area. The Bicycle & Access Mobility Committee will have a strategic role in providing advice to Council on the current and future needs of cyclists, motorised scooter users, pedestrians and the access requirements of people with disabilities.

The committee's Constitution provides for eight Community Members, with expertise and/or knowledge of mobility access issues as they apply to cyclists, motorised mobility scooter users, pedestrian and people with disabilities, to be appointed by Council to the Committee. The Deputy Mayor Councillor Finch, and Councillor Williams have been appointed as Councillor Representatives to this Committee.

Advertisements calling for 'Expressions of Interest' from community members to be appointed to the the Hawkesbury Bicycle & Access Mobility Committee were placed in the local press during July and August. Ten nominations were received – a list of nominations and a summary of the applicants and their expertise and knowledge is provided below:

Nominee	Summary of Expertise and Knowledge
Alan Aldrich	Wheel chair user for 27 years - member of Disability Advisory Committee since 1993 . Knowledge of Disability Discrimination Act. Design draftsmen with experience in civil and mechanical construction.
Doug Bathersby	Active member of CAMWEST & Hawkesbury Bike Users Group. Past member of HCC Bicycle Steering Committee. Familiar with Australian Standards as they apply to construction of off-road cycleways.
Robert Bosshard	10 years work experience at RNS spinal unit. Recreational cyclist. Current operator of business located at Mulgrave manufacturing wheelchairs and mobility aids. Involvement in Paraquad..
Nick Burling	Employee of family business (vehicle sales) located in Windsor. Resident with physical disability - user of a motorised scooter
Chris Cameron	Keen cyclist and member of Hawkesbury Triathlon Club. Principal of school with 4 support classes for students with physical disabilities.
Andrew Docking	Cyclist for 35 years and member of Penrith Cycling Club. Employed at UWS Hawkesbury.
Jane MacCormick	Resident of Hobartville. Mother of a cycling family and member of Bicycle NSW and Hobartville P&C.
Mark Newton	Registered nurse working with people with disability. Manager of residential respite service for people with disabilities
Matt Peace	Person with a disability - user of a motorised scooter. Employee of local disability services agency.
Peter Rukin	Long time cyclist.

In view of the number of applications received, and the skills and knowledge demonstrated by each applicant, Council may wish to amend the adopted constitution of the Hawkesbury Bicycle & Access Mobility Committee to provide for 10 community appointments to the Committee.

The Constitution of the Committee also provides for a representative of the Roads and Traffic Authority and the NSW Police Service. Council has written to these agencies inviting them to nominate a representative to sit on the Committee. The Hawkesbury Area Local Command have nominated Senior Constable Barnes and Senior Constable Nevell (alternate delegate) to sit on the Committee. No response has been received from the RTA.

Conformance to Strategic Plan

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

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

Funding

No impact on funding.

RECOMMENDATION:

That a minimum of eight nominees be appointed as Community representatives on Hawkesbury City Council's Bicycle & Access Mobility Committee, to work in accordance with the constitution set out for that Committee.

ATTACHMENTS:

AT - 1 Hawkesbury City Council's Bicycle and Access Mobility Committee Constitution - *(To be Distributed Under Separate Cover)*

oooO END OF REPORT Oooo

SUPPORT SERVICES

Item: 307 SS - Monthly Investments Report - August 2005 - (79349)

REPORT:

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

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

August 2005

Investment Type	Balance B/fwd	Deposits	Withdrawals	Accrued Interest Reinvested	Balance End of Month
Manager Funds	$12,453,402.56			$61,239.20	$12,514,641.76
On Call Funds	$300,000.00	$6,200,000.00	-$1,500,000.00		$5,000,000.00
Term Investments	$820,000.00				$820,000.00
Direct Investments	$3,500,000.00				$3,500,000.00
TOTAL	$17,073,402.56	$6,200,000.00	-$1,500,000.00	$61,239.20	$21,834,641.76

Investment Commentary

The investment portfolio increased by $4.761 million during August 2005. The increase is representative of the increase in income associated with the first instalment of 2005/2006 rates and charges being due on 31 August 2005.

Managed Fund performance exceeded the benchmark (UBS Australia) Bank Bill Index in August 2005 with an average return after fees of 6.058%, compared with the index of 5.78%. The managed funds portfolio has achieved a return after fees for the past 12 months of 6.150%, which has outperformed the (UBS Australia) Bank Bill Index of 5.67% for the corresponding 12-month period.

Official cash interest rates have remained unchanged at 5.50%.

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

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

Conformance to Strategic Plan

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

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

Funding

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

Lisa Desmond
Responsible Accounting Officer

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 308 **SS - Councillors and Designated Employees - Pecuniary Interest Returns - (79341, 95496)**

REPORT:

Under the provisions of Section 450A of the Local Government Act 1993, Pecuniary Interest Returns for the period 1 July 2004 to 30 June 2005 must be tabled at the first meeting of the Council after 30 September 2005.

All Councillors and Designated Employees lodged Pecuniary Interest Returns as required and these Returns are now tabled in accordance with the provisions of the Act.

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

CONFIDENTIAL REPORTS

Item: 309 GM - Staff Matter - (79351, 79355) 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)

Item: 310 **GM - Matters Concerning Litigation - (79251) CONFIDENTIAL**

Reason for Confidentiality

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

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

ordinary

section 5

reports of committees

SECTION 5 - Reports of Committees

ROC - Floodplain Risk Management Committee - 20 June 2005 - (86589, 95498)s

The meeting commenced at 4:00pm.

Present:	Councillor Kevin Conolly, Hawkesbury City Council Councillor Trevor Devine, Hawkesbury City Council Councillor Ted Books, Hawkesbury City Council Councillor Bob Porter, Hawkesbury City Council Mr David Avery, DIPNR Mr John Miller, Community Member Mr Bill McMahon, Community Member Mr Peter Cinque, SES Sydney Western Division Mr David Scott, Department of Defence Mr Kevin Jones, SES Headquarters Mr Les Sheather, DAMIT Ms Carolyn Daley, Community Member
Apologies:	Mr Philip Pleffer, Hawkesbury City Council
In Attendance:	Mr Malcolm Ryan, Hawkesbury City Council Mr Chris Amit, Hawkesbury City Council

REPORT:

ITEM 1: Apologies

RESOLVED on the motion of Mr Les Sheather and seconded by Mr Peter Cinque that the apologies be accepted.

ITEM 2: Confirmation of Minutes

DISCUSSION:

- Mr John Miller believed that the Committee had previously requested that Council staff organise a representative from the RTA to attend the Floodplain Risk Management Committee meeting. Investigations concluded that this request has not been documented in previous Minutes of the Committee.

MOTION

RESOLVED on the motion of Mr John Miller, seconded by Councillor Trevor Devine.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The Committee extend an invitation to the Roads & Traffic for a representative to attend future meetings to provide advice and regular updates on RTA projects to Committee members.

MOTION

RESOLVED on the motion of Mr Les Sheather, seconded by Mr John Miller.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The Minutes of the Floodplain Risk Management Committee held on 18 April 2005, be confirmed.

ITEM 3: Discuss Preparation of Submission to the Licence Working Group - "How Best to Pre-release Flows from Warragamba Dam"

DISCUSSION:

- Mr Chris Amit advised Committee Members that the background information has not yet been made available, and that further investigations would be required to determine if the Committee has anything to gain by taking this approach.

- Mr Malcolm Ryan suggested that he would contact the Sydney Catchment Authority in writing requesting clarification on the Committee's questions and concerns with regard to the pre-releasing of flows at Warragamba Dam. Depending on the response received, it was then recommended that the Committee seek legal advice for Council and proceed.

MOTION

RESOLVED on the motion of Mr Les Sheather, seconded Councillor Trevor Devine.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. the Committee write to the Sydney Catchment Authority to clarify concerns with regard to pre-releasing flows from Warragamba Dam and the feasibility of this being used as a flood mitigation tool.
2. All Committee Members be provided with a copy of the presentation provided at the last meeting by Mr Amir Dean from the NSW Catchment Authority titled 'Warragamba Gate Operation'.

ITEM 4: Gazetted - Floodplain Development Manual

DISCUSSION:

- Mr David Avery provided the Committee with a presentation titled 'Coverage for Decisions' - Information provided in Accordance with the Principles of the Manual', and advised that this replaces the 1986 Floodplain Development Manual as the manual gazetted under Section 733 of the Local Government Act 1993 (LG Act). He further advised that there is an increased emphasis on the need for Councils to ensure that flood hazard and the potential cumulative impacts of the development on flooding are considered as early in strategic planning as possible, and that the resulting limits and controls are included in relevant planning instruments.

- Concerns were raised with regard to the 0.5m freeboard, as it was believed to not be consistent with Council's current LEP and whether the LEP should in fact be changed to conform to the new freeboard? Mr David Avery confirmed that if Council elected to not amend the Hawkesbury LEP to include the new freeboard measurement, then an explanation would need to be provided as to why Council has not altered this, as outlined in the Floodplain Development Manual.

- Councillor Trevor Devine was curious to know how the measurement of 0.5m for the freeboard was achieved (e.g. was any scientific research completed), and requested that all Committee Members receive the calculations that were used to obtain this freeboard measurement. Mr David Avery obliged.

MOTION

RESOLVED on the motion of Councillor Trevor Devine, seconded Mr Les Sheather.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The Committee recommend to Council that they approach Brisbane City Council and request their assistance in obtaining a copy of Reports they received in the early & late 1990's so comparisons can be made with regard to the calculations used to set the freeboard and the 1:100 year flood level.
2. Calculations used by experts to obtain the freeboard measurement are provided to all Committee members.
3. Seek legal advice on Council's liability with regard to indemnity, if the Floodplain Development Manual had not been produced.
4. All Committee members review their individual copies of the Floodplain Development Manual, for future discussion at the next meeting.
5. Council staff report back to the Committee on the outcomes achieved at the Floodplain Development Manual Workshop.

ITEM 5: SES Update

DISCUSSION:

- Mr Peter Cinque briefed Committee members on current projects being undertaken by the SES:
  - Catchment Officer Position
  - State Flood Mitigation Plan

MOTION

RESOLVED on the motion of Mr Peter Cinque, seconded Mr Kevin Jones.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be noted.

ITEM 6: DIPNR Update

DISCUSSION:

- Mr David Avery briefed Committee members on current projects (which have had some DIPNR involvement):
  - Windsor Flood Evacuation Route (2nd crossing of South Creek) - RTA are expected to go to tender shortly.
  - Strategic Planning - an overview of the existing regional evacuation route strategy / works is being made in the context of planned development for Penrith Lakes.
  - Guidance for Land Use Planning, Subdivision Design and Building - this information is expected to be released by the Hawkesbury Nepean Floodplain Management Strategy Steering Committee later this year to Councils.

MOTION

RESOLVED on the motion of Mr Les Sheather, seconded Councillor Kevin Conolly.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be noted.

ITEM 7: Flood Mitigation Measures - 1997 Hawkesbury/Nepean Floodplain Management Strategy

DISCUSSION:

- Mr David Avery provided a PowerPoint presentation, titled 'Flood Behaviour Modification Options'. Information provided, included a summary of Valley Wide Options (i.e upper valley dams, diversion works, etc), along with Local Flood Mitigation Options (i.e levees, detention basins, etc). Reference was made to the Hawkesbury Nepean Flood Management Advisory Committee report of September 1997 (copies of the report had been provided previously to Committee members), which assessed the various Valley Wide / Local Flood Mitigation Options. During the presentation, these options were compared to potential development control options (i.e. zoning, floor level and other building controls), which are cost effective and can significantly limit flood damage to property. At the meeting, Mr David Avery tabled a list of agency contacts regarding the potential impacts of the high-level flood diversion channel option.

MOTION

RESOLVED on the motion of Mr Les Sheather, seconded Councillor Kevin Conolly.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be noted.
2. That all Committee members are provided with a copy of the 1997 Hawkesbury/Nepean Floodplain Management Strategy and the Hydrographs, that was not available in 1997.

ITEM 8: General Business/Questions

DISCUSSION:

- Councillor Trevor Devine requested that previous correspondence received from the Department of Urban Affairs & Planning where it advises that Council should raise it's Flood Plan Level, be provided to Committee members, for their information.

MOTION

RESOLVED on the motion of Mr John Miller, seconded Mr Les Sheather.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. All Committee members are provided with a copy of previous correspondence received from DUAP with regard to Flood Planning Levels.
2. That once Hawkesbury's Flood Plan is in place, the template be streamlined across the LGA for all Councils to utilise.

The meeting closed at 6.05pm.

Future Meeting Dates:

Floodplain Risk Management Committee	Monday, 15th August 2005
Floodplain Risk Management Committee	Monday, 17th October 2005
Floodplain Risk Management Committee	Monday, 21st November 2005

oooO END OF REPORT Oooo

ROC - Floodplain Risk Management Committee - 15 August 2005 - (86589, 95498)

The meeting commenced at 4:00pm.

Present:	Councillor Kevin Conolly, Hawkesbury City Council Councillor Trevor Devine, Hawkesbury City Council Councillor Bob Porter, Hawkesbury City Council Mr John Miller, Community Member Mr Bill McMahon, Community Member Mr Peter Cinque, SES Sydney Western Division Ms Catherine Gillespie, DIPNR Mr Kevin Jones, SES Headquarters Mr Les Sheather, DAMIT
Apologies:	Councillor Ted Books, Hawkesbury City Council Mr David Avery, DIPNR
In Attendance:	Mr Greg Murphy, SES Sydney Western Division Mr Malcolm Ryan, Hawkesbury City Council Mr Chris Amit, Hawkesbury City Council Mr Philip Pleffer, Hawkesbury City Council Ms Julie Sinclair, Minute Secretary

REPORT:

ITEM 1: Apologies

RESOLVED on the motion of Councillor Trevor Devine, seconded by Councillor Bob Porter that the apologies be accepted.

ITEM 2: Confirmation of Minutes

DISCUSSION:

- The Committee were advised that Mr Greg Murphy of the State Emergency Service will attend future meetings as the representative for the SES, in Mr Peter Cinque's absence.

MOTION

RESOLVED on the motion of Mr John Miller, seconded by Councillor Bob Porter.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The Minutes of the Floodplain Risk Management Committee held on 15 August 2005, be confirmed.

ITEM 3: Update - Warragamba Dam & Pre-release Flows

DISCUSSION:

- Council staff have written to Mr Amir Dean of the Sydney Catchment Authority, regarding the Committee's concerns surrounding the pre-releasing of flows from Warragamba Dam. Mr Chris Amit is to provide advice to the Committee, upon receiving a response from the SCA. This matter to be discussed further, at the next meeting.

MOTION

RESOLVED on the motion of Councillor Kevin Conolly, seconded Councillor Trevor Devine.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be noted.

ITEM 4: Update - Floodplain Development Manual and Floodplain Workshop

DISCUSSION:

- Reference was made to confidential correspondence received from Abbott Tout Solicitors on 20 June 1997 regarding Flood Levels. Committee Members were invited to take the document away from the meeting, for a more detailed review.

- Committee members were provided with the presentation distributed at the Floodplain Workshop, titled 'Improving Floodplain Risk Management Outcomes', by DIPNR. This presentation advised that the merit approach remains, but the Floodplain Planning level of 1% AEP + 0.5m, is considered to be a reasonable standard for typical residential development, in most cases.

MOTION

RESOLVED on the motion of Councillor Kevin Conolly, seconded Mr Les Sheather.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. Council staff report to Committee Members on advice received from Council's Solicitors, Pyke & Pyke.
2. Council staff review the Floodplain Manual, review processes and report these back to the Committee, which will in turn be reported to Council, to assist in setting the Flood Planning Level for the Hawkesbury LGA.

3. The Committee recommend to Council that they approach Brisbane City Council and request their assistance in obtaining a copy of Reports received in the early & late 1990's, so comparisons can be made with regard to the calculations used to set the freeboard and the 1:100 year flood level.
4. DIPNR carry-out appropriate investigations to determine what level of reduction in the height of a 1% flood at Windsor, can be predicted as a result of:
   - The Penrith Lakes Scheme Development; and
   - The modifications to Warragamba Dam since 1990.
5. Council staff to provide an outline/summary on the first three (3) stages of the process for effective management, as outlined in the Workshop presentation in relation to where we are currently positioned on matter regards the Hawkesbury River and the Hawkesbury/Nepean Floodplain Management Strategy:
   - Data Collection.
   - Flood Study.
   - Floodplain Risk Management Study.

ITEM 5: Update - Thorley Street Upgrade

DISCUSSION:

- Further advice with regard to the progress of the Thorley Street Upgrade will be available to Committee members upon receipt of correspondence from the RTA, which is expected to arrive within the next few weeks.
- Approximate total cost of the upgrade is expected to be $1.2m - $1.3m.

MOTION

RESOLVED on the motion of Mr Peter Cinque, seconded Mr Les Sheather.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be noted.
2. Mr Peter Cinque to provide all Committee members with revised population figures for the Hawkesbury LGA, for evacuation purposes.

ITEM 6: SES Update

DISCUSSION:

- Mr Peter Cinque briefed Committee members on current projects being undertaken by the SES:
  - Education Officer Position.

MOTION

RESOLVED on the motion of Mr Peter Cinque, seconded Councillor Mr John Miller.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be noted.

ITEM 7: DIPNR Update

DISCUSSION:

- The Department now reports to three (3) individual Ministers, as listed below:
  - The Hon. Michael Costa, MLC - Minister for Infrastructure.
  - The Hon. Ian MacDonald, MLC - Minister for Natural Resources.
  - The Hon. Frank Sartor, MP - Minister for Planning.
- The Hawkesbury/Nepean Strategy was previously submitted to The Hon. Craig Knowles in his capacity as the Minister for Infrastructure, Planning and Natural Resources. The Department are in the process of determining if the Strategy is required to be re-submitted to the new Minister for Planning.

MOTION

RESOLVED on the motion of Ms Kathryn Gillespie, seconded Mr John Miller.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information be noted.

ITEM 8: 1997 Hawkesbury/Nepean Floodplain Management Strategy & Hydrographs

DISCUSSION:

- A critical issue for the Committee is to review the history of previous Windsor floods, to determine consistencies/patterns that have repeated themselves over a 100-year period.

MOTION

RESOLVED on the motion of Councillor Kevin Conolly, seconded Mr Les Sheather.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. Council staff to obtain a copy of the H14 procedures, and provide a copy to Committee members for discussion at the next meeting.

2. Committee members to be forwarded a copy of the Hydrograph Charts, provided by DIPNR.

The meeting closed at 6.15pm.

Future Meeting Dates:

Floodplain Risk Management Committee	Monday, 17th October 2005
Floodplain Risk Management Committee	Monday, 21st November 2005

oooO END OF REPORT Oooo

ROC - Sandstone Quarry Committee Meeting - (21 September 2005) - (95494)

The meeting commenced at 4:00pm

Present:	Councillor L Williams (Chairperson) Mr & Mrs Stimson Mr J Halpin Mr D Milgate
In Attendance:	Mr G Hall, Hawkesbury City Council Mr J Pye, Hawkesbury City Council Mr K Berzins, Berzines Environmental Planning

REPORT:

Minutes from Previous Meetings

- Minutes of previous meeting were adopted.
- Matters arising from the previous meeting - Nil

Progress of DA for Quarry Presentation by Karl Berzins (from Berzins Environmental Planning)

- Discuss the EIS process and format the content page chapter details. The document was tabled at the meting and distributed to committee members.
- Mr Berzins indicated that current operation is much less than the initial EIS as sandstone is now cut not crushed.
- Outlined the works and reports that will be proposed with the EIS.
- EIS reports are to be completed in the next six to eight weeks.
- Review and investigate the revegetation and rehabilitation of the site.
- Discussion took place on the provisions of designated development (EIS) against Local Development (No EIS) and the differences.
- Karl asked if there weer any matters or issues that the Committee would like the EIS to consider.

  David Stimson advised that in his time on the Committee, he was not aware of any problems being experienced by local residents.
- Discussions took place on how the notification and public consultation will occur both before and during the DA process.
- The Committee felt that no further meeting with the Committee was necessary before the lodgement of the application.
- Discussion then took place on the need to met with the surrounding residents at the quarry.

  It was agreed that this would be at the discretion of the applicant and if they decided to undertake this process, Council officers would assist in determining the extent the DA would be notified and provide owners details and addresses.

This matter was left to the applicant and the consultation to consider.

A copy of the EIS and DA when lodged would be provided to the Committee members.

- Councillor Williams requested the exhibition not to be during the holiday period (Christmas - to late January).

General Business

Nil

Next Meeting

January/February 2006

Meeting closed at 5:00pm

oooO END OF REPORT Oooo

ordinary

meeting

end of
business
paper

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