



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 12 November 2013

location: council chambers

time: 6:30 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 generally held on the second Tuesday of each month (except January), and the last Tuesday of each month (except December), meeting dates are listed on Council's website. The meetings start at 6:30pm and are scheduled to conclude by 11pm. These meetings are open to the public.

When an Extraordinary Meeting of Council is held, it will usually also be held on a Tuesday and start at 6:30pm. 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 items 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 by 3pm on the day of the meeting, of those items they wish to discuss. A list of items for discussion will be displayed at the meeting for the public to view.

At the appropriate stage of the meeting, the Chairperson will move for all those items which have not been listed for discussion (or have registered speakers from the public) to be adopted on block. The meeting then will proceed to deal with each item listed for discussion and decision.

Public Participation

Members of the public can register to speak on any items in the business paper other than the Confirmation of Minutes; Mayoral Minutes; Responses to Questions from Previous Meeting; Notices of Motion (including Rescission Motions); Mayoral Elections; Deputy Mayoral Elections; Committee Elections and Annual Committee Reports. To register, you must lodge an application form with Council prior to 3pm on the day of the meeting. The application form is available on Council's website, from the Customer Service Unit or by contacting the Manager - Corporate Services and Governance on (02) 4560 4444 or by email at council@hawkesbury.nsw.gov.au.

The Mayor will invite registered persons to address the Council when the relevant item is being considered. Speakers have a maximum of three minutes to present their views. The Code of Meeting Practice allows for three speakers 'For' a recommendation (i.e. in support), and three speakers 'Against' a recommendation (i.e. in opposition).

Speakers representing an organisation or group must provide written consent from the identified organisation or group (to speak on its behalf) when registering to speak, specifically by way of letter to the General Manager within the registration timeframe.

All speakers must state their name, organisation if applicable (after producing written authorisation from that organisation) and their interest in the matter before speaking.

Voting

The motion for each item listed for discussion will be displayed for Councillors and public viewing, if it is different to the recommendation in the Business Paper. The Chair will then ask the Councillors to vote, generally by a show of hands or voices. Depending on the vote, a motion will be Carried (passed) or Lost.

Planning Decision

Under Section 375A of the Local Government Act 1993, voting for all Planning decisions must be recorded individually. Hence, the Chairperson will ask Councillors to vote with their electronic controls on planning items and the result will be displayed on a board located above the Minute Clerk. This will enable the names of those Councillors voting For or Against the motion to be recorded in the minutes of the meeting and subsequently included in the required register. This electronic voting system was an innovation in Australian Local Government pioneered by Hawkesbury City Council.

Business Papers

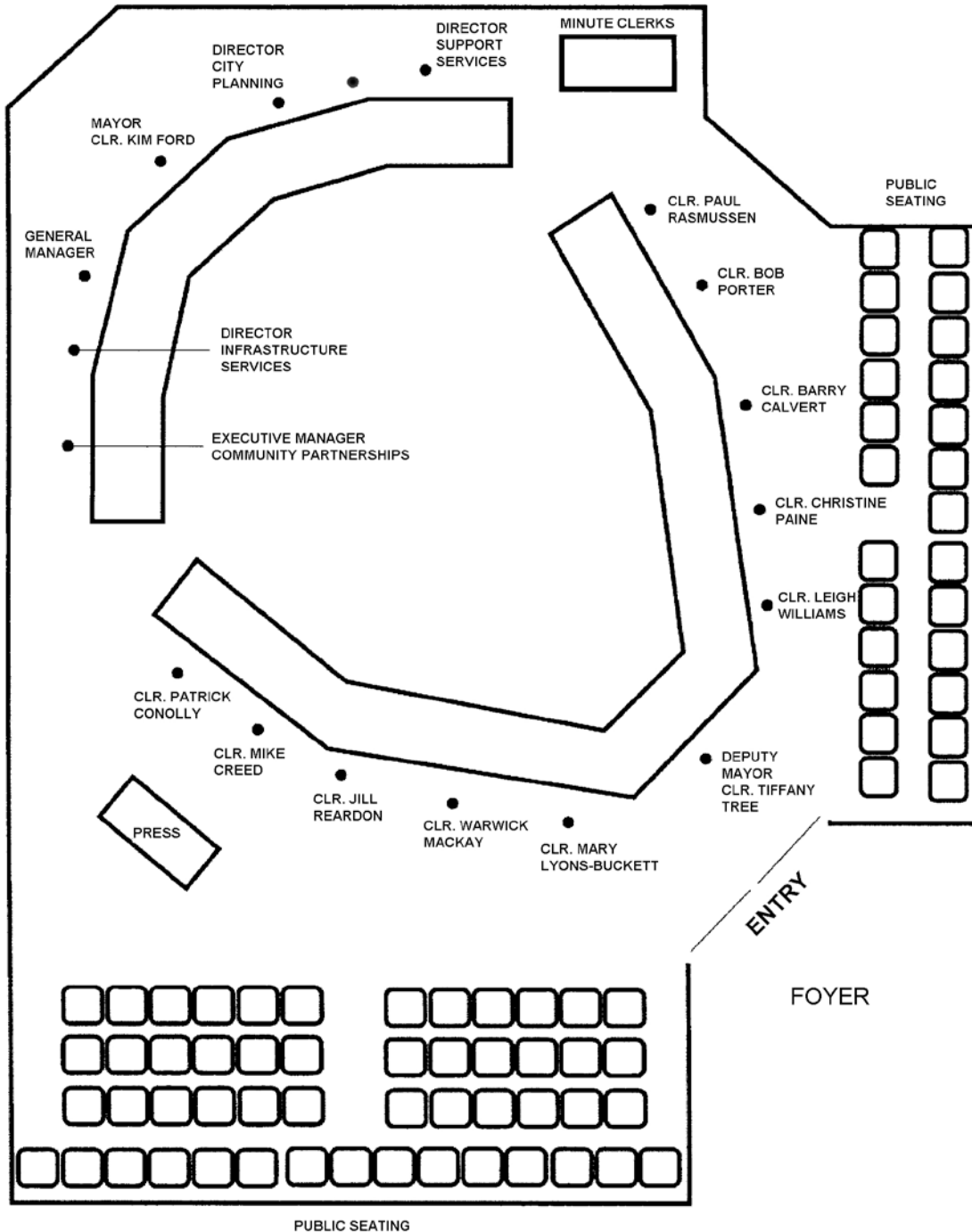
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

Hard copies of the business paper can be viewed at Council's Administration Building and Libraries after 12 noon on the Friday before the meeting, and electronic copies are available on CD to the public after 12 noon from Council's Customer Service Unit. The business paper can also be viewed on the public computers in the foyer of Council's Administration Building.

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 and Governance on, telephone (02) 4560 4444.

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

ITEM: 223 **CP - Planning Proposal - Lots 271, 272, 273 and 274 DP 1156792, 96-98 Grose Vale Road, and 26-28 Arthur Phillip Drive, North Richmond - (95498)**

REPORT:

Executive Summary

The purpose of this report is to advise Council of submissions received due to the public exhibition and public authority consultation relating to a planning proposal affecting Lot 271 DP 1156792, 98 Grose Vale Road, North Richmond; Lot 272 DP 1156792, 96 Grose Vale Road, North Richmond; Lot 273 DP 1156792, 26 Arthur Phillip Drive, North Richmond; and Lot 274 DP 1156792, 28 Arthur Phillip Drive, North Richmond.

It is recommended that, subject to amendments discussed in this report, the planning proposal be forwarded to the Department of Planning and Infrastructure (DP & I) for finalisation and gazettal.

Background

In March 2012 Council received a planning proposal prepared by JBA Planning (JBA) on behalf of the North Richmond Joint Venture (NRJV) for the rezoning of Lot 27 DP 1042890, 108 Grose Vale Road, North Richmond for predominantly residential purposes.

Note, Lot 27 DP 1042890, 108 Grose Vale Road, North Richmond was subsequently subdivided and the land subject to this planning proposal is now Lot 271 DP 1156792, 98 Grose Vale Road, North Richmond; Lot 272 DP 1156792, 96 Grose Vale Road, North Richmond; Lot 273 DP 1156792, 26 Arthur Phillip Drive, North Richmond; and Lot 274 DP 1156792, 28 Arthur Phillip Drive, North Richmond.

The planning proposal was reported to the Ordinary Meeting of Council on 8 May 2012 whereby Council resolved as follows:

“That:

1. *A Planning Proposal be prepared for the rezoning of Lot 27 DP 1042890, 108 Grose Vale Road, North Richmond as shown in plan titled Gateway Planning Proposal - Infrastructure and Staging North Richmond Joint Venture Concept Plan Redbank Proposed Draft LEP Zonings, prepared by J. Wyndham Prince, referenced 8607/SK44 and subject to the proposed B2 zone being changed to a B1 Neighbourhood Centre zone.*
2. *The Planning Proposal be supported by JBA Planning’s Planning Proposal titled Redbank at North Richmond, dated March 2012 and associated reports and assessments.*
3. *The Planning Proposal be forwarded to the Minister for Planning and Infrastructure for a “gateway” determination.*
4. *The Minister for Planning and Infrastructure be requested to consider a community consultation period of not less than 60 days.*

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5. *The matter be reported back to Council to consider submissions following public exhibition.*
6. *If the Department of Planning and Infrastructure determines that the planning proposal is to proceed, Council commence Voluntary Planning Agreement negotiations with the North Richmond Joint Venture and any other relevant party.*
7. *The North Richmond Joint Venture in preparing a Transport Management & Accessibility Plan for the proposed development is to include at least one other alternative to the proposed access route and Yarramundi Bridge crossing for consideration by Council, relevant public authorities and the community.*
8. *In the event of the Planning Proposal proceeding, the North Richmond Joint Venture is to develop a draft Masterplan and draft site specific DCP for the site, at their own expense, in conjunction with Council staff for final checking, amendment if required, and adoption by Council prior to finalisation of the rezoning.*
9. *Council commence the process to prepare a specific plan of management for Navua Reserve and a review of the plan of management for Yarramundi Reserve that proposes to retain the Crown Road reserves so they are available for any future proposed crossing of the Grose River. Should the current proposal proceed any other required changes to the plans of management should be proposed for consideration at the same time."*

(Part 9 of the above resolution related to the Council's specific request for Council staff to undertake action in relation to the Plan of Management and was not specific or dependent on the planning proposal, i.e., work to be undertaken independent of whether the planning proposal proceeded. As such this part of the resolution was not included in the planning proposal document. However, the entire Council report of 8 May 2012 and the resolution from that report were submitted to the Department of Planning and Infrastructure as part of the Gateway application.)

The planning proposal was supported by a range of specialist reports.

On 14 June 2012 Council's planning proposal was submitted to the DP&I's Gateway for determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Gateway determination, issued on 27 July 2012, provided that the planning proposal should proceed subject to conditions. (See Attachment 1). Primarily the determination required that prior to commencement of public exhibition the Council was required to:

- Finalise the Transport Management and Accessibility Plan (TMAP) and approve of an approach to access and funding arrangements. This agreement is to form part of a negotiated draft voluntary planning agreement with the proponent and other relevant agencies ensuring that any development of the land occurs at no cost to government. The draft voluntary planning agreement is to be exhibited with the planning proposal.
- Finalise a Conservation Management Plan (CMP) and obtain endorsement of the CMP from the Heritage Council.
- Provide a response to S117 Direction 4.1 Acid Sulphate Soils and include this response with the public exhibition material.
- Consult with the Commissioner of the NSW Rural Fire Service prior to the commencement of community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, and forward to the DP&I.

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Following completion of the work required by the above conditions and prior to community consultation, the Gateway determination also required Council to revise the planning proposal to reflect the outcome of the above and provide a copy of the proposal and other relevant information to the Department's regional office.

The Gateway determination required that once the planning proposal had been revised, appropriate community consultation be undertaken in accordance with sections 56(2)(c) and 57 of the EP&A Act. It also required that Council undertake consultation under section 56(2)(d) of the EP&A Act with the following agencies:

- Transport for NSW (TfNSW) - Roads and Maritime Services (RMS)
- Sydney Water
- Office of Environment and Heritage
- NSW Aboriginal Land Council
- Hawkesbury-Nepean Catchment Management Authority

The planning proposal was amended in accordance with the conditions of the Gateway determination and the Department of Planning and Infrastructure's guideline *A guide to preparing planning proposals* (June 2009 as updated October 2012). The following additional reports were also prepared in support of the amended planning proposal:

- North Richmond 'Redbank' Transport Management and Accessibility Plan, AECOM, 20 March 2013
- Conservation Management Plan, Urbis, 25 March 2013
- North Richmond 'Redbank' Transport Management and Accessibility Plan Traffic Review, prepared by GTA Consultants on behalf of the Department of Planning and Infrastructure, 8 April 2013

The Planning Proposal

In summary, the proposal (as amended) comprises as follows:

- Approximately 1,400 homes in addition to the Seniors Living Facility currently under construction on the site.
- Local Council roads including bus route.
- Small scale neighbourhood centre of approximately 1.0 ha.
- Retention and modification of three to four existing farm dams within the project site to become open water bodies. A number of other dams on the site are to be modified for semi-permanent or on-site detention basins (essentially dry basins).
- Construction of four primarily trunk drainage corridors (with a secondary riparian and tertiary open space function).
- Retention of an existing farm dam on Redbank Creek and vegetation improvement to the primarily riparian corridor along the south bank of Redbank Creek, which extends along the site perimeter.
- Capacity improvements to existing stormwater infrastructure along with water quantity management downstream of the site, discharging to Redbank Creek.
- An alternate east-west vehicular access to North Richmond.

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- Multiple road connections to existing Grose Vale Road (3), Arthur Phillip Drive(2), Townsend Road (1) but no connection to Belmont Grove.

The effect of the planning proposal would be to amend the Land Zoning Map, Height of Buildings Map, Lot Size Map and Lot Averaging Map of LEP 2012. These maps (as exhibited) are provided in Attachment 4.

The proposed zones have been derived from those of the LEP 2012 and are as follows:

- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- B1 Neighbourhood Centre
- RE1 Public Recreation

A minimum subdivision lot size of 1,500m² is proposed in the R5 Large Lot Residential Zone, with a minimum lot size of 375m² proposed for the R2 Low Density Residential Zone. A minimum lot size of 180m² is proposed in the R3 Medium Density Residential Zone. The smaller lot sizes in the R2 and R3 zones have been provided to allow for flexibility in the subdivision layout having regard to the objectives of the Conservation Management Plan. However, it is not intended to exceed the 1,400 dwellings proposed for the site.

Finally, it is also proposed that the site be identified as an “urban release area” and that an appropriate clause be inserted into Part 6 of LEP 2012 to require satisfactory arrangements be made for the provision of designated State public infrastructure, to satisfy needs that arise from development of the site, before the land is developed intensively for urban purposes. This would include State matters such as education, emergency service, etc.

The proposal is accompanied by an offer by the proponent to enter into a voluntary planning agreement (VPA) for the delivery of local and regional infrastructure. A draft VPA has been prepared by the applicant following negotiations with Council and the Roads and Maritime Services (RMS) and will operate in lieu of a Section 94 or Section 94A developer contributions.

The VPA offer includes the following:

- Intersection/road upgrades to TfNSW/RMS infrastructure as per the TMAP.
- New proposed bridge crossing of Grose River at Yarramundi (discussed in further detail below).
- Bus stops and bus shelters within the site.
- Community facilities - approximately 300m² on site for a multipurpose community centre, social programs.
- Open space/drainage area and works as identified by the Conservation Management Plan.
- Facility improvements to Peel Park.
- Open space and recreation - including works as identified by the CMP, provision of various open spaces throughout the site, pedestrian and cycle links and revegetation.

Further discussion regarding the draft VPA is provided below.

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The applicant has also prepared a Draft Development Control Plan (DCP) to guide the future development of the site. The draft DCP includes the Master Plan for the site as well as development guidance in relation to:

- heritage conservation and interpretation,
- environmental management,
- movement network,
- subdivision;
- built form

The draft DCP is currently being reviewed and discussed with the applicant and does not require finalisation as part of the planning proposal (rezoning). Upon satisfactory completion, the draft DCP will be the subject of a separate report to Council, in the near future, with a recommendation for that document to be placed on public exhibition. It is proposed that the DCP will be finalised prior to any development application being considered for future development of the site.

Consultation

In accordance with the relevant statutory and the “gateway determination” requirements the relevant public authorities and the community were consulted on the planning proposal and the outcome of the consultation is discussed in this report.

Consultation with Public Authorities

The planning proposal was referred to the following public authorities:

- Transport for NSW (TfNSW) - Roads and Maritime Services (RMS)
- Sydney Water
- Office of Environment and Heritage
- NSW Aboriginal Land Council
- Hawkesbury-Nepean Catchment Management Authority
- NSW Rural Fire Service
- Department of Trade and Investment - Mineral Resources Branch
- Department of Education and Communities
- NSW Department of Primary Industries (Fisheries NSW)

Written responses were received from:

- Sydney Water
- Transport for NSW/Roads and Maritime Services (RMS)
- Dept of Primary Industries - Office of Water
- Office of Environment and Heritage (OEH)
- Heritage Council

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It should be noted that the Gateway determination also required that Council consult with the Commissioner of the NSW Rural Fire Service (RFS) prior to community consultation and take into account any comments made as per the requirements of the S117 Direction 4.4. Accordingly, Council advised the RFS of the planning proposal. The RFS provided the following advice in response:

The RFS raises no objections to the proposed rezoning but would remind Council that Special Fire Protection Purpose developments like home-based child care on Bush Fire Prone Land are to be considered as integrated development and therefore require consent. (RFS letter dated 19 September 2012)

Issues raised by public authorities and an assessment of those issues and proposed response are discussed below. The proponent has also undertaken an assessment of public authority submissions and those comments are summarised below. Key issues raised by the proponent in response to submissions are also included in the assessment below.

Sydney Water

Sydney Water advised that there is adequate capacity for drinking water although upgrade works may be required to ensure pressure requirements are met. It also advised that the proposal will require upgrade to the North Richmond Wastewater Treatment Plant.

Staff Comment:

It is expected that improvements to water pressure will be required to be provided by this development. In addition, minor augmentation to the sewer system will be required bearing in mind the proposed system is a low infiltration system.

No further action is required at this stage and the developer will be required to apply for a Section 73 Certificate from Sydney Water at the construction/subdivision stage as required in any development consent.

Transport for NSW/RMS

Transport for NSW advised that both it and RMS reviewed the proposal and raise no objection. However, Transport for NSW advised that the draft VPA as exhibited was not supported.

Correspondence received from the RMS dealt with the provisions in the draft VPA. It undertook a strategic cost estimate of the bridge and associated road works proposed by the developer which the RMS has estimated will cost \$25.2M. The RMS proposed that the bridge amount not be capped as the construction of the bridge and associated works are works-in-kind at cost to the developer. The RMS also advised that if the bridge is not approved the \$25.2M should be provided to the RMS as a monetary contribution towards upgrades on the surrounding State road network.

Staff Response:

Further negotiations regarding the draft VPA have since been held between the RMS, the proponent and Council. The outcome of those negotiations is discussed later in the "Voluntary Planning Agreement" section of this report.

Department of Primary Industries - Office of Water

The Department of Primary Industries - Office of Water raised a number of concerns with the proposed approach to the riparian corridors as follows:

- The riparian corridor widths are not consistent with previous agreements
- The riparian land should be zoned E2 Environmental Conservation rather than a residential zone particularly along Redbank Creek

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- Private ownership of riparian land is generally not supported
- Care needs to be taken to ensure that any land uses permitted in the R5 and RE1 zones in the vicinity of riparian lands are appropriate and that future landowners are aware of restrictions that may apply in riparian corridors

The Office of Water also raised concern that increased residential lot frontages to the creek will lead to the creation of Basic Landholder Rights under the *Water Management Act 2000* which would enable landholders to extract water from the creek for domestic purposes without the need for a licence. The Office of Water argued that this could lead to adverse environmental impacts unless properly managed.

The Office of Water suggested that perimeter roads should be provided between residential areas and riparian corridors to improve surveillance and minimise dumping of rubbish etc.

With respect to the proposed new Navua Bridge at Yarramundi, the Office of Water advised that it should span the full width of the riparian corridor and bridge piers and foundations should not be located within the main channel of the river.

Proponent Response:

The proponent notes that the planning proposal is not consistent with previous agreements with Office of Water due to:

- changes to the scheme arising from negotiations with the Heritage Council NSW relating to the Conservation Management Plan
- changes within the Guidelines for Riparian Corridors on Waterfront Land introduced by the Office of Water in July 2012
- the residential dwelling targets established for the site in consultation with the DP&I and Council

The proponent considers that public ownership of the riparian areas does not necessarily result in adequate maintenance, with public creek areas subjected to ongoing weed invasion and rubbish dumping. Private owners are more likely to protect the creek environment given their real and tangible connection to the area and the proposal to require landowners to maintain the creek in accordance with an approved Vegetation Management Plan.

In terms of zoning, the proponent considers the proposed R5 zone in the vicinity of the riparian corridor provides an appropriate transition between large lot residential existing in Belmont Grove to the urban residential in North Richmond. However, the proponent has indicated it would consider an E4 Environmental Living zone.

With respect to water extraction, the proponent notes that the existing water extraction licence of 15 ML per annum will be divided between the resultant lot titles.

The proponent does not support the construction of a perimeter road between residences and the riparian corridor (although it notes that this may occur in some places), stating that this approach has been shown not to work in other areas in western Sydney. The proponent notes that lots adjacent to the riparian areas will be sized, marketed and priced so that people buying these lots will want to care and protect the values of their local environment.

With respect to the proposed bridge, the proponent advises that it will occupy a much lesser waterway area than the existing Yarramundi Bridge and with appropriately designed pier geometry will not impede or result in any negative impact on sand migration or bridge serviceability.

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Staff Comment:

The location and width of the proposed riparian corridors correspond with the requirements of the Conservation Management Plan and the Office of Water's Guidelines for Riparian Corridors on Waterfront Land and is therefore considered appropriate.

In light of submissions from the Office of Water and OEH (see below) as well as public submissions on this issue, it is considered that all land within the riparian corridor along Redbank Creek be zoned RE1 Public Recreation and dedicated to Council in recognition of the environmental sensitivity of this area and to limit the types of land uses that could be contemplated in this location.

The draft LEP map will need to be amended to reflect this change. This will be included in the recommendation of this report.

The issues raised in relation to road layouts and bridge design could be appropriately addressed at the development assessment stage if the proposal proceeds.

Office of Environment and Heritage - Environmental Conservation

The OEH indicated that the riparian corridors should be brought into public ownership or if this is not possible, zoned E2 Environmental Conservation. It does not support the R5 Large Lot Residential zone.

Similar to the Office of Water, OEH raised concern regarding changes to the concept since originally discussed with the proponent. It noted that the proposal appears to conflict with the vision for the public open space strategy for the project.

The OEH also raised concern that the measures to protect River-Flat Eucalypt Forest (RFEF) and other biodiversity values are not adequate. In its view, the proposed removal of Cumberland Plain Woodland (CPW) has not been appropriately justified and areas of CPW to be retained need to be protected preferably by a RE1 Public Recreation zoning or if this is not possible, zoned E2 Environmental Conservation. It advised that offsetting for biodiversity losses is likely to be required.

It questioned the adequacy of any Vegetation Management Plan, particularly in relation to who will be responsible for enforcing implementation. Past experience suggests there are inherent difficulties in regulating such private conservation measures.

OEH recommends that a specific Plan of Management be prepared for land zoned RE1 with specific environmental values to ensure these are protected. It also notes that careful planning and management of walking and cycling tracks will be required to similarly protect environmental values.

Proponent Response:

The proponent has advised that protection of the RFEF will be afforded through the Vegetation Management Plan which will require regeneration along Redbank Creek and ensure ongoing maintenance as a requirement of ownership of a subdivided lot. The proponent points out that the northern side of Redbank Creek cannot be protected as it is in separate private ownership. It also has minimal vegetation other than grass and a narrow band of trees.

The proponent does not agree with OEH's view regarding private ownership leading to adverse outcomes, referring to contrary evidence that private ownership leads to better health outcomes for riparian corridors. The draft VPA also requires that the approved Vegetation Management Plan will extend to RE1 lands, requiring that these lands be established and maintained for 5 years after establishment.

The proponent's reasons why the scheme has changed since earlier discussions with OEH are outlined in the response to the Office of Water submission above. In addition, once the subdivision design is finalised, all areas intended to be public open space will ultimately be zoned RE1 and dedicated to Council.

Land containing significant stands of CPW is proposed to be dedicated to Council as RE1 Public Recreation land or zoned E2 Environmental Conservation. Offsetting for any losses may be considered.

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Staff Comment:

Clause 6.4 of Hawkesbury LEP 2012 and accompanying Terrestrial Biodiversity Map afford sufficient protection of significant vegetation on the site. The Terrestrial Biodiversity Map identifies areas within the site which contain “significant vegetation” and “connectivity between significant vegetation”. Under Clause 6.4, before determining a development application Council must consider whether the development:

- is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
- is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
- has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
- is likely to have any adverse impact on the habitat elements providing connectivity on the land.

Further, under clause 6.4 Council cannot approve the development unless is it satisfied that:

- the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
- if that impact cannot be minimised—the development will be managed to mitigate that impact.

The question of what vegetation will be retained or removed is a matter that will be finalised at subdivision stage. At that stage, the question of whether biodiversity offsets will be required can be determined in consultation with the OEH and the proponent.

Similarly, while the main areas of open space are zoned RE1 under the draft LEP, some other areas of open space cannot be accurately mapped until the subdivision layout is confirmed at which time the LEP will be revisited to add RE1 zoned land where appropriate. However, it should be noted that the draft DCP prepared by the proponent includes an open space plan which reflects the intent of the endorsed Conservation Management Plan. The DCP is intended to guide the future subdivision and development of the site. Together with the proposed Vegetation Management Plan and associated provisions in the draft VPA, it is considered that adequate protection for the riparian corridors and open space areas can be achieved.

The issues raised in relation to protection of riparian corridors are addressed above in response to the Office of Water’s submission.

Office of Environment and Heritage - Aboriginal Heritage

OEH supports the recommendations of the Aboriginal Heritage Assessment report prepared in 2008 and subsequent updated advice, with the exception of the recommendation relating to the need for a due diligence assessment prior to any future development. The requirement for such a report is not applicable in this instance.

Staff Comment:

OEH’s advice is noted.

Office of Environment and Heritage - Flood Risk Management

OEH advised that the following issues need to be addressed in relation to flood risk management for the site:

- cumulative impact of the proposed rezoning on increased impervious areas and increased local runoff and flood levels in the catchment
- flooding impacts from future uses on both people and property for the full range of flood events up to the PMF
- the potential impact of increased rainfall intensities due to climate change.

OEH advised that the SES should be consulted on how the proposal may impact on its emergency management procedures particularly the evacuation of properties including seniors living precinct during extended periods of isolation or cuts to key utility services. Consideration should be given to preparation of an emergency response plan.

It also advised that development guidance material in Hawkesbury-Nepean Floodplain Management Strategy should be taken into account when designing the subdivision, bridges and culverts.

Proponent Response:

The Stormwater Management Strategy prepared for the planning proposal indicates that no areas of the site are below the PMF. The stormwater infrastructure proposed will ensure that all proposed lots are above the 1 in 100 year flood levels, that there will be nil increase in discharge volume rate from the site from the southern site catchment and discharge from the northern site catchment will be managed to avoid the peak regional catchment flow on Redbank Creek. Water quality and clarity targets will also be met.

The proponent has engaged specialist consultants Molino Stewart on an ongoing basis to ensure delivery of site infrastructure is in line with the Hawkesbury-Nepean Floodplain Management Strategy, industry best practice and the proponent's vision for the project. Molino Stewart has already prepared Flood and Bushfire Safety Evaluation and Flood Access reports.

Staff Comment:

The North Richmond Release Area Flood and Bushfire Safety Evaluation (Molino Stewart, 2009) concluded that the site is free of any direct risk of flooding from the Hawkesbury-Nepean River. In terms of localised flooding, the report indicates that appropriate planning measures can be undertaken to minimise the impact of flooding on the proposed development areas. The report concludes that with adequate planning and engineering design, it is expected that all of the 100 year ARI flood extents can be restricted to the riparian corridor/open space area of the site.

Updated advice from Molino Stewart provided in May 2013 confirms that the proposed development will not result in residential dwellings or commercial buildings below the Hawkesbury - Nepean Probable Maximum Flood level or local 1 in 100 AEP flood levels.

Notwithstanding this, major or extreme floods would have impacts on the site and North Richmond more broadly, including cutting road access across the Richmond Bridge, and cutting electricity and telephone communications. The proposed Navua Bridge will provide an improved access in high frequency (low level) flood events to Penrith via Springwood in the short term. In the event that the bridge does not proceed, emergency access during extreme floods will be via Bells Line of Road which is the case at present.

It should be noted that clause 6.3 of LEP 2012 ensures that appropriate consideration is given to flood planning matters at the development application stage.

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The Gateway determination did not require that consultation with the SES be undertaken. However, it is considered appropriate that the SES be consulted at the development application stage regarding any specific requirements it may have.

The recommendation to take into account the Hawkesbury-Nepean Floodplain Management Strategy when designing subdivision, bridges and culverts is supported.

Office of Environment and Heritage - Heritage Division

The Heritage Division noted that a comparison of the zoning plan with the Concept Masterplan indicates that many open space areas have not been carried through to a RE1 zoning and have been zoned residential instead. It considers that areas of environmental significance and conservation value should be appropriately zoned to ensure they are not subject to development pressures. It does not support Council's proposal to finalise the RE1 zones in a further LEP once the subdivision layout is finalised.

The Heritage Division also noted that Council should ensure the site specific DCP clearly identifies the significance of the vegetation corridor and includes provisions to ensure its management and protection. The VPA should ensure significant spaces are retained in public ownership to allow for adequate interpretation and public appreciation of the site's history.

However, the Heritage Division supports higher densities provided that this enables retention of more heritage fabric and significant vegetation and does not reduce the size of the approved open space network.

The Heritage Division recommends that:

- the rezoning should not proceed until the site layout and open space areas are refined and the masterplan is endorsed so that zoning can reflect land uses
- All areas intended to be public open space should be zoned RE1
- All open space areas should be dedicated to Council and included as offer in VPA
- As per Policy 15 in the Conservation Management Plan, all identified heritage items should be in public ownership and the VPA should ensure that this land is dedicated to Council.

Proponent Response:

The Concept Masterplan included within the Conservation Management Plan has further evolved into the Masterplan to be included with the DCP. The proponent will seek OEH endorsement of the DCP prior to its public exhibition.

As noted above, in addition to the main areas of open space which are zoned RE1 under the draft LEP, there are other areas of open space that will be dedicated to Council once the final subdivision layout is known. The proponent notes that there is no tolerance for zone boundary adjustment in the case of RE1 and environmental conservation zones therefore it is best left for the wider open space areas, as defined as concept in the endorsed Conservation Management Plan, to be zoned RE1 following these boundaries being fixed by final survey at the time of lot registration.

All areas intended to be public open space will ultimately be zoned RE1, dedicated to Council, included within the approved VPA whether or not originally zoned RE1 at LEP gazettal, and include all dams, water bodies and keyline irrigation features.

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Staff Comment:

While it would be ideal to finalise the Masterplan and subdivision layout so that all open space areas could be appropriately identified as RE1 Public Recreation prior to the site's rezoning, this is likely to cause significant delay and hardship for the proponent and is considered unnecessary. The DCP (incorporating the final Masterplan) will need OEH endorsement and will need to be consistent with the Conservation Management Plan. Further, if future development is inconsistent with the OEH endorsed DCP, then any development application will become "integrated development" and require the concurrence of OEH.

It is considered that this process will afford sufficient protection of important heritage and open space areas

Summary

In general, it is considered that issues raised by agencies can either be addressed at the detailed development application stage or are addressed by the provisions contained in the existing Hawkesbury LEP, draft DCP, Conservation Management Plan and draft VPA. It is intended that the draft DCP will be publicly exhibited and will apply to all development within the subject site.

Community Consultation

The planning proposal and supporting documentation was publically exhibited for the period 14 June - 14 August 2013. Notices were placed in the Hawkesbury Courier and letters were sent to adjoining and nearby landowners and occupiers advising of the proposal and the exhibition period. The planning proposal was available on Council's website and at Council's Main Administration Building.

Approximately 300 submissions were received from the public with approximately 64% of submissions raising concerns or objecting to the proposal and approximately 36% of submissions supporting the proposal.

As Council is aware, Council also previously received a petition headed "Do not approve any rezoning west of the river" with 4207 signatures. The petition states:

"Do not approve any rezoning west of the river

The current infrastructure is inadequate for the existing population of North Richmond and surrounding areas. Traffic congestion is a major problem which impacts on all residents west of the river as well as residents and businesses in Richmond due to the bank up of traffic in Richmond.

North Richmond Districts Community Action Association and the community are therefore requesting that Hawkesbury City Council does not approve any further rezoning west of the river until the infrastructure has been upgraded significantly. The community calls for action by the relevant authorities to improve the infrastructure NOW, not simply make promises for future improvements but implement actual upgrades to alleviate the existing problems. Until this time the area west of the river cannot sustain any further rezonings."

Issues raised in the consultation and an assessment of those issues and proposed response are discussed below.

A summary of submissions received is provided in Attachment 2.

The proponent has also undertaken an assessment of public submissions and a copy of its response is provided at Attachment 2. Key issues raised by the proponent in response to submissions are also included in the assessment below.

In summary, the main concerns raised in submissions objecting to the planning proposal were:

Traffic and Access

- There is already significant traffic congestion in the area and the proposal will exacerbate traffic conditions and traffic safety.
- Development should not proceed until recommended local and regional traffic upgrades are implemented.
- Emergency services will have difficulty accessing the site, particularly in times of peak traffic congestion
- Council should lobby State Government to fund road infrastructure upgrades.

Provision of Infrastructure

- There is insufficient infrastructure to support the development, including both physical and social infrastructure as well as emergency services
- Public transport west of the river is inadequate
- Water demand will further impact on inadequate water pressure
- Limited local employment means most people will have to drive to access jobs

Adequacy of VPA

- Contributions detailed in the draft VPA are not adequate to address infrastructure needs
- Risk that developer will go into liquidation
- Timing and implementation of road improvements as proposed in VPA are not adequate

Strategic planning

- Proposal is in direct contravention of State Government's original view that the site should not be rezoned
- The proposal will lead to overpopulation
- Additional residential development in Hawkesbury LGA should be provided east of the Hawkesbury-Nepean River

Environmental impacts

- The proposal will adversely impact on the rural amenity and scenic quality of the area
- Additional runoff from dwellings will adversely impact on stormwater into Redbank Creek
- Adverse impact on Redbank Creek

Dwelling density

- Proposed small lot sizes are not appropriate in this location

Heritage

- The proposal will adversely impact on the heritage values of the site (European and Aboriginal)

Proposed Bridge

- Proposed new bridge will adversely impact on existing, heavily used public recreational space and important flora/fauna
- Proposed new bridge will not facilitate emergency access.

Flooding

- Emergency access during peak floods is not adequate.

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Matters raised in support of the proposal in the public submissions include:

Housing supply and choice

- Proposal will help meet existing demand for housing including both supply and housing choice
- Average lot size consistent with traditional urban form supported by the community

Economic impacts

- Positive economic impacts including job generation and support for local businesses
- Provides for NBN with associated employment opportunities

Provision of infrastructure

- Development to provide for infrastructure to benefit wider community

Track record of developer

- Good track record and financial capability of developer and high standard of proposed development

Heritage benefits

- Project will preserve heritage values of site (including Yeoman's legacy), enhance Redbank Creek environment and provide new open space and parks for all
- CMP is the result of extensive consultation with Heritage Council and has its support

Environmental benefits

- Sustainable water management
- Proposal provides drainage solution for adjoining residents
- Limited environmental impacts given existing site characteristics (including site cleared, adjacent to existing residential development and above flood plain)
- Provides for double current standard of open space
- Site suitability and connectivity with existing adjacent development

Other benefits

- Landmark development
- Consistent with draft North West Subregional Strategy and Council's Hawkesbury Residential Land Strategy

The following section is a summary and assessment of the key issues of concern raised in the submissions relevant to the planning proposal.

Issue A: Traffic and Access

The overriding concern raised in submissions related to the traffic impacts of the development. Submissions pointed to existing traffic congestion on the surrounding local and regional road network and in crossing the Hawkesbury-Nepean River. There was a general view that existing traffic congestion needs to be remedied before any additional development is approved in the area and that Council should focus its efforts on lobbying the state and federal governments to fund traffic upgrades.

A number of submissions were sceptical about the findings of the Transport Management and Accessibility Plan (TMAP) and questioned the findings that the proposed traffic improvements will adequately address traffic problems. Many submissions also raised concerns regarding the safety of pedestrians, cyclists and horse riders with the additional traffic arising from the development.

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Other traffic issues raised included:

- The lack of State Government funding for road improvements in the area
- Response times for emergency services trying to reach the site during heavy traffic periods
- The need to upgrade the Bells Line of Road, North Richmond Bridge and Grose Vale Road before any development proceeds
- The cumulative traffic impact of both the Redbank and Jacaranda planning proposals
- A new bridge at Yarramundi will increase traffic through Kurrajong Village, Grose Vale and Grose Wold areas
- Alternate access across Redbank Creek onto Redbank Road

Proponent Response:

The Proponent considers that the initial intersection improvements that it is committed to paying for as detailed in the draft VPA will provide relief to existing road traffic congestion and improve local travel times. Further improvements will be made when the proposed Navua Bridge is built and operational. The proponent notes that the TMAP was peer-reviewed by an independent engineering consultant on behalf of Council and the DP&I and has been reviewed by the RMS. The TMAP demonstrates that there will be improved "Level of Service" on key intersections when the proposed three intersections are upgraded (within the first 120 lots). This will be a relative improvement to today's Level of Service, even accounting for growth in traffic volumes to 2021.

The proponent points out that its funding of intersection improvements will enable State and Federal funding to focus on the future Bells Line of Road and North Richmond Bridge upgrades as well as existing road maintenance.

With regard to traffic safety, the proponent notes that road safety improvements to existing roads will be covered in subsequent development approvals. The draft VPA and TMAP include improvements to Grose River Road and Ashtons Road, such as shoulder and intersection improvements to the existing carriageway, which will help improve traffic safety.

The proposed Navua Bridge will help improve emergency access for those west of the River by providing an improved access in high frequency (low level) flood events to Penrith via Springwood. Given that traffic congestion already exists and will increase even without the Redbank development, the VPA will ensure that traffic infrastructure will be improved. The proponent also notes that emergency services are trained to deal with traffic congestion in emergency response.

With respect to Navua Bridge leading to increased traffic travelling west, the proponent notes that any additional traffic heading through Grose Wold will be existing residents living further west and who currently use Grose Vale Road only. To encourage use of Grose Vale Road and ensure traffic is restricted to local residents only, Council could consider a range of traffic calming measures which would be dealt with at the development application stage.

The proponent notes that the Jacaranda Ponds project will similarly need to identify and fund local traffic improvements to address its impacts.

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Staff Comment:

The TMAP prepared for the planning proposal was subject to extensive review by Transport for NSW and the RMS who were both part of a Project Control Group established to oversee the project. In addition, the TMAP was independently peer reviewed by GTA Traffic Consultants at the request of Council and the DP&I. Further, in response to the public exhibition to the planning proposal, Transport for NSW has advised that both it and the RMS do not raise any objections to the proposal. More recently, extensive negotiations have been held with the RMS regarding the provisions of the draft VPA to which it is now a party (refer discussion below on draft VPA).

It is considered that the TMAP prepared for the planning proposal demonstrates that the traffic impact of the planning proposal can be appropriately mitigated through the implementation of the following package of measures to support the development:

- Sustainable travel strategies, to include provision of marketing of public and active transport options.
- Infrastructure improvements to provide easy pedestrian and cyclist access via a safe and efficient cycleway and footpath network.
- A collector road network to cater for future bus services to maximise the public transport coverage and encourage future residents to use public transport services.
- Road infrastructure upgrades to provide access to the site via existing and new intersections at Grose Vale Road and Arthur Phillip Drive.
- Nearby existing road intersection upgrades to cater for either the following listed Option 1 or Option 2:

Option 1 comprising localised intersection upgrades for the external road network along the Bells Line of Road / Kurrajong Road corridor as well as a contribution to the upgrade of Richmond Bridge to alleviate traffic impacts of the Redbank development, if no alternative bridge crossing at Yarramundi is considered.

Alternative Option 2 (preferred option) comprising localised key infrastructure upgrades for the external road network along Bells Line of Road / Kurrajong Road corridor, construction of new alternative bridge crossing at Yarramundi (Navua Bridge) and the approach intersections at Grose Vale Road and Springwood Road, if an alternative bridge crossing at Yarramundi is considered. The alternative crossing would be supported by a number of intersection upgrades.

(Note: Monetary Contributions for the proposed bridge will only apply if those works cannot obtain the necessary approvals. There is no "option" for the developer to pay a contribution in lieu of the bridge construction if approved.)

The proponent will be responsible for funding all necessary transport infrastructure, as set out in the VPA. Details on specific works and funding are provided in the discussion below on the draft VPA.

It is important to note that the proposed Navua Bridge must be approved by Council and endorsed by all relevant referral agencies, and will also need to be assessed against the provisions of relevant planning instruments, including Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River. In the event that the new bridge is not approved, the measures in the TMAP as referred to above as Option 1 will need to be put in place. In this regard, the draft VPA has been amended to ensure that funds allocated to the construction of the proposed bridge will be redirected to alternative traffic projects to be undertaken by the RMS and Council to be spent in the immediate area affected by the development.

It is considered that the TMAP and the proposed transport and traffic measures detailed in the draft VPA will be satisfactory to mitigate adverse traffic impacts from the project.

Issue B: Provision of Infrastructure

Many submissions raised concerns about the lack and inadequacy of both social and physical infrastructure to support the proposal. The existing lack of schools, public transport, health and emergency facilities (police, fire and ambulance) as well as shops and recreation facilities in the area west of the Hawkesbury-Nepean River was noted as a major concern. Many objectors stated that new housing should be focussed in areas east of the River where supporting infrastructure was available. The view was also expressed that the lack of employment in the area means that people will be forced to drive to jobs.

The inadequacy of physical infrastructure was also highlighted, particularly problems associated with inadequate water pressure, wastewater treatment and stormwater infrastructure.

Proponent Response:

The Community Needs Report prepared by Urbis for the planning proposal notes that the proposed development will not trigger the need for new primary or secondary schools but additional childcare will be needed. The Community Needs Report also indicates that the existing medical, police and fire infrastructure is sufficient to cater for the increased population. There are five fire stations (including four rural fire service stations west of the river), an ambulance station and a police station within 5km of the site. As noted above, the proponent considers that emergency response requirements can be adequately met.

The proposed VPA will require the developer to contribute to the upgrading or replacement of local community facilities. It also provides for improvements to parks (including Peel Park) and open space. The total amount of open space to be provided is three times that of comparable developments.

With respect to physical infrastructure, a detailed assessment has been made in relation to the impact of the proposal on utilities, stormwater and other infrastructure. The assessment has indicated that there is significant unused capacity right across the spread of this infrastructure that can support the development subject to appropriate improvements, including improvements to water pressure, augmentation of the sewer system and appropriate provision of stormwater infrastructure. These improvements will be implemented by the developer.

In terms of local jobs, the Economic Impact Assessment prepared for the planning proposal estimated that 579 direct/indirect jobs would be provided during the construction phase and 108 new jobs generated from new resident expenditure and that this would include opportunities for youth employment.

Staff Comment:

With regard to water, electricity and sewerage systems, it has been confirmed by relevant service agencies that there is sufficient capacity within the existing systems to cater for the proposed development. Improvements will however be required to water pressure. Minor augmentation of the sewer system will also be required which is proposed as a low infiltration system. The proponent has also entered into an agreement with NBN Co to supply telecommunication services to the estate.

As is the usual requirement Council will require evidence that appropriate services are available to the site prior to approval of any development applications relating to the subject land.

With regard to public transport, the VPA sets out the requirement for a bus route and the provision of bus shelters within the development. As confirmed in the TMAP, the Senior Planner of the bus operator has confirmed in writing that frequency of service of Route 680 will be reviewed when development commences and additional development comes online.

In relation to social infrastructure, Council has prepared a Social Impact Assessment (SIA) to examine the social impacts of the demographic changes that are likely to occur as a result of the Redbank proposal. The information provided by the SIA has been used to test the assumptions and conclusions drawn by the proponent's Community Needs Assessment and has provided the basis for reviewing the adequacy or otherwise of the social infrastructure provisions within the VPA.

The SIA makes a series of recommendations regarding the provision of social infrastructure at Redbank. This included establishing a Social Infrastructure Working Party with the proponent to review the social infrastructure elements of the draft VPA to produce a detailed and costed plan of works for community, recreation and sporting facilities prior to the re-exhibition of the draft VPA.

A working party was established and has completed their work. Discussions and negotiations are ongoing with the proponent for the matters in the SIA to be more appropriately addressed in the draft VPA prior to its re-exhibition.

The project will create some new jobs locally, however, it is recognised that the majority of residents will need to access employment elsewhere. The TMAP has taken this into account in identifying necessary transport infrastructure to address the traffic impact of the project.

The comments that new housing should be focused on areas east of the River where infrastructure is available are noted. However, in any area where growth is proposed there is a need to provide additional infrastructure as the existing infrastructure is sized to cater for the existing requirements. It should also be noted that existing development east of the River is subject to flood affectation in a variety of frequent floods up to the 1 in 100 ARI event. This is highlighted in the Hawkesbury residential Land Strategy (HRLS). That Strategy also recommends that additional residential development should be outside the 1 in 100 ARI flood. As identified in the HRLS there is little or no available land east of the River that is suitable for such development.

Issue C: Adequacy of Voluntary Planning Agreement

The amount and nature of contributions proposed in the Voluntary Planning Agreement was raised as an issue of concern in many submissions. Many stated that there was a significant shortfall in funding proposed and that the VPA favoured the developer over residents. The adequacy of the infrastructure commitments in the draft VPA was questioned as was the possibility that the works will not be undertaken, particularly if the developer becomes bankrupt. Concern was raised regarding the timing of provision with many submissions arguing that the infrastructure, such as the proposed bridge, should be provided much earlier on in the development than proposed.

Proponent Response:

The Proponent notes that the VPA is an agreement between the developer, Council and the RMS to ensure that adequate road and community infrastructure is delivered and paid for by the developer and not Council or ratepayers. The obligations under the VPA are secured via registration on title and pass with the land in the event of developer defaulting on its obligations.

The suggested shortfall in funding is disputed by the proponent who notes that the proposed capped contribution of \$18,187,000 relates to the monetary contribution payable to the RMS and Council in the event the proposed Navua Bridge fails to obtain the necessary approvals to be built. The total contributions will also include amounts for open space and drainage dedication, maintenance, community facilities and services beyond the capped amount in question.

With respect to the timing of contributions, the VPA sets out that the developer will be obliged to contribute towards road, bridge and community infrastructure with reference to a "per lot" calculation from the first release of land.

Staff Comment:

A discussion on the provisions of the VPA and its adequacy is provided later in this report. It should be noted that since the planning proposal was exhibited, further negotiations have been undertaken between Council, the RMS and the proponent regarding the VPA. The outcome of those negotiations is also discussed in the "Voluntary Planning Agreement" section of this report.

Issue D: Strategic Planning

Many submissions pointed out that the State Government's "Review of Potential Housing Sites" (DP&I, March 2013) stated that the proposed project is remote, cannot be delivered in the short term, has no capacity in the road network, has long lead times for servicing, has poor accessibility to jobs and residents will be car dependent.

There was a widely held view expressed that new housing should be located east of the Hawkesbury-Nepean River, particularly in the Vineyard and Richmond areas, where there is existing infrastructure and less environmental impacts.

Proponent Response:

Land east of the Hawkesbury River is subject to significant flooding. Flood free land that is available is held by multiple landowners making amalgamation difficult and housing unaffordable. Restricting housing to the east of the river would also limit the scope to improve infrastructure to the west, meaning existing traffic problems would remain unresolved.

The proponent argues that housing on the subject site is appropriate given that the site is adjacent to existing urban development and connects to existing infrastructure and the North Richmond township.

Staff Response:

DP&I's North West Subregion Draft Subregional Strategy (Subregional Strategy) and Council's Hawkesbury Residential Land Strategy (HRLS) identifies targets of 5,000 - 6,000 new homes in the Hawkesbury LGA by 2031. There is limited capacity within existing residential zoned land of the LGA to accommodate more dwellings hence new dwellings will need to be provided from greenfield sites / extension of the footprint of existing urban villages.

Housing in the Hawkesbury LGA is largely constrained by the Hawkesbury - Nepean flood plain, with limited capacity for additional growth to the south (east) of the Hawkesbury River due to the risk of flooding. The Subregional Strategy assumes that the majority of future housing growth within the LGA will need to occur on land located predominantly to the north (west) of the River, in association with existing local centres. Other constraints to development include State and National Parks and other significant vegetated areas, agricultural land values, flooding, bushfire and aircraft noise.

The other major release areas in the Hawkesbury LGA are Bligh Park 2, Pitt Town and Vineyard. While Vineyard has recently been released, it is only in the early stages of planning and actual lot production is not likely to occur for some years. Development of Pitt Town is currently underway however Bligh Park 2 is on hold pending resolution of flooding and flood evacuation issues. Redbank is therefore an important addition to the LGA's housing supply. It is not only relatively free from the constraints identified above, but it also adjoins an existing urban area. It has therefore been identified in the Hawkesbury Residential Land Strategy as a 'High Priority Future Investigation Area' for urban release.

The site presents the opportunity to provide approximately 1,400 residential dwellings within the timeframe of the Metropolitan Plan, Subregional Strategy and Hawkesbury Residential Land Strategy. The site as a whole would contribute approximately 32% of the housing target that has been set for the LGA by the State government.

Issue E: Environmental Impacts

A number of submissions raised concern that the proposed rezoning is out of character with the existing scenic rural setting and that the rural amenity and character of the area will be destroyed. Rural/residential development was considered more appropriate for the area.

The adequacy of the environmental assessment for the project was questioned.

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Concerns were also raised regarding the potential impacts of the development on water quality and the wildlife along Redbank Creek due to issues such as siltation, weeds, pets etc. Some submissions indicated that it was not appropriate for the riparian corridor to be held in private ownership.

A small number of submissions raised concern regarding the loss of native flora and fauna as a result of clearing.

Proponent Response:

The proponent considers that the "Environmental Assessment" and "Environmental Benefits and Constraints Analysis" prepared for the planning proposal adequately identify all key environmental issues and proposed mitigants. It considers that on balance there are very few environmental issues as the site has been extensively cleared for grazing over a prolonged period of time.

The proponent also argues that the site has been earmarked for residential development and is consistent with the Hawkesbury Residential Land Strategy. The residential strategy identifies the growth locations whilst preserving large areas of rural land.

In terms of scenic impacts, the proposed DCP will include relevant controls for all housing, including housing along view corridors and adjoining heritage elements.

As noted above, the proponent considers that public ownership of the riparian areas does not necessarily result in adequate maintenance with public creek areas subjected to ongoing weed invasion and rubbish dumping. Private owners are more likely to protect the creek environment given their real and tangible connection to this area and the proposal to require landowners to maintain the creek in accordance with an approved Vegetation Management Plan.

With respect to the impact of the development on the water quality of Redbank Creek and the Hawkesbury River, the proponent notes that appropriate modelling has been undertaken to assess rainwater runoff and stormwater treatment for the development and when implemented it must satisfy the water quantity and water quality requirements in Council's Stormwater Drainage DCP.

Staff Response:

It is considered that the proposed strategy being put forward by the proponent for managing critical habitat or threatened species, populations or ecological communities or their habits, is satisfactory. In particular, the two key areas of existing vegetation within the site will be retained. These are the vegetation along the Redbank Creek corridor (incorporating River-Flat Eucalypt Forest) and the area of Cumberland Plain Woodland in the western and central part of the site. Further, subject to the proposed map amendments mentioned previously, all of the Redbank Creek riparian corridor will be in public ownership under the RE1 Public Recreation zoning.

Some small areas of Cumberland Plain Woodland may need to be removed however the question of what vegetation will be retained or removed is a matter that will be finalised at subdivision stage. At that stage, the question of whether biodiversity offsets will be required can be determined in consultation with the OEH and the proponent.

With respect to water quality and quantity impacts on the creek and river system, the stormwater strategy for the site incorporates retained water bodies and areas featuring water quantity (detention) and quality treatment devices within riparian corridor and open space. The proponent will be required to demonstrate at the development application stage that the proposed water management strategy achieves appropriate water quality and quantity targets.

With respect to the impact on the visual quality and rural outlook, it is considered that the proposal will inevitably alter the character of the area, as would rural residential development of the site. However, the proposal will provide for an extensive open space and landscape/vegetation network that is responsive to the ecological and heritage features of the site. In addition, the proposed DCP includes a range of controls designed to minimise visual impacts including the following requirements:

- The planting of street trees along all roads
- The setback of buildings from Grose Vale Road to maintain the road's general rural character
- The alignment of roads to frame views of key landscape and topographic features
- The avoidance of buildings directly on top of ridges
- The retention of individual native mature trees where possible

Issue F: Housing Density

Concern was raised in a number of submissions that the housing density was too high and the lot sizes would be out of character with the surrounding semi rural nature of the area as well as the site's heritage significance. The size of lots may lead to the creation of a "ghetto" and adversely impact on property values.

Proponent Response:

The proponent advises that the total of 1,399 lots results in an average density of 8.68 dwellings per hectare as compared to the average density in western Sydney of approximately 15 dwellings per hectare. The net developable land area of the site is approximately 100 hectares, allowing for open space, drainage and roads. This results in a dwelling density equivalent to an average lot size of 750m². The proposed development will provide for a mix of lots ranging from 375m² to 2000m² or greater, in size with the average lot size in the R2 zone in excess of 500m².

Staff Response:

The proposed minimum lot size for the R2 zone is 375m² and the R3 zone is 180m². These smaller lot sizes have been provided to allow for flexibility in the subdivision layout having regard to the objectives of the Conservation Management Plan, that is, protection of the keyline irrigation heritage features of the site. However, it is not intended to exceed the overall 1,400 dwellings proposed for the site, nor that the site would be covered in 180 - 375m² allotments. Given the heritage objectives for the site it is considered reasonable that the proposed minimum lot sizes for the R2 and R3 zones remain.

Issue G: Heritage

Concern was raised in some submissions that the proposal will lead to the destruction of rural and Aboriginal heritage as well as the amenity of Yobarnie. Specific reference was made to the keyline dam system which some suggested would be destroyed by the proposal.

Proponent Response:

The proponent advises that the treatment of Aboriginal and European heritage elements within the subject property will be governed by the Conservation Management Plan and Aboriginal Heritage Assessment prepared for the planning proposal. The Conservation Management Plan was the result of two years of consultation and planning with the NSW Heritage Council. The State Heritage listing was widely advertised and advised to interested parties. The listing of the site on the State Heritage Register clearly indicates the heritage value has been recognised.

The Conservation Management Plan will ensure that the Keyline and Dams will be substantially retained and interpreted for public parks and cycling/walking paths. In addition, most of the identified Aboriginal Heritage will not be disturbed and will remain in open space locations.

Staff Response:

In relation to Aboriginal heritage, a Preliminary Archaeology Investigation and Aboriginal Heritage Assessment was undertaken for the planning proposal and found 10 archaeological features, including nine sites and one potential archaeological deposit (PAD). Seven of these features are contained within the riparian corridor of Redbank Creek. Three sites will be affected by the proposed development and will require archaeological salvage prior to development.

The assessment included consultation with the Deerubbin Local Aboriginal Land Council, Darug Tribal Aboriginal Corporation, Darug Custodian Aboriginal Corporation and Darug Aboriginal Cultural Heritage Assessments.

In relation to European heritage the master plan for the site which forms the basis of the proposed zoning has been developed in accordance with a Conservation Management Plan that has, due to the State Heritage Listing of the site, been endorsed by the Heritage Council. The resultant concept includes:

- Retention, adaptation and interpretation of heritage features, including retention of existing dams as future water bodies to retain rainfall across the Redbank project.
- Retention, adaptation or modification of existing keyline features to provide demonstrative conveyance of rainfall across the Redbank project.
- Application and contemporary interpretation of Yeomans Keyline and City Forest principles to interpret the heritage significance and provide for sustainable and water sensitive urban design across the site.
- A connected open space system based on the keyline philosophy, adjacent to the interpretation, retention or modification of existing Yeomans elements.
- Retention and conservation of both indigenous vegetation and Aboriginal heritage elements across the Redbank project.

The Conservation Management Plan incorporating the updated concept master plan was endorsed by the Heritage Council on 27 March 2013. As outlined in the Conservation Management Plan endorsement, the final site layout will be determined following further investigation and consultation with the Office of Environment and Heritage.

It is therefore considered that there are adequate safeguards in place to ensure the long term conservation of both Aboriginal and European heritage on the site.

Issue H: Proposed Navua Bridge

Many submissions objected to the proposal to construct a new bridge over the Grose River at Yarramundi. Concerns related to:

- The potential impact of the proposed bridge on the recreation reserves of Navua and Yarramundi Reserves and the public enjoyment of those reserves
- The potential impact of the proposed bridge on native flora and fauna
- The inadequacy of the proposed bridge in providing flood free access (Springwood Road known for rock fall/subsidence)
- Visitor safety and public liability
- Potential impacts on Aboriginal artefacts

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Proponent Response:

The proponent notes that the Navua/Yarramundi Reserve is approximately 78 hectares in size. The road reserve encroachment required for the bridge and approaches will be approximately 0.7 hectares which is less than 1% of the total area and the alignment will be along the existing road reservation within areas close to the current car parks and access roads. The proponent further notes that public access to the reserves will be preserved for future use.

With respect to flooding, the proponent advises that the proposed Navua Bridge will have a targeted deck level of 13m above the riverbank (up to 4m higher than Richmond Bridge), well above the reserve and access roads. It will provide an improved access in high frequency (low level) flood events for those west of the river to Penrith via Springwood.

Staff Response:

If constructed, the proposed Navua Bridge will have a number of potential benefits. It will:

- Assist in alleviating existing traffic congestion at Richmond Bridge
- Divert traffic away from the already congested Grose Vale Road / Bells Line of Road intersection
- Provide an improved access in high frequency (low level) flood events for an extended period of time to what is currently provided for emergency access prior to Yarramundi Bridge being inundated
- Significantly reduce the frequency upon which the proposed development will be isolated from travel to the east
- From a flood evacuation perspective, reduce, by one to two days, the time that the long route west along Bells Line of Road to cross the river would need to be taken
- Reduce travel times by 90 minutes when compared to the Bells Line of Road

The new bridge would be subject to a separate environmental assessment and planning approvals process. This would include consideration of the bridge's impact on the recreation reserves as well as significant flora and fauna.

All works required to accommodate this new alternative crossing and key intersection upgrades on the existing transport corridor (see TMAP) are proposed to be fully funded by the proponent, as set out in the draft VPA. Under the terms of the draft VPA, in the event that the alternative bridge crossing does not go ahead, an equivalent amount to the bridge's construction cost is to be directed to the RMS to fund other road work improvements in the immediate area that will be affected by the development (refer discussion below).

Issue I: Flooding

A number of submissions raised concern regarding the adequacy of emergency access during periods of flooding. Some suggested that the Yarramundi Bridge should be raised so that there is flood free access to the east. The proponent's proposed emergency flood evacuation route of Springwood Road (to access Springwood and then Penrith) via the new Navua Bridge was not supported in a number of submissions which pointed to the potential for rock falls and subsidence along this route. This route is considered long and dangerous. A few submissions questioned the strategy to deal with localised flooding.

Proponent Response:

The proponent notes that access in the event of flood is an existing issue and is managed by the Emergency Services as is the issue of clearance of evacuation routes. The proposed Navua Bridge will provide an improved access in high frequency (low level) flood events for those west of the River to Penrith via Springwood. It will have a targeted deck level of 13m above the riverbank (up to 4m higher than Richmond Bridge), well above the Reserve and access roads. This proposed route via Springwood is only intended to be used in emergencies/floods.

With respect to localised flooding, the proponent notes that stormwater retention and treatment will take into account any latent deficiencies, changes to upstream water bodies (dams in Peel Farm), as well as any future development.

Staff Response:

The proposed bridge over the Grose River is not intended to be a flood evacuation route. As noted above, flood impact assessments undertaken for the project indicate that the proposed development will not result in residential dwellings or commercial buildings below the Hawkesbury - Nepean Probable Maximum Flood level or local 1 in 100 ARI flood event. However, the route would provide an improved access in high frequency (low level) flood events after the Yarramundi Bridge was flooded.

Notwithstanding this, major or extreme floods would have impacts on the site and North Richmond more broadly, including cutting road access across the Richmond Bridge, and cutting electricity and telephone communications. Investigations for the planning proposal have identified a safe, flood free access route will be available, whether to Penrith via Springwood (in the short term for minor floods) if the Navua Bridge is built or the longer route west via Bells Line of Road (for larger floods) if the bridge does not proceed.

Issue J: Request for Public Hearing

Two respondents requested that a public hearing be carried out to address the submissions against the rezoning proposal.

Staff Response:

This report and associated attachment provides a summary of all submissions received. In October 2013 respondents were given an opportunity to review Council staff's summary of submissions. Further Council's meeting procedures provides an opportunity for the proposal to be publically discussed. In light, it is considered that the issues raised in the submissions are not of such significance that the proposal should be the subject of a public hearing.

Issue K: Proponent Proposed Map Amendments

The proponent, through their planning consultant JBA Urban Planning, proposes four map amendments. JBA submission showing the proposed maps are shown in Attachment 3.

In summary the proposed amendments by the proponent are as follows:

Amendment 1

Requests Council check and adjust the northern boundary of the land to which the planning proposal applies to ensure it accurately reflects the existing DP boundary.

Staff Comment:

This issue appears to arise due to differences in Council's base maps and the proponent's. Council mapping is based on relevant Deposited Plans and information provided by the NSW Land Property and Information. No map amendments are considered necessary.

Amendment 2

Amend boundary between R2 and the proposed RE1 Public Recreation zone to show a consistent RE1 Public Recreation zone width along the Redbank Creek corridor.

Staff Comment:

As mentioned previously in this report it is proposed that the RE1 Public Recreation zone should be imposed along the length of Redbank Creek. The width of this corridor will be consistent with the Department of Primary Industry (Office of Water) "Guidelines for Riparian Corridors on Waterfront Land". This width will be in the vicinity of 20 - 30 metres.

Amendment 3

Amend boundary between R2 and the proposed R3 zone to align with seniors development and to ensure a more uniform building block within R3.

Staff Comment:

Agreed. The proposed amended would add approximately 1500m² of R3 Medium Density zoned land. The amendment would not increase the overall development yield as this will be dealt with by the associated Voluntary Planning Agreement.

Amendment 4

NRVJ/JBA will provide a detailed plan showing final site and zone boundaries shortly to enable finalisation of the planning proposal prior to forwarding to DP&I. The changes will be minor and retain consistency with objections of the planning proposal.

Staff Comment:

No maps or plans have been submitted by the proponent and Council staff have proposed a number of amendments that are likely to address this concern. No additional action required.

Voluntary Planning Agreement

The "Gateway" determination for the Redbank planning proposal required, amongst other conditions, the inclusion of the draft VPA with the public exhibition documents for the planning proposal. The VPA that was placed on public exhibition from 14 June to 14 August 2013 was not a complete, detailed document but was in concept form. The purpose of that draft VPA was to inform the planning proposal exhibition of the intent of infrastructure provision for the development and to form the basis for further discussion between the relevant parties, including the Roads and Maritime Services (RMS). There are usually changes to a planning proposal or other development following public exhibition and for this reason the draft VPA could not be a complete and final document at that time.

Since the public exhibition the following principal changes have been made or are proposed for the draft VPA;

1. Inclusion of the RMS as a party to the VPA as the works proposed on Bells Line of Road require the approval of the RMS.
2. Discussion regarding the quantum and detail of the definition of "Capped Amount".
3. Expansion of the details and timing for the intersection works on Bells Line of Road.
4. Expansion of the details, costing and timing for the proposed bridge over the Grose River and approach road upgrades.

ORDINARY MEETING

Meeting Date: 12 November 2013

5. Expansion of the details and timing of the provision of an additional community centre or payment of a cash contribution in lieu for embellishment of existing facilities in the North Richmond area.
6. Discussion as to the details and costing for the proposed open space embellishment and provision of drainage infrastructure.
7. Miscellaneous wording and Clause changes to clarify the draft VPA.

The following is an expansion of the details involved in each of the above listed items.

1. *Inclusion of the RMS as a party to the VPA as the works proposed on Bells Line of Road require the approval of the RMS*

The RMS must be a party to the VPA as the agreement requires works on roads where they are the Roads Authority (Bells Line of Road, Springwood Road). The draft VPA was referred to the RMS during public exhibition and the RMS require certain wording to be included in the VPA which does not affect the intent of the document. An example of the wording relates to the requirement for the developer to enter into a Works Authorisation Deed (WAD) that is similar to a construction approval issued by Council. The WAD includes conditions relating to specifications of works, security payments and process details for the construction period.

2. *Discussion regarding the quantum and detail of the definition of "Capped Amount"*

The exhibited draft VPA included a definition of a "Capped Amount" of \$18,187,000 in relation to a, CPI indexed, Monetary Contribution. The intent of this amount was in relation to a monetary contribution for the proposed bridge only if that proposal could not gain the necessary approvals for construction. The wording of the draft VPA was not clear that this amount related to those particular works so this is proposed to be clarified. The Monetary Contribution is not included as an option for the developer unless the proposed works cannot obtain approval.

Discussions have occurred, and are ongoing, between the Council, RMS and the Developer in relation to the final figure for this amount. These discussions are also centred on when these payments are to be made, to whom the payments are made and what those payments are to be used for.

To date the total amount, in respect of the proposed bridge and approach roads, has been revised to \$23,825,000. Council staff, the RMS and the applicant are still discussing the breakdown of the works in relation to the bridge work, RMS controlled work and the portion of construction works that would be on local roads. The proportioning of these works is important only if the bridge does not gain approval and the monetary contribution is required. In this regard it is proposed that the monetary contribution for the bridgeworks would be payable to the RMS *"to fund upgrades to the State Road network in the Richmond and North Richmond area to relieve congestion along the Bells Line of Road"* (quoted from revised VPA) and the remaining portion paid to Council for expenditure on the local road network.

Should the proposed bridge obtain approval and be constructed, the "capped amount" will have no relevance as the developer would be required to provide the specified works regardless of cost.

3. *Expansion of the details and timing for the intersection works on Bells Line of Road*

The exhibited draft VPA proposed that intersection works for intersections "A" (Bells Line of Road/ Grose Vale Road/Terrace Road), "B" (Kurrajong Road/Old Kurrajong Road and Yarramundi Lane) and "C" (Kurrajong Road/Bosworth Street/March Street) would be undertaken by the release of the 121st allotment. Intersection "D" (Bells Line of Road/ Grose Vale Road/Terrace Road – medium term works) were to be in addition to the works proposed as "A" and were scheduled to be undertaken by the release of the 1001st lot.

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In consideration of the announcement of State funding to the RMS of approximately \$18,000,000 for intersection works (separate from the proposed bridge works) along Bells Line of Road (the same intersections as mentioned above and in the draft VPA) the RMS have indicated that those works would be more extensive than those proposed in the draft VPA and that they intend to commence works on these intersections in 2014/2015. The draft VPA has been amended to reflect this State funding to the RMS. In this regard, the draft VPA still retains the requirement for the developer to undertake the intersection works but amends the timing and introduces the ability for the developer to make a monetary contribution, in lieu of undertaking the works, should the RMS already have those works programmed.

The ability to make a monetary contribution for the works by the developer has been proposed so that there is flexibility in the co-ordination with the RMS program for works. Should the development be ready to undertake the works and the RMS program is also about to commence, it is considered appropriate that the development make a contribution (equivalent to the scope of works originally proposed) to the RMS rather than the developer undertaking works which are then removed by the RMS and replaced with other works within a very short period.

Similarly, the requirement for the development to undertake works on these intersections remains in the draft VPA to deal with the unlikely event that the RMS program does not proceed or their funding is removed. In this case the requirement for the developer to undertake the works remains but with a revised timeframe of 46¹st and 1001st lot respectively. The revised timing is incorporated due to the fact that, should the RMS program not proceed, there would not be an announcement on that decision until 2015. This delay would mean that the developer could not commence the design and construction work until later.

4. Expansion of the details, costing and timing for the proposed bridge over the Grose River and approach road upgrades

The exhibited draft VPA stated the following in relation to the scope of works for the proposed new bridge over the Grose River:

“Upgrades between Springwood and Grose Vale Roads road standard to meet road safety, capacity and pavement requirements for the projected traffic volumes utilising the road at the completion of the development. Such work to be completed prior to the opening of the bridge to traffic.”

Significant discussions have been held between Council staff, the applicant and RMS in relation to the details for the scope of works, timing of these works and the costs associated with those works. Whilst these discussions are still ongoing, the following wording for the “scope of works” for the proposed bridge and approach roads is the most current for the draft VPA:

The New Proposed Bridge (multispan) and approach roads and intersections, for the crossing at Yarramundi of Grose River includes:

- *Castlereagh Rd to New Bridge, incl:*
 - *Castlereagh Rd & Springwood Rd intersection upgrade, Springwood Rd & New Road intersection and approach roads as per TMAP,*
 - *Yarramundi Reserve works (TBC) and Access / Carpark adjustments to suit new bridge (sth) approach,*
- *New Proposed Bridge (multispan), as per TMAP,*
- *Navua Reserve works (TBC) and Access / Carpark adjustments to suit new bridge (nth) approach,*
- *New Bridge to Grose Vale Rd, incl:*
 - *Grose Vale Rd & Grose River Rd intersection upgrade, Grose River Rd & Ashtons Rd intersection upgrade and approach roads as per TMAP.*

The ongoing discussions are aimed at more clearly defining the exact scope of works so that there is clear definition of responsibility in the future as this development and VPA will be current for over ten years. The discussions are also aimed at detailing the scope in relation to RMS and Council works for the definition of the monetary contribution should that be required.

It should be noted that the ongoing discussions will not change the basic premise of the development proposing a new bridge, approach road upgrades and other associated works.

5. *Expansion of the details and timing of the provision of an additional community centre or payment of a cash contribution in lieu for embellishment of existing facilities in the North Richmond area*

The exhibited draft VPA made provision for the development to provide either a community centre of 300m² on the development site or the provision for an equivalent monetary contribution (i.e., value of a 300m² building) to be paid to Council for upgrading of existing community facilities in North Richmond. The draft VPA also provided for “contribution of personnel/support services to deliver new community programs at the developer’s expense and in consultation with Council” and “Resident information packages to all first purchasers of lots.” Whilst the intent of the above comments in the draft VPA is generally acceptable there is a need to expand on the detail of this contribution.

Council staff, with the assistance of the Human Services Advisory Committee, has prepared a Social Impact Assessment (SIA) for the proposal. This SIA reviews the existing community services and facilities in the locality and undertakes a gap analysis in relation to the proposed Redbank development as well as impacts from potential growth in the locality.

Whilst the discussions are still ongoing between Council staff and the applicant in relation to the details for this matter, the fundamental contribution currently in the draft VPA will not be reduced.

6. *Discussion as to the details and costing for the proposed open space embellishment and provision of drainage infrastructure*

The exhibited draft VPA contains concept details as to the provision of the drainage infrastructure and the open space embellishment. Those concept details are considered generally satisfactory at this time due to the need for the development proposal to be fully designed to a development application lodgement stage before any significant detail can be defined. It is not reasonable, and would be contrary to the *Environmental Planning and Assessment Act 1979* (the Act) provisions, to require such a detailed design at this stage.

However, there are ongoing discussions with the applicant in relation to the costings of some of these matters and a need for refined wording in the VPA before it can be finalised.

7. *Miscellaneous wording and Clause changes to clarify the draft VPA*

The exhibited draft VPA, as mentioned previously, was a concept document to inform the assessment of the planning proposal. A VPA is a legal document that requires precise wording and terms to be used in order to be a workable document for future application.

Whilst the ongoing discussions are taking place the wording is being discussed and frequently amended in order to gain agreement from all parties involved. Some of these matters relate to the use of RMS or Council or more generic forms such as “Relevant Authority”. The wording and Clause changes are more related to clarification or simplifying terms rather than changing any of the “in principle” agreements for provision of infrastructure.

Submissions relating to the draft Voluntary Planning Agreement

A summary of the principal issues raised by the public submissions regarding the VPA are as follows:

ORDINARY MEETING

Meeting Date: 12 November 2013

What if the developer goes broke

Comment

The VPA will be registered on the title of the land, meaning that the infrastructure obligations pass with the land in the event of sale. Any transfer must be approved by the Council to ensure the incoming developer is of sufficient financial standing to complete the works. The draft VPA also contains a “Deed for Novation”, in appendix A of the draft, should there be a need for a sale of the property or change of developer. (As provided for in Clause 18 of the exhibited version of the VPA).

Timing of contributions

Comment

The VPA sets out that the developer will be obliged to construct or contribute towards road, bridge and community infrastructure (Clause 5 of draft VPA). The timing of the contributions is referenced to a “per lot” release of the subdivided land. Should the developer obligations not be met by the specified times, Council can withhold the release of the subdivision plan (this plan allows the subdivision to be registered and the lots sold) until the required obligations are met.

VPA states capped contribution is \$18.178M, yet Bridge will cost \$21M so no incentive for developer to provide Bridge, and alternative payment of contributions to Council will not solve traffic issues.

Comment

The capped contribution definition relates to the monetary contribution payable (which has been increased to \$23,825,000 and is still under discussion) in the event that the proposed Grose River Bridge fails to obtain the necessary approvals to be built. There is no “option” for the developer to pay the bridge contribution instead of construction unless the construction works cannot gain the necessary approvals. As mentioned previously in this report, the “Capped Amount” has been the subject of discussions with the applicant and has been revised upwards. This amount is indexed with CPI as stated in Clause 7.4(d) of the draft VPA.

The RMS is also a party to the VPA to ensure that the capped contribution will be used by both RMS and Council to address necessary road infrastructure in lieu of the Navua Bridge should that not obtain the necessary approvals.

There is a shortfall in funding - how will the remaining elements of the VPA be funded if the amount is capped

Comment

The capped contribution definition only relates to the monetary contribution payable to Council and the RMS in the event that the Proposed Navua Bridge fails to obtain necessary approvals to be built. The “Capped Amount” only applies to the bridge work and not to the remainder of the works covered in the draft VPA. Should the bridge obtain the required approvals, the “capped amount” is then irrelevant and the total cost for the delivery of the works is borne by the developer, even if the construction costs exceed that defined amount.

The total financial contribution by the developer will also include amounts for open space & drainage dedication, maintenance, community facilities and services beyond the capped amount in question. It should also be noted that the VPA does not include all development costs as many of those items, such as water supply upgrades and provision, sewer, internal roads, footpaths, etc, are standard requirements for any subdivision development and are required as conditions in a development consent.

VPA in favour of the developer

Comment

The VPA is an agreement between the Proponent, Council and RMS to ensure that adequate road and community infrastructure is delivered and paid for by the Proponent - not Council or ratepayers - and that the obligation is secured and passes with the land in the event of developer default on its obligations. The statements made in submissions did not elaborate on the basis or specific issues in this regard.

State Govt Report says it requires infrastructure of \$117M

Comment

The State Government "report" related to a completely separate Land Release process. That process and report was based on the assumption that the entire infrastructure was to be provided by the State Government. The State Government cost is based on a high level 4 lane bridge at North Richmond and Bells Line of Road 4 lane corridor.

Developer imposing conditions as to timing of infrastructure

Comment

The VPA in its current draft form reflects the fact existing infrastructure needs improving first (i.e. the intersections noted in RMS & TMAP reports), and also specifies milestones for bridge design, approval, construction, and operational completion.

What guarantees are there that the works under VPA will be completed

Comment

The VPA is an agreement, registered on the land title, between the developer, Council and the RMS to ensure that road and community infrastructure is delivered and paid for by the Proponent - not Council or ratepayers - and that the obligation is secured and passes with the land in the event of developer default on its obligations. Under the VPA, Council can withhold the release of new allotments until the required work is completed as agreed

State Govt "Review of Potential Housing Sites" stated that the proposed project is remote, cannot be delivered in short term, no capacity in road network, long lead times for servicing, poor accessibility to jobs. Estimated contributions are high.

Comment

The State Government "Review of Potential Housing Sites" was undertaken under a completely separate process to fast track suitable land for housing. The limitations relating to Redbank in the review were specifically noted in the Gateway Determination as conditions of its approval to develop i.e. an RMS-endorsed TMAP, Heritage-endorsed CMP, and a draft VPA for public exhibition. In this report, contributions were estimated by the Department of Planning and Infrastructure on the basis of the entire regional infrastructure requirements, divided by the likely yield. Again, whilst this was appropriate for a fast-track assessment, infrastructure contributions utilised in the VPA are based on the estimates of actual site specific works required to fulfil the endorsed objectives

The review comments were also based on the different model of land release, such as the Vineyard Precinct, where the State Government provides the required studies and infrastructure. The "report" also stated that the developer would need to provide the necessary infrastructure. The planning proposal and draft VPA indicate that this is the case.

Next Steps for the Voluntary Planning Agreement

The abovementioned matters are still being refined in relation to detail and when these are finalised the overall document will be reviewed by the legal officers of the applicant, the RMS and Council. This review will not be undertaken until each individual matter has been refined and agreed.

The "Gateway" conditions for the planning proposal required the draft VPA to be included in the public exhibition phase. However, as discussed with the Department of Planning and Infrastructure, the planning proposal and the VPA have separate statutory processes to follow and should now be separated so they can be finalised as the Act provides. In this regard the planning proposal can be, subject to the agreement of Council, sent to the Minister for gazettal and the VPA, the final version, must be publically exhibited again.

As the exhibited draft VPA was a concept document only the finalised version of the VPA will be separately reported to Council in the near future and placed on public exhibition again prior to the signing of the agreement by all parties.

Conclusion

While the issues raised in submissions from the public and by public authorities are wide ranging, the above assessment indicates that there will be adequate safeguards in place to adequately address the impacts of the planning proposal. In summary, it is considered that the proposal meets Council's strategic objectives and should be supported for the following reasons:

- It is adjacent to the existing community of North Richmond.
- The proposed upgrading of the road network, utilities and community facilities will ensure appropriate infrastructure is in place to meet the needs of future residents.
- Improved accessibility will be achieved through improvements to the road network and public transport services.
- The significant open space areas and protection of heritage features of the site will ensure the amenity of the area is protected.
- The master plan for the site which forms the basis of the proposed zoning has been developed in accordance with a Conservation Management Plan that has been endorsed by the Heritage Council.
- The proposal ensures the retention and enhancement of areas of conservation value, including elements of the Yeomans Keyline System and indigenous heritage.
- The TMAP has been prepared in accordance with the DP&I's Gateway direction and has been endorsed by the RMS and TfNSW. The TMAP identifies that the traffic impact of the development can be addressed with appropriate infrastructure upgrades (with or without the construction of the proposed Navua Bridge).
- The amended planning proposal provides for extensive passive and active open space and landscape/vegetation network that is responsive to the ecological and heritage features of the site.
- The site is relatively free from constraints evident in other future urban investigation sites and presents the opportunity to provide approximately 1,400 residential dwellings, contributing approximately 32% of the housing target that has been set for the LGA by the State government.

To ensure that adequate infrastructure is provided, the developer will be required to deliver a range of works, make funding contributions, dedicate land and carry out maintenance in accordance with a VPA to be signed between the developer, Council and the RMS. The draft VPA is currently being finalised before being publicly exhibited in accordance with the requirements of the EP&A Act.

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Meeting Date: 12 November 2013

Future development applications for subdivision and buildings will be guided by a DCP. The draft DCP is currently being finalised and is based on the endorsed Conservation Management Plan. The draft DCP will also be publicly exhibited in the near future.

In response to concerns raised by public authorities and members of the community that additional protection needs to be afforded to privately owned land within the Redbank Creek riparian corridor it is proposed to amend the draft LEP zoning map to zone this land RE1 Public Recreation instead of R5 Large Lot Residential. This and other amendments to the draft LEP are proposed in the recommendation to this report.

Conformance to Community Strategic Plan

Council's consideration and approval of the Planning Proposal would be consistent with the following Community Strategic Plan Themes and Direction statements:

Looking after People and Place

- Offer residents a choice of housing options that meets their needs whilst being sympathetic to the qualities of the Hawkesbury.
- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.
- Have development on both sides of the river supported by appropriate physical and community infrastructure.
- Have future residential and commercial development designed and planned to minimise impacts on local transport systems allowing easy access to main metropolitan gateways.

Caring for our Environment

- Be a place where we value, protect and enhance the cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.
- Take active steps to encourage lifestyle choices that minimise our ecological footprint.

and is also consistent with implementing the nominated strategy in the Community Strategic Plan being:

- Upgrade the necessary physical infrastructure and human services to meet contemporary needs and expectations

One of the key intent of the Integrated Planning and reporting regime, which has the Community Strategic Plan (CSP) as the prime Strategy, is to prepare and implement Council's strategic plans. The Hawkesbury Residential Land Strategy (HRLS) was adopted by Council on 10 May 2011 and that Strategy has incorporated the relevant Directions contained in the CSP in relation to provision of housing, infrastructure and community development.

Consideration of the Planning Proposal is consistent with the requirements of the CSP and HRLS.

Financial Implications

The studies required for this planning proposal have been funded by the applicant with Council assisting in the project briefs and review of those documents and the applicant has also paid the required fees for the planning proposal application. Council has also received assistance with the processing of this matter in the form of independent consultants employed for review of the documents from the Department of Planning and Infrastructure. The costs incurred by the Department are to be recovered from the applicant via the VPA.

ORDINARY MEETING

Meeting Date: 12 November 2013

The infrastructure required for the development is set out in the VPA and will be provided by the applicant at their expense.

Planning Decision

As this matter is covered by the definition of a “planning decision” under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

RECOMMENDATION:

That:

1. The Planning Proposal be forwarded to the Department of Planning and Infrastructure for making of the Plan with the following amendments:
 - a) Amendments to the riparian corridor zoning to RE 1 Public recreation to a width that is consistent with the Department of Primary Industry (Office of Water) “Guidelines for Riparian Corridors on Waterfront Land”.
 - b) Amendment to the zone map in accordance with the map amendments outlined in the “Issue K” section of this report.
2. The Department of Planning and Infrastructure be requested to consider the inclusion of an appropriate clause into Part 6 of the LEP 2012 to require satisfactory arrangements be made for the provision of designated State public infrastructure prior to the determination of a development application for urban subdivision.
3. The Voluntary Planning Agreement be finalised in a manner consistent with the “Voluntary Planning Agreement” section of this report and, when finalised, be reported to Council prior to public exhibition. This report is to be provided to Council as soon as possible and prior to the gazettal of the planning proposal for the site.
4. The Development Control Plan, when finalised, be reported to Council prior to public exhibition. This report is to be provided to Council as soon as possible and prior to the determination of any Development Applications for subdivision of the site.

ATTACHMENTS:

- AT - 1 Gateway Determination - *(Distributed under Separate Cover)*
- AT - 2 Summary of Submissions - *(Distributed under Separate Cover)*
- AT - 3 Submission from Proponent (JBA) dated 14 August 2013 - *(Distributed under Separate Cover)*
- AT - 4 LEP amending maps (as exhibited) - *(Distributed under Separate Cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 November 2013

GENERAL MANAGER

ITEM: 224 **GM - Australasian Waste and Recycling Expo - nomination of a further representative (79351)**

Previous Item: 206, Ordinary (29 October 2013)

REPORT:

Executive Summary

At the Ordinary meeting held 29 October, 2013 Council considered and nominated representatives to attend the Australasian Waste and Recycling Expo to be held from 19 - 20 November, 2013. Consideration is requested for a further representative to attend the Expo.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

At the Ordinary meeting held 29 October, 2013 Council considered and nominated Councillors Paine, Tree and Williams to attend the Australasian Waste and Recycling Expo to be held from 19 - 20 November, 2013 in Melbourne. Councillor B Porter was unable to attend the Ordinary meeting and has subsequently advised that he would also like to attend the Expo as a Council representative.

As detailed in the report to Council on 29 October 2013, the cost of attendance at the Australasian Waste and Recycling Expo will be approximately \$2,000 per delegate.

Budget for Delegate Expenses - Payments made:

- | | |
|---|----------|
| • Total Budget for Financial Year 2013/2014 | \$45,500 |
| • Expenditure to date | \$17,939 |
| • Budget Balance as at 04/11/2013 | \$27,561 |

Conformance to Community Strategic Plan

The proposal is consistent with the Caring for Our Environment Direction Statement

- Be a place where we value, protect, and enhance the cultural and environmental character of Hawkesbury's towns, villages and rural landscapes.
- Work with our communities and businesses to use our resources in a sustainable way and employ best practices and technologies that are in harmony with our natural environment.

and is also consistent with the nominated strategy in the Community Strategic Plan being:

- Reduce our environment footprint through resource and waste management
- Engage with the community and work together to care for our environment

Financial Implications

Funding for the cost of attendance at this conference will be provided from the Delegates Expenses within the 2013/2014 Operational Plan.

ORDINARY MEETING

Meeting Date: 12 November 2013

RECOMMENDATION:

That the attendance of Councillor B Porter at the Australasian Waste and Recycling Expo at an approximate cost of \$2,000 be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

CITY PLANNING

ITEM: 225 CP - Certificate of Identification - Swimming Pools Act 1992 - (95498)

REPORT:

Executive Summary

With the introduction of changes to the *Swimming Pools Act 1992* (the Act), authorised Council officers will be required to carry out inspections of all swimming pools and spa pools within the Local Government Area. The Act requires a local authority to issue a 'Certificate of Identification' to an authorised officer for the carrying out of functions in relation to the Swimming Pools Act. The Certificate of Identification is required to contain the seal of the local authority.

A resolution of Council is required in order for the Seal of the Council to be affixed to a document.

Consultation

The issues raised in this report concern matters that do not require community consultation under Council's Engagement Policy.

Background

The Act has been amended by the *Swimming Pools Amendment Act 2012*. The amendments introduce (amongst other things) requirements for the regular inspection of premises containing pools for the purpose of establishing whether the pool barrier complies with the requirements of the Act.

Section 27 of the Act requires a local authority to issue a 'Certificate of Identification' to each authorised officer appointed to inspect swimming pools and for the authorised officer to produce such a 'Certificate of Identification' upon request by any person on a premises being inspected. The Regulation prescribes the form of such a Certificate of Identification. The form is reproduced in Attachment 1.

The Regulation requires the Seal of the Council to be affixed to the Certificate of Identification.

Clause 400 of the Local Government (General) Regulation 2005 provides that the seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.

In this regard, the Certificate of Identification relates to the business of Council and this report requests Council resolve to affix the Seal of the Council to these Certificates.

Without a Certificate of Identification, an authorised Council Officer would not be in a position to carry out their functions in the event they were challenged to produce such authorisation. This would expose Council and hence the community to potential liability.

Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Place Directions Statements:

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages, and rural landscapes
- Have an effective system of community safety which protects life, property and infrastructure; and
- Have friendly neighbourhoods, connected communities and supported households and families

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and is also consistent with the nominated strategy in the Community Strategic Plan being:

- Provide for a safer community through planning, mitigation and response

Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That the Seal of the Council be affixed upon a 'Certificate of Identification' for the purposes of Section 27 of the *Swimming Pools Act 1992* for any employee of Council appointed to a position of exercising functions under the *Swimming Pools Act*.

ATTACHMENTS:

AT - 1 Extract of Swimming Pools Regulation - Wording of 'Certificate of Identification'

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AT - 1 Extract of Swimming Pools Regulation - Wording of 'Certificate of Identification'

Certificate of identification

(*Swimming Pools Act 1992*)

This certifies that [*insert name of inspector*], whose photograph and signature appear below, is an inspector for Hawkesbury City Council for the purposes of the *Swimming Pools Act 1992*.

(attach
photograph
here)

.....
(signature of inspector)

(seal of local authority)

The holder of this certificate is empowered, by section 28 of the *Swimming Pools Act 1992*, to enter any premises in or on which he or she suspects that a swimming pool is situated and to examine the premises and, in particular, any swimming pool, and any barrier or other means of restricting access to any swimming pool, situated in or on the premises.

This power may be exercised with the consent of the occupier of the premises or, if that consent cannot be obtained, at any time (between 9.00 a.m. and sunset) after 24 hours' notice of the proposed exercise of the power has been given to the occupier of the premises.

The holder of this certificate is not empowered to enter such part of any building as is used for residential purposes, or any moveable dwelling, otherwise than with the consent of the occupier of the building or dwelling or under a search warrant.

oooO END OF REPORT Oooo

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ITEM: 226 CP - Draft Swimming Pool Inspection Policy and Draft Swimming Pools Inspection Program - (95498)

REPORT:

Executive Summary

This report is one of two reports relating to swimming pool safety on the agenda for this meeting. The purpose of this report is to:

- a) provide an overview of the changes to the legislation related to swimming pool safety
- b) seek Council's support to place the Draft Swimming Pool Inspection Policy on exhibition for public comment
- c) endorsement of Council to place the Draft Swimming Pools Inspection Program on exhibition for public comment

A separate report seeks delegation for Council officers to use the Council Seal on Certificates of Identification for the purposes of the Swimming Pools Act, 1992 (the Act).

The separate consideration of the delegation for Certificates of Identification will enable Council officers to continue responding to complaints and customer requests related to pool safety ahead of the commencement of the new mandatory inspection program. It should be noted that the Act already required Council officers to inspect pool safety on an 'as-needs' basis and in response to complaints or requests. However, the change to the legislation introduces mandatory inspections for authorised officers to proactively check compliance as part of an on-going program. It also introduced the need for an owner to registers their pool.

Introduction

The purpose of this report is to provide information about the swimming pool inspection program and the community consultation carried out related to pool registration and the inspection program.

- A pool is a structure capable of being filled with water greater than 300mm deep that is principally designed or used for swimming, wading, paddling, etc. This includes outdoor spas, swim spas, Jacuzzis and the like.
- A pool does not include a spa bath or anything located within a bathroom or anything else declared not to be a swimming pool.

With over 5000 backyard swimming pools in the Hawkesbury Local Government Area, pool safety is a significant community issue. Pools can be great fun, however, for some they have also resulted in tragedy because drowning of young children can happen quickly and silently.

The swimming pools inspection program will have a significant effect on not only raising the level of awareness of swimming pool safety issues within the community, but also to provide a practical continuing improvement in the level of safety for young children with increased number of compliant swimming pools in the Hawkesbury community.

Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. The community engagement process proposed in this report meets the criteria for the minimum level of community engagement required under Council's policy.

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Also the provisions of the Act required councils to consult with their communities prior to the commencement of the mandatory swimming pool inspection program. Council's webpage has already been updated to provide current information on the changes to the swimming pool laws and direct links to relevant websites, including the State Government Swimming Pool Register (www.swimmingpoolregister.nsw.gov.au). Other consultation actions during 2013 include:

- Information on display at Hawkesbury Show
- Information on display and flyers provided in Council's foyer in the Windsor Administration Centre
- Press releases and Mayoral Column in local newspapers
- Brochures sent to local pool shops
- Information sent to local schools and child-care centres (for placement on noticeboards and into their newsletters)

It is proposed that the Draft Swimming Pool Inspection Policy and Draft Swimming Pools Inspection Program be publicly exhibited for a period of 28 days and then a further report be brought to Council to consider submissions after the exhibition period.

Background

The NSW Government made changes to the *Swimming Pools Act 1992* (the Act) designed to reduce the likelihood of children drowning in New South Wales private backyard swimming pools, including spa pools.

The Act requires:

1. A new online state-wide register of swimming pools.
2. Mandatory registration of swimming pools by owners.
3. A certification system of compliance for all New South Wales swimming pools with the ability of authorised Council officers and private Accredited Certifiers to undertake inspections, Mandatory inspection of pools associated with multi-occupancy dwellings and tourist accommodation.
4. Mandatory compliance certification to be obtained for properties with swimming pools before they can be sold or leased (commencing 29 April 2014).
5. Requirement for Councils to develop a locally appropriate and affordable inspection program in consultation with their communities.
6. Requirement for Councils to report annually on the number of swimming pool inspections undertaken and the level of compliance with the requirements.

Conformance to Community Strategic Plan

The proposal is consistent with the Looking After People and Place Directions Statements:

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages, and rural landscapes
- Have an effective system of community safety which protects life, property and infrastructure; and;
- Have friendly neighbourhoods, connected communities and supported households and families

and is also consistent with the nominated strategy in the Community Strategic Plan being:

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- Provide for a safer community through planning, mitigation and response

Financial Implications

An additional Building and Development Officer position/accredited certifier was created and filled in October 2013 to provide a total of five authorised officers to be actively engaged in swimming pool safety (amongst the broader roles and responsibilities of the Development Services Branch).

An additional customer service position was also created and filled to provide administrative support for pool registrations and the ongoing inspection program. These additional positions will be partially funded from the inspection fees for swimming pools as well as other development services activities such as fire safety statements.

Conclusion

Council has wide powers to ensure compliance with swimming pool safety requirements under the Act. The intention is to work with the community and raise the level of awareness about the need for pool safety.

The inspection program will raise level of compliance and support the underlying educational objective to help reduce the rate of drownings of young children. There is, however, a statutory obligation on Council to provide inspection services as outlined in the swimming pools inspection program, once it has been adopted by Council.

As set out in the report, the inspection program will involve Council officers undertaking inspections across the Hawkesbury Local Government Area systematically over a 3-5 year period to ensure that all pools and spas are inspected and brought into compliance with the safety requirements.

RECOMMENDATION:

That:

1. The information provided in the report be noted.
2. The Draft Swimming Pool Inspection Policy and the Draft Swimming Pools Inspection Program, attached as Attachments 1 and 2 to the report, be placed on public exhibition for a period of 28 days.
3. Following the close of the exhibition period and consideration of any submissions received, that a further report be provided to Council on the Policy and Program.

ATTACHMENTS:

AT - 1 Draft Swimming Pool Inspection Policy

AT - 2 Draft Swimming Pools Inspection Program

AT - 1 Draft Swimming Pool Inspection Policy

Introduction

To provide a policy document to reflect Council's responsibilities for the inspection of swimming pools and spas in the Hawkesbury City Council Area to ensure compliance with the requirements of Part 2 of the *Swimming Pools Act 1992*. In accordance with Section 22B of the *Swimming Pools Act 1992*, Council must develop and adopt a program for the inspection of swimming pools.

Background

Council is obligated by the State Government to inspect all pools for compliance with the safety requirements. There are in excess of 5000 pools known to exist within the Local Government Area. Council could not afford to fulfil its obligation without charging any fees. The State Government has prescribed the fees that Councils can charge in relation to swimming pools.

Statutory Situation

The legislation, regulation and standards that apply to this Swimming Pool Inspection Policy include:

- Swimming Pool Act 1992
- Swimming Pools (Amendment) Act 2012
- Swimming Pools Regulation 1990, 1992, 1998 and 2008
- State Environmental Planning Policy (Infrastructure) 2007
- Australian Standard 1926 -1986
- Australian Standard 1926.1 - 2007
- Australian Standard 2783 - 1992
- Australian Standard/NZS 1838 - 1994
- Australian Standard/NZS 1839-1994
- Australian Standard 1926.1-2012

Definition of Swimming Pool

The Swimming Pools Act 1992 definition is “**swimming pool**” means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth greater than 300 millimetres, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity, and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations not to be a swimming pool for the purposes of the *Swimming Pools Act*.

It is important to understand that this term not only includes backyard pools but also includes

- pools that may be inside (or partially inside):
 - a residence
 - a townhouse
 - an apartment, motel, hotel etc.
- pools that home owners put up (and take down) such as inflatable wading pools or prefabricated pools that do not require a licensed builder to install them
- a pool under a pergola or other type of enclosure

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- spas that are not emptied after each use. This includes spas that are inside or partially inside a residence, may have a cover that is removed before use, may be part of a swimming pool, and may be surrounded by decking or under a pergola or other type of enclosure.

The Act does not apply to swimming pools that are situated, or proposed to be constructed or installed, on any premises occupied by the crown or by a public authority.

Frequency of Inspections

Hawkesbury City Council will be inspecting all pools within the Hawkesbury Local Government Area (upon which a residence is situated) approximately once every five years. Pools located on properties where there are more than two dwellings (e.g. townhouses, flats or units) or where there is tourist or visitor accommodation will be inspected once every three years.

Staged Inspection Program

When an area is scheduled for the program, registered pool owners will receive a letter with their unique Council reference number. Owners may then go online to a secure Council portal and book a time and date for an inspection of the pool barrier to be carried out. Inspections may also be arranged by contacting Council.

Reporting

Councils are required to report annually to the State Government on the inspection program. The report will be made available to Council and the public for information.

Compliance Action

The compliance processes will respond to the statutory requirements as set out in the *Swimming Pools Act 1992* and related legislation and guidelines.

Fees and Penalties

Council will charge fees and impose penalties (where relevant) as set out in the *Swimming Pools Act 1992* and related legislation and guidelines.

Swimming Pools Inspection Program

This policy should be read in conjunction with Council's adopted Draft Swimming Pools Inspection Program.

AT - 2 Draft Swimming Pools Inspection Program

An inspection of a swimming pool is to be carried out by Council, where any of the following circumstances exist:

1. *Complaints*

On receipt of a complaint by Council concerning an alleged defective swimming pool barrier, a written request will be forwarded to the owner of the swimming pool to arrange access for an inspection. Where a complaint is substantiated after an inspection, a Notice of Proposed Direction will be issued to the owner of the swimming pool.

2. *Certificate of Compliance Applications*

Section 22D of the *Swimming Pools Act 1992* (the Act) provides for a swimming pool owner to make application to Council or an Accredited Certifier for a Certificate of Compliance. On receipt of an application and payment of the inspection fee, Council will undertake an inspection of the swimming pool.

Where the application form indicates that it relates to the sale or lease of the premises, the inspection will be undertaken within ten (10) business days after receiving the application and inspection fee. Where a defective barrier has been identified, a Notice of Proposed Direction will be issued to the swimming pool owner. After a period of fifteen (15) calendar days, a final Direction will be issued to the swimming pool owner.

A re-inspection will be undertaken by Council and the appropriate re-inspection fee will be paid by the swimming pool owner. A certificate of compliance will be issued in respect of a swimming pool that is registered on the Division of Local Government Swimming Pools Register and that complies with the requirements of Part 2 of the Act.

3. *Exemption Applications*

Section 22 of the Act provides for a swimming pool owner to make application to Council for an Exemption from all or any of the requirements of Part 2 of the Act, in certain circumstances. On receipt of an application and the appropriate fee, Council will undertake an inspection of the swimming pool. After determination of the Exemption Application, where further works are necessary to make the swimming pool barrier compliant, Council will issue a Notice of Proposed Direction to the swimming pool owner.

4. *Other Inspections at Request of Owner*

Section 22C of the Act provides for a swimming pool owner to make application to Council for an inspection, which includes advice about swimming pool compliance. On receipt of an application and payment of the inspection fee, an inspection of the swimming pool will be undertaken. Where a defective barrier is identified, a Notice of Proposed Direction will be issued to the swimming pool owner.

5. *Notices Issued by an Accredited Certifier*

Section 22E of the Act requires that an Accredited Certifier must provide a Notice to the owner of a swimming pool after inspection if not satisfied that the swimming pool is compliant. A copy of the Notice is required to be provided to Council. On receipt of a notification from an Accredited Certifier, a written request will be forwarded to the owner of the swimming pool to arrange access for an inspection to be undertaken and payment of the inspection fee in accordance with Section 22F of the Act. Where a defective barrier is identified, a Notice of Proposed Direction will be issued to the swimming pool owner.

6. *The Development Certification Role and Building Certificate Applications*

Where Council is engaged as a Certifier and/or on receipt of an application for a Building Certificate for a property which has a swimming pool, arrangements will be made with the swimming pool owner for an inspection to be undertaken of the swimming pool. Where a defective barrier is identified, a Notice of Proposed Direction will be issued to the swimming pool owner.

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7. *Tourist and Visitor Accommodation or Premises with more than Two Dwellings*

'Tourist and visitor accommodation' means a building or place that provides temporary or short term accommodation on a commercial basis and includes any of the following:

Backpacker's accommodation, bed and breakfast accommodation, farm stay accommodation, hotel or motel accommodation, service departments, but does not include camping grounds, caravan parks or eco tourist facilities.

'Dwelling' means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile. Premises containing more than two dwellings would include a residential flat building, town houses, villas or the like.

These categories of premises are to be inspected at least once every three years. A written request will be forwarded to the owner of the swimming pool to arrange access for an inspection to be undertaken and payment of the inspection fee in accordance with Section 22F of the Act. Where a defective barrier is identified, a Notice of Proposed Direction will be issued to the swimming pool owner.

8. *Random Audit*

Where inspection resources permit, the swimming pool register will be reviewed to identify swimming pools where there is not a valid Certificate of Compliance or a relevant Occupation Certificate in existence and Council have not carried out an inspection of the swimming pool in the past 5 years. A written request will be forwarded to the owner of the swimming pool to arrange access for an inspection to be undertaken and payment of the inspection fee in accordance with Section 22F of the Act. Where a defective barrier is identified, a Notice of Proposed Direction will be issued to the owner of the swimming pool.

9. *Notice of Proposed Direction*

Where a defective swimming pool barrier has been identified, the non-compliant aspects will be notified to the swimming pool owner, initially as a Notice (covering letter) with a copy of a draft Direction. The purpose of the Notice is to encourage the swimming pool owner to bring the swimming pool into compliance with the Act, before a formal Direction is subsequently issued. After a period of fifteen (15) days from the issue of the Notice, Council will forward the final Direction to the swimming pool owner. The Direction is a legally enforceable document and provides the swimming pool owner with a right of appeal to the Land and Environment Court.

After the time period for compliance with the Direction has expired, a reinspection of the swimming pool would be carried out by Council to determine if compliance has been achieved. Given the safety issues, any failures to comply would result in Council seeking legal enforcement of the Direction through an application to the Land and Environment Court.

10. *Inspection and Re-inspection Fees*

Section 22F of the Act allows Council to charge an inspection fee for all inspections carried out under Division 5 of the Act.

An initial inspection fee will be payable by the swimming pool owner at the time of making an application or request to Council for an inspection of a swimming pool.

An application will not be taken as being lodged until payment of the application fee has been received by Council.

Where Council has initiated the need for an inspection in accordance with this program, other than for a complaint, an invoice will be forwarded to the owner of the swimming pool.

oooO END OF REPORT Oooo

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ITEM: 227 CP - Hawkesbury City Council - Annual Report - 2012/2013 - (95498, 124414)

REPORT:

Executive Summary

The 2012/2013 Annual Report has been prepared in accordance with the requirements of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

Section 428 of the *Local Government Act 1993* requires that within five months after the end of each year a Council must prepare a report as to its achievements in implementing its Delivery Program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.

The Act also prescribes specific reporting requirements that govern the content of the report and submission of audited Financial Statements and State of the Environment report for the year ending 30 June 2013.

The Annual Report is a statutory requirement for all New South Wales councils and must be submitted to the Division of Local Government by 30 November 2013.

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement:

- Have transparent, accountable and respected leadership and an engaged community.

Financial Implications

There are no financial implications applicable to this report.

RECOMMENDATION:

That:

1. Council's 2012/2013 Annual Report be received and noted and a copy be forwarded to the Division of Local Government and any other necessary authorities prior to 30 November 2013 as required.
2. Council display the full Annual Report on Council's website by the 30 November 2013.

ATTACHMENTS:

AT - 1 Annual Report 2012/2013 - (*Distributed Under Separate Cover*)

AT - 2 General Purpose and Special Purpose Financial Report and Special Schedules for the period ending 30 June 2013 - (*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

ORDINARY MEETING

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INFRASTRUCTURE SERVICES

ITEM: 228

IS - Hawkesbury River County Council - Report on 2012/2013 Activities (95495, 79354)

REPORT:

Executive Summary

Council is a member of the Hawkesbury River County Council (HRCC) along with Blacktown City Council, Penrith City Council and The Hills Shire Council. HRCC has delegated authority from the member Councils to administer the *Noxious Weeds Act 1993* (NSW) and control declared noxious weeds within the Hawkesbury/Nepean River catchment.

The purpose of this report is to provide an update on HRCC activities for the 2012/2013 financial year.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

Background

HRCC is a single purpose authority for the control of declared noxious weeds, and was proclaimed under the Local Government Act in 1948.

As presently constituted, HRCC consists of the combined areas of the four constituent councils of The Hills Shire, Blacktown, Penrith and Hawkesbury Cities; a combined County area of 3,823 square kilometres.

Each of the four Member Councils elect two Councillor delegates to form a Board of eight to govern the County Council. Council's current delegates are Councillor Bob Porter (current HRCC Chair) and Councillor Warwick Mackay OAM.

Funds are provided by equal levies upon the four constituent councils (\$153,000 in 2012/2013). The State Government provides additional grants in which Council must achieve specific outcomes. Charges are made for services and work performed for private land holders.

The County Council employs 12.6 EFT positions including the General Manager and part-time administration staff.

HRCC Update 2012/2013

The following information is provided by HRCC:

HRCC is guided by a 10 Year Business Activity Statement and reports on its activity in a similar way to general purpose Council's via the Integrated Planning and Reporting framework. The principle activities of HRCC are to: control weeds, inspect for weeds, build community awareness and capacity around weeds, and follow efficient governance practices.

As a 2012/2013 operational summary, HRCC has controlled weeds across 32.1HA terrestrially and 7.37HA in the Hawkesbury-Nepean river system. They have undertaken 1178 private property inspections (818 of these included staff members providing tailored one on one advice and guidance with a land holder about weed management) The County Council also featured at seven field days with a stall and information about local weeds.

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HRCC continued its process of efficiency reform by focusing on operational productivity improvements. This has allowed them to increase income faster than expenditure. Expenditure increased by 9% on the previous year, this was mainly spent on extra staffing. However, operating revenue was increased by 25%. This created the first “black” (+\$12,000), or surplus budget since 2007. This places them in one of the strongest fiscal positions in recent years, and ensures the long term financial sustainability of the County Council. This also is a platform for good future productivity increases that will serve to make the County Council an attractive investment prospect for environmental and weed management projects.

During the year, the County Council established some new funding partnerships which greatly increased their output for the community. This included the Hawkesbury-Nepean Aquatic Weed Management Program with the NSW Department of Primary Industries. This is the first long term (four years) river maintenance program to be deployed in our region. Secondly, with the Hawkesbury Nepean Catchment Management Authority, the County Council have set up a “High Risk Weeds Project” which focuses on the containment of Boneseed and African Olive. This project has the secondary outcome of establishing weed officer traineeships that has encouraged three new local people to be fully trained to a professional “Weed Officer” level over the next two years.

In January 2013, HRCC became the Lead Agency for the Sydney NSW Weeds Action Program. This extends their role with this program from delivery of on-ground outcomes to also include administration of the grant regionally across 19 project partners. The HRCC General Manager has put in place a number of governance and reporting processes to allow them to efficiently gather information and devolve funding in a regional manner. The Department of Primary Industries has supported HRCC in this role.

A summary of the financial situation of HRCC at 30 June 2013 is provided below:

Results from Operations	2012/2013 \$000	2011/2012 \$000
Revenue	1,928	889
Expenses	1,916	1,027
Net Result	12	-138
Financial Position		
Current Assets	1,260	770
Current Liabilities	466	155
Non-current Assets	1,074	1,242
Non-current Liabilities	0	0
Total Equity	1,868	1,857
Other Financial Information		
Unrestricted Current Ratio	3:1	9:1
Debt Service Ratio	0%	0%

The single-purpose Weed County Council model continues to be an excellent value for money return to our community. The total cost of the organisation for 2012/2013 (\$1.1M) represents only \$2.10 of rate sourced income per household (across all the constituent Councils). Weeds are much more effectively resourced and management in a regional model as this takes best effect of economies of scale and deployment of regional strategies.

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Conformance to Community Strategic Plan

The proposal is consistent with the Caring for Our Environment Direction Statement

- To look after our cultural and environmental assets for future generations so that they too can enjoy, and benefit from, a clean river and natural eco-systems, rural and cultural landscape

and is also consistent with the nominated strategy in the Community Strategic Plan being:

- Effective management of our rivers, waterways, riparian land, surface and groundwaters, and natural eco-systems through local action and regional partnerships

Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That the information within the report be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 November 2013

SUPPORT SERVICES

ITEM: 229 SS - General Purpose Financial Statements and Special Purpose Financial Statements for the period ended 30 June 2013 - (96332, 95496)

REPORT:

Executive Summary

Council's General Purpose Financial Statements and Special Purpose Financial Statements for the period ended 30 June 2013 have now been completed, audited and advertised in accordance with the provisions of the Local Government Act 1993 (LGA). The unqualified audit certificate from Council's Auditors, PricewaterhouseCoopers (PwC), has been received and is available for inspection by Councillors and the community.

The purpose of this report is to submit the General Purpose Financial Statements and Special Purpose Financial Statements for the period ended 30 June 2013 to Council, in accordance with the requirements of the LGA. The report also recommends the suspension of Standing Orders to allow Council's Auditor, Mr Dennis Banicevic of PwC, to make a presentation in respect of Council's audited 2012/2013 financial statements.

Consultation

Public Notice of the Council Meeting of 12 November 2013 has been given in the Hawkesbury Courier on Thursday, 31 October 2013. The General Purpose Financial Statements and Special Purpose Financial Statements for the period ended 30 June 2013 have been placed on exhibition from Thursday, 31 October 2013.

In accordance with Section 420(1) of the LGA, any person may make a submission to Council regarding the financial statements or with respect to the Auditor's reports. All submissions must be in writing and will be referred to Council's Auditors, PwC, and Council can take such action as it considers appropriate. The closing date for submissions is Tuesday, 19 November 2013.

Background

Council's General Purpose Financial Statements and Special Purpose Financial Statements for the period ended 30 June 2013 have been completed, audited and advertised in accordance with the provisions of the LGA. The unqualified audit certificate from Council's Auditors, PwC, has been received and is available for inspection by Councillors and the community.

The LGA requires that the meeting set for the presentation of the financial reports, must be at least seven days after public notice is given, and within five weeks after the Auditor's reports are given to Council. The Auditor's reports were received on 21 October 2013, and public notice was given in the Hawkesbury Courier on 31 October 2013.

Operating Performance

Provided below is a summary of Council's financial result for the period ended 30 June 2013.

Statement of Financial Performance	2012/2013 \$'000	2011/2012 \$'000	Movement Inc/(Dec)
Income from continuing operations	75,995	77,075	(1,080)
Expenses from continuing operations	64,731	68,767	(4,036)
Net Operating Result for the year	11,264	8,308	2,956

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Statement of Financial Performance	2012/2013 \$'000	2011/2012 \$'000	Movement Inc/(Dec)
Capital Grants and Contributions	14,354	17,161	(2,807)
Net Operating Result before Capital grants and Contributions	(3,090)	(8,853)	5,763

Details of revenues and expenses for 2012/2013 as compared to the previous year are as follows:

Income from continuing operations	2012/2013 \$'000	2011/2012 \$'000	Movement Inc/(Dec)
Rates and Annual Charges	40,421	38,900	1,521
User Charges and Fees	5,272	5,082	190
Interest	2,173	2,791	(618)
Grants and Contributions – Operating	8,508	9,367	(859)
Grants and Contributions – Capital	14,354	17,161	(2,807)
Other Operating Revenue	4,903	3,562	1,341
Profit from Disposal of Assets and Joint Venture Equity	364	212	152
Total Income from Continuing Operations	75,995	77,075	(1,080)

Expenses from continuing operations	2012/2013 \$'000	2011/2012 \$'000	Movement Inc/(Dec)
Employee costs	22,068	21,284	784
Materials and Contracts	18,154	18,261	(107)
Borrowing costs	33	538	(505)
Depreciation and Amortisation	14,315	18,407	(4,092)
Other Expenses	10,161	9,988	173
Net Losses from Disposal of Assets	0	289	(289)
Total Expenses from Continuing Operations	64,731	68,767	(4,036)

Balance Sheet

The Balance Sheet discloses the assets, liabilities and equity of Council. The table below displays Council's reported Balance Sheet as at 30 June 2013.

Statement of Financial Position	2012/2013 \$'000	2011/2012 \$'000	Movement Inc/(Dec)
Current Assets	50,508	45,617	4,891
Non Current Assets	809,560	766,590	42,970
Total Assets	860,068	812,207	47,861
Current Liabilities	14,127	12,914	1,213
Non Current Liabilities	11,944	8,195	3,749
Total Liabilities	26,071	21,109	4,962
Net Assets	833,997	791,098	42,899
Equity	833,997	791,098	42,899

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Performance Indicators

Council's financial statements disclose a number of financial indicators, which are detailed below:

Financial Performance Indicator	June 2013	June 2012
Unrestricted Current Ratio	4.58	4.86
Debt Service Ratio	0.82%	0.71%
Rate Coverage %	53.2%	50.5%
Rates Outstanding %	6.4%	6.3%
Building and Infrastructure Renewals Ratio %	85.3%	64.2%

Interpretation of Financial Results

Council's operating result improved from a surplus of \$8.3 million in 2011/2012 to \$11.3 million in 2012/2013. The result before capital grants and contributions was a deficit of \$3.1 million in 2012/2013, compared to \$8.9 million in 2011/2012. Council's overall cash position increased from \$40 million to \$44 million during the reporting period under review, and included restricted and unrestricted funds.

Council's net current assets increased from \$33 million to \$36 million in 2012/2013. Available working capital as at 30 June 2013 is \$5.5 million.

Council's Unrestricted Current Ratio at 30 June 2013 is 4.58, which declined, but remained significantly above the accepted industry benchmark of 1. The Debt Service Ratio was 0.82% and remains well below the accepted industry benchmark of 10%. Overall, debt rose from \$3.2 million to \$8.1 million. The Rate Coverage Ratio increased from 50% for 2011/2012, to 53% for 2012/2013, due to the significant drop in capital grants and contributions.

The Rates Outstanding Ratio increased to 6.4% of collectables. Council's Debt Recovery Policy allows for ratepayers to enter into a payment arrangement with Council, and also has special provisions limiting debt recovery action taken in regard to amounts outstanding by pensioners. These Policy provisions restrict debt recovery action to some extent and result in a higher ratio than would otherwise be the case. Whilst the ratio is higher than the accepted industry benchmark of 5%, the exclusion of amounts on payment arrangements and amounts owed by pensioners, results in this ratio being 4.27%, which is better than the benchmark.

The Asset Renewals Ratio indicates that infrastructure assets are being renewed at 85% of the rate at which they are depreciating.

Council's financial position for the period ended 30 June 2013 is considered to be sound and stable. However, projections based on current income and expenditure levels indicate that, if the funding shortfall is not addressed, Council may face financial sustainability issues in the future.

Increasing difficulties will be experienced to maintain a balanced budget position, with a gap continuing to exist between funds required to maintain Council's assets to a satisfactory standard and the revenue required to sustain it. It is important to take into consideration Special Schedule 7(SS7) (unaudited), which provides estimates on the amount of funds required to bring the existing infrastructure back to a satisfactory condition. As tabled in SS7, it is estimated that Council needs to spend over \$74.9 million to bring its assets back to the standard as indicated in SS7, an annual maintenance requirement of \$14.4 million compared with the current funding of \$9.9 million.

ORDINARY MEETING

Meeting Date: 12 November 2013

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statements;

- Be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services.
- Have transparent, accountable and respected leadership and engaged community

Funding

There are no financial implications applicable to this report.

RECOMMENDATION:

That Council:

1. Note the completion of the General Purpose and Special Purpose Financial Statements and Special Schedules for the period ended 30 June 2013.
2. Suspend standing orders to allow Council's Auditor, Mr Dennis Banicevic of PricewaterhouseCoopers, to make a presentation in respect of Council's audited 2012/2013 financial statements.

ATTACHMENTS:

- AT - 1** General Purpose and Special Purpose Financial Statements and Special Schedules for the Period Ended 30 June 2013 - *(Distributed under Separate Cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 November 2013

ITEM: 230 **SS - Internal Reporting Policy (Public Interest Disclosures Act) - (79337, 95496, 107)**

Previous Item: 254, Ordinary (8 November 2011)

REPORT:

Executive Summary

Council's Internal Reporting Policy (Public Interest Disclosures Act) was adopted at the Council meeting of 8 November 2011, following significant amendments to the Public Interest Disclosures Act, 1994 and the release of a Model Policy by the NSW Ombudsman.

The Policy establishes an internal reporting system for the reporting of any serious wrongdoing of corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention or local government pecuniary interest contravention.

The Policy has been reviewed and follows the amended Model Policy which was forwarded to Council by the NSW Ombudsman in July 2013.

The amended Policy is reported for adoption.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

The previous version of this Policy was circulated to all staff and Councillors upon its adoption in 2011. Upon adoption of this amended Policy, it will also be circulated to all staff and Councillors, and be made available on Council's website and other internal communication channels.

Background

Council's Internal Reporting Policy (Public Interest Disclosures Act) was adopted at the Council meeting of 8 November 2011, following significant amendments to the Public Interest Disclosures Act, 1994 and the release of a Model Policy by the NSW Ombudsman.

The purpose of Council's Internal Reporting Policy (Public Interest Disclosures Act) is to ensure that all necessary steps are taken to protect any Councillor, Council staff or Council contractor who makes a disclosure of serious wrongdoing from any detrimental action in reprisal for making that disclosure.

In July 2013, the NSW Ombudsman updated its Model Internal Reporting Policy. Under Section 6D of the Public Interest Disclosures Act, 1994, public authorities, including councils, are required to have a policy and documentation for receiving, assessing and dealing with public interest disclosures. The policy developed by Council should be based on the NSW Ombudsman's Model Policy and Guidelines.

Accordingly, Council's Internal Reporting Policy (Public Interest Disclosures Act) has been reviewed to ensure that it is in line with the NSW Ombudsman latest Model Policy forwarded to Council in July 2013.

Council's Internal Reporting Policy (Public Interest Disclosures Act) has now been updated to reflect the NSW Ombudsman's latest Model Policy, and is attached to the report as Attachment 1.

Council's amended Policy provides further information than the Model Policy in relation to examples of wrongdoing and provides shorter timeframes for responses to those making public interest reports compared to the Model Policy.

ORDINARY MEETING

Meeting Date: 12 November 2013

It is recommended that Council adopt the amended Policy.

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement:

- Have transparent, accountable and respected leadership and an engaged community;

Financial Implications

There are no financial implications arising from this report.

RECOMMENDATION:

That the Internal Report Policy (Public Interest Disclosures Act), attached as Attachment 1 to the report, be adopted.

ATTACHMENTS:

AT - 1 Internal Reporting Policy (Public Interest Disclosures Act) - *(Distributed Under Separate Cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 November 2013

ITEM: 231 **SS - Review of Privacy Management Plan (79337, 95496)**

Previous Item: 145, Ordinary (29 June 2010)

REPORT:

Executive Summary

Council's Privacy Management Plan was adopted at the Council meeting of 29 June 2010. It followed the Model Privacy Management Plan released by the NSW Division of Local Government (DLG) in 2000.

An updated Model Privacy Management Plan for Local Government was released earlier this year by the DLG. Accordingly, Council has reviewed its Privacy Management Plan for good governance, given the time elapsed since Council's last review and the latest Model Privacy Management Plan.

Council's Privacy Management Plan has now been amended so that it is based on the latest Model Privacy Management Plan for Local Government.

The amended Plan is reported for adoption.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community engagement Policy.

Upon adoption of the amended Privacy Management Plan, it will be circulated to all staff and Councillors, and be made available on Council's website and other internal communication channels.

Background

Council's Privacy Management Plan was adopted at the Council meeting of 29 June 2010. It followed the Model Privacy Management Plan released by the DLG in 2000.

An updated Model Privacy Management Plan for Local Government was released earlier this year by the DLG. The DLG has indicated that councils should adopt a new Privacy Management Plan based on the latest Model Privacy Management Plan for Local Government. Accordingly, Council has reviewed its Privacy Management Plan for good governance, given the time elapsed since Council's last review and the latest Model Privacy Management Plan for Local Government - January 2013.

The Privacy Management Plan aims to ensure that Council informs:

- The community about how their personal information will be used, stored and accessed after it is collected by the Council; and
- Council staff of their obligations in relation to handling personal information and when they can and cannot disclose, use or collect it.

The Council's Privacy Management Plan has been amended to ensure that it is now based on the latest Model Privacy Management Plan for Local Government - January 2013 provided by the DLG.

It is recommended that Council adopt the amended Plan.

ORDINARY MEETING

Meeting Date: 12 November 2013

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement:

- Have transparent, accountable and respected leadership and an engaged community;

Financial Implications

There are no financial implications arising from this report.

RECOMMENDATION:

That the Privacy Management Plan, attached as Attachment 1 to the report, be adopted.

ATTACHMENTS:

AT - 1 Privacy Management Plan - (*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 November 2013

ordinary

section 5

notices of motion

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING

Notices of Motion

SECTION 5 - Notices of Motion

NM1 - Economic and Social Benefits and Costs of Events and Festivals - (105109, 125611, 79351)

Submitted by: Councillor Creed

NOTICE OF MOTION:

That a report be submitted to Council regarding the economic and social benefits and costs associated with the many events and festivals, for example the recent Blues and Roots Festival, held in the Hawkesbury local government area, such report to incorporate possible measures the Council could take to support and facilitate these activities.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM2 - Costs Associated with Establishing Regular Cleaning Program - (105109, 80104, 79351)

Submitted by: Councillor Paine

NOTICE OF MOTION:

That a report be submitted to Council regarding the costs that would be involved in establishing a regular ongoing cleaning program in the business areas of Council's various towns and villages, particularly to address the need for the regular cleaning of the footpaths and maintenance of pot plants in main streets in these areas.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meeting and Responses

REPORT:

Questions - 29 October 2013

#	Councillor	Question	Response
1	Rasmussen	Requested a time frame to restore the River Rock sign at Yarramundi Reserve that has fallen over in a previous flood.	The Director Infrastructure Services advised that restoration works to the sign are expected to be completed within the next two weeks.
2	Rasmussen	Requested clarification regarding the return of the Redbank Planning Proposal to the Gateway Panel.	The Director City Planning advised the planning proposal has already received a gateway determination. Should Council support the final planning proposal it will be forwarded to the Department of Planning and Infrastructure and the Minister for Planning and Infrastructure for final gazettal. This is not another gateway determination, it is a finalisation of the plan.
3	Calvert	Requested clarification as to the requirement to have a Bush Fire Management Committee or if there is a current structure in place	The Director Infrastructure Services advised that a Bush Fire Management Committee (BFMC) has been established by Hawkesbury Rural Fire Service. Council is represented on the BFMC by the Director Infrastructure Services (or his delegate) and the Mayor. The role of the Committee is to present and coordinate community and agency activities and expertise to assist in bushfire management in a local area.
4	Paine	Requested consideration of a shelter for the barbeques in Howe Park and also for advise on a time frame for having electricity supply provided to the barbeques.	The Director Infrastructure Services advised that consideration will be given in future works programs for shelter facilities. In the interim minor pruning of surrounding trees will be undertaken to reduce leaf debris. Power connection issues have now been resolved and it is anticipated that the barbeques will be operational by the last week in November.

ORDINARY MEETING

Questions for Next Meeting

#	Councillor	Question	Response
5	Paine	Requested clarification of how long Richmond Village Technology and Performing Arts Centre has been referred to by this name.	Director Support Services advised that the project title - Richmond Village Technology and Performing Arts Precinct - was first used in conjunction with the lodgement of an Expression of Interest (EoI) under Round 4 of the Regional Development Australia Funds (RDAF) in December 2012. The EoI proposal was for the reconfiguration and extension of the Hawkesbury Seniors Leisure and Learning to create a more contemporary multi-media technology and entertainment centre for senior residents, as well as additional activity and art studios and a relocated branch library. The EoI also included the proposed redevelopment of the Richmond Branch Library to create rehearsal studios and a 'black box' theatre. Although shortlisted, the application was not successful. Council was then invited to apply for funds under RDAF 5 and resubmitted the RDAF 4 application with the deletion of the proposed redevelopment of the Richmond Branch Library. To reflect this change, the project title was amended from 'Precinct' to 'Centre'. Prior to the lodgement of RDAF 4 application, the project had the working title of 'Richmond Village Centre' to encapsulate the aim of creating an integrated community precinct in conjunction with the other community facilities on the March Street site.
6	Paine	Requested a report outlining costs for an ongoing program to clean the business areas of towns and villages, in particular the cleaning of the footpaths of the main street areas.	The General Manager advised that requests such as this should be made by way of a Notice of Motion. A Notice of Motion has since been submitted regarding this matter and is included on the Agenda for this meeting.
7	Williams	Requested that the bus shelter opposite the Wilberforce service station be reinstalled.	The Director Infrastructure Services advised that a safety audit is being undertaken by RMS with a view to determining a safer location for the bus stop and shelter. It is anticipated that this will be finalised in the next few weeks and a replacement shelter installed shortly thereafter.

ORDINARY MEETING

Questions for Next Meeting

#	Councillor	Question	Response
8	Mackay	Requested that Wheelbarrow Ridge Road, Colo Heights (five kilometres from the Putty Road intersection) and Dickson Lane, South Windsor be repaired.	The Director Infrastructure Services advised that instructions have been issued for maintenance works at both locations.
9	Creed	Requested a report to Council on the economic and social benefits of events and festivals to the Hawkesbury and what measures Council can take to support these activities.	The General Manager advised that requests such as this should be made by way of a Notice of Motion. A Notice of Motion has since been submitted regarding this matter and is included on the Agenda for this meeting.

oooO END OF REPORT Oooo

ORDINARY MEETING

Questions for Next Meeting



ordinary
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