



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 10 November 2015

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

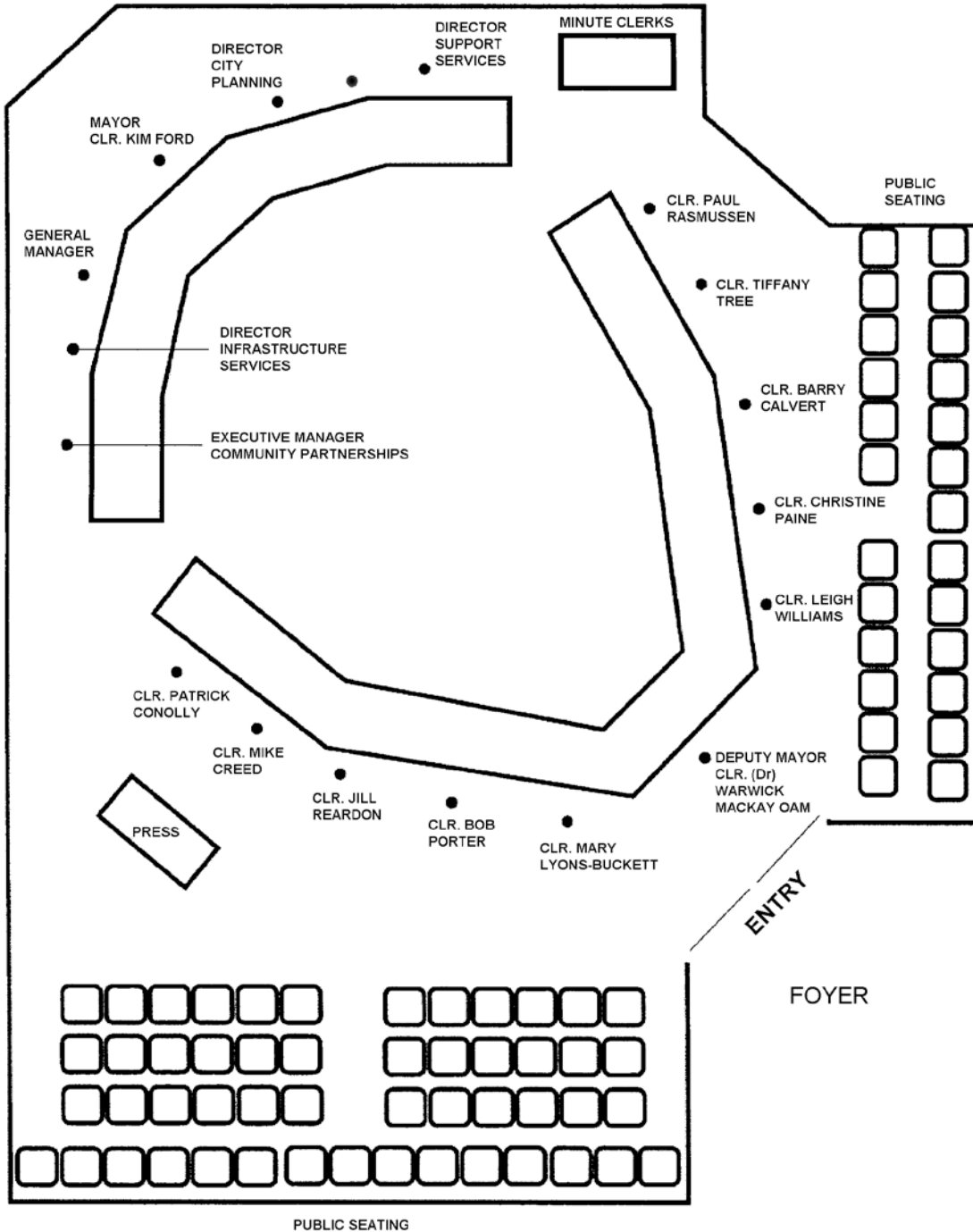
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>.

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: 186 **CP - DA0503/14 - Lot A DP 359072 - 135 Mountain Avenue, Yarramundi - Truck Depot - Retrospective Application - Extension to existing outbuilding, landfill and use of property - (95498, 111135, 97761)**

Previous Item: 156, Ordinary (29 September 2015)

Development Information

File Number: DA0503/14
Property Address: 135 Mountain Avenue, Yarramundi
Applicant: Peter Vicary
Owner: Gulf Western Premium Quality Lubricating Oils Manufacturing Pty Ltd
Proposal Details: Truck Depot - Retrospective Application - Extension to existing outbuilding, landfill and use of property
Estimated Cost: \$60,000
Zone: E4 Environmental Living
Date Received: 5 August 2014
Advertising: 15 August 2014 - 29 August 2014

Key Issues: ♦ Unauthorised works/use
 ♦ Amenity
 ♦ Bushfire

Recommendation: Approval

REPORT:

Pursuant to Section 80(1)(a) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's approval for an extension of an existing outbuilding, the filling of land and use of the property as a truck depot at Lot A DP 359072, No. 135 Mountain Avenue, Yarramundi. The extension to the outbuilding, the filling of the land and the use of the property as a truck depot, have all been carried out without approval.

The matter was reported to Council's Ordinary Meeting of 29 September 2015. At this meeting it was resolved:

"That the matter be deferred for a site inspection".

An inspection of the subject land was undertaken on 20 October 2015 and was attended by the applicant and their consultant, Councillors Lyons-Buckett and Paine and also by the Manager Development Services and Senior Town Planner.

The application was publicly notified from 15 August 2014 to 29 August 2014. Three submissions were received objecting to the development. A summary of the matters raised in the submissions follows:

- truck movements and the capacity of Mountain Avenue, pedestrian safety
- expansion of the use in the future
- out of character with the rural locality
- hours of operation – noise and lights

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- fuel stored on the property and fire risks
- aboriginal cultural heritage
- loss of property value.

This report highlights that the proposed development is consistent with Hawkesbury Local Environmental Plan 2012, Sydney Regional Environmental Plan No. 20, State Environmental Plan No. 44, State Environmental Planning Policy No. 55, and that subject to conditions of consent is unlikely to have any adverse impacts on the natural or built environment.

As a result it is recommended that the application be approved.

History of Application

5 August 2014	Development Application DA0503/14 received
15 August 2014	Public exhibition of proposal for two weeks commences
7 October 2014	Request the Applicant to provide additional information in relation to permissibility, the requirements of the Building Code of Australia, plans, waste, chemical storage and the matters raised in public submissions.
20 May 2015	Additional information received from Applicant in relation to 7 October 2014 request.
2 July 2015	Request the Applicant to provide further information in relation to Workcover requirements and the servicing and washing of vehicles.
10 July 2015	Response received in relation to request of 2 July 2015.
26 August 2015	A Respondent contacted Council with concerns with the size (B-triple vehicle) of the tanker being parked on the site. Requested the Applicant provide a response to this concern.
8 September 2015	Response received in relation to request of 26 August 2015.

History of Site

DA1496/03	Clearing of vegetation (approved)
DA0609/08	2 storey dwelling (approved but did not proceed)
DA0608/08	Retrospective approval for outbuilding additions and landfilling (refused)
DA0038/09	Dwelling (approved)
DA0577/10	Attached garage (approved)

Description of Proposal

The application seeks Council's approval for the use of an extension of an existing outbuilding, the filling of land and use of the property as a truck depot at Lot A DP 359072, No. 135 Mountain Avenue, Yarramundi. The extension to the outbuilding, the filling of the land and the use of the property as a truck depot, have all been carried out without approval. The trucks have been operating from the site for approximately 6 years.

Extension to outbuilding

The existing outbuilding on the land is approximately 130m². The extension to this outbuilding is located on the southern side and has an area 122m², having dimensions of 14.6m by 8.4m, and a maximum height of 4.53m. The combined area of the outbuilding and extension is 252m².

The extension to the outbuilding will be used for the parking of the owner's vehicles, equipment for the maintenance of the property and for the servicing of trucks associated with the truck depot.

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Filling of the land

An area around the existing outbuilding has been filled, with the depth of filling ranging from 300mm to 3m. The Applicant advises that the material used came from the property and no material was imported to the site.

Truck Depot

The use of the site as a truck depot involves the parking of the following:

- 1 semi trailer
- 1 truck and dog
- 1 float trailer
- earthmoving equipment
- 1 tanker truck.

A maximum of four truck movements will occur each day between the hours of 5am and 6pm.

The servicing of the trucks involves minor maintenance including changing of tyres, and replacing of light globes. The Applicant has clarified that the servicing of vehicles involving the changing of fluids will be undertaken offsite. In addition, the washing of vehicles will also be done offsite.

The truck depot operation involves two employees. The proposed hours of operation for the activity are 5am to 6pm.

Council Policies, Procedures and Codes to Which the Matter Relates

- State Environmental Planning Policy No. 44 – Koala Habitat
- State Environmental Planning Policy No. 55 – Remediation of Land
- Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River
- Hawkesbury Local Environmental Plan 2012
- Hawkesbury Development Control Plan 2002.

Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979 (EPA Act)

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

a. The provisions of any:

i. Environmental Planning Instrument:

State Environmental Planning Policy No. 44 – Koala Habitat.

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

Circular No. B35 was issued by the former Department of Planning (DIPNR) on 22 March 1995. The purpose of the Circular was to provide information relating to the implementation of SEPP 44 and to provide the Guidelines made by the Director for the purposes of the SEPP. Section 1.5 of the Circular states, inter alia, that:

"In relation to affected DAs it is the intention of the policy that investigations for 'potential' and 'core' koala habitats be limited to those areas in which it is proposed to disturb habitat".

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The site exceeds 1 hectare in area and therefore triggers the requirements of SEPP No. 44. However, the proposed development does not require the removal of native vegetation and will therefore not disturb habitat areas within the site. Consequently, an investigation into whether or not the land is potential koala habitat is not required for the development.

State Environmental Planning Policy No. 55 – Remediation of Land.

Clause 7(1) of SEPP No. 55 outlines a consent authority "*must not consent to the carrying out of any development on land unless:*

- *it has considered whether the land is contaminated*
- *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out*
- *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose".*

A Soil Testing Report, Reference Number 306, prepared by Compaction & Soil Testing Services Pty Ltd was submitted in support of the application. This Report concludes that the site is suitable for a continuing residential use and the results of the soil sample collected from 17 test pits indicate that they comply with the most stringent residential land use criteria (HIL 'A'). This Report has been reviewed by Council's Environmental Health Officer who raises no objections to the development.

Consequently, under Clause 7 of SEPP No. 55 Council is not prevented from granting consent to the proposal.

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River.

The subject land falls within the boundary of SREP 20. This Policy aims "*to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context*". SREP 20 requires an assessment with regard to the general and specific considerations, policies and strategies set out in the Policy.

The site is not located within a scenic corridor of significance. The proposed development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context and the development is not inconsistent with the general and specific aims, planning considerations, planning policies and recommended strategies.

Hawkesbury Local Environmental Plan 2012

An assessment of the proposed development against the relevant provisions of the HLEP 2012 follows:

Clause 1.2 – Aim of Plan

The proposed development is considered to be consistent with the aims of the Plan as outlined in Clause 1.2(2) of HLEP 2012 in that it will not result in significant environmental or visual impacts and is considered to be acceptable in design and scale.

Clause 1.4 Definitions

The development is best defined as a 'truck depot' which means "a building or place used for the servicing and parking of trucks, earthmoving machinery and the like."

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Clause 2.2 – Zoning of land to which Plan applies

The property is zoned E4 Environmental Living.

Clause 2.3 – Zone objectives and Land Use Table

'Truck depot' is permitted with development consent within the E4 Environmental Living zone.

It is considered that the development as proposed is generally consistent with the objectives of the zone in that:

- the property does not have any physical characteristics or bushfire risk that would be prohibitive to the proposed development
- the proposal is considered to be compatible with the environmental capabilities of the land and the existing infrastructure, services and facilities in the locality
- the proposed development is not considered to create any unreasonable land use conflicts
- the proposal will not have a significant adverse effect on water catchments, or important ecosystems such as waterways
- will have no adverse impact on the potential agricultural use of the site having regard to the topography of the land and the siting of the development, and will not result in the fragmentation or alienation of agricultural land.

Clause 4.3 – Height of Buildings

The extension to the building has a maximum height of 4.35m as measured from natural ground level and therefore complies with the 10 metre maximum height requirement of this clause.

Clause 5.10 – Heritage Conservation

The property is not affected by heritage.

Clause 6.1 – Acid Sulfate Soils

The proposal is located on land within Class 5. It is unlikely that the works carried out would have lowered the watertable to a level below 1m AHD.

Clause 6.2 - Earthworks

It is considered that the proposed development is consistent with the requirements of this Clause as:

- the proposal will have no detrimental effect on the existing drainage pattern of the locality or on soil stability
- the filling of the land for the truck depot is unlikely to hinder future redevelopment of the land
- evidence has been provided to demonstrate that the fill material used on the site is suitable in relation to the use of the property for both residential purposes and for a truck depot
- it is considered that the proposed development will have no unreasonable adverse impacts on the amenity of adjoining properties
- the application was referred to the Local Aboriginal Land Council who have raised no objection to the development
- the proposal will have no significant adverse impacts on watercourses, waterbodies or environmentally sensitive areas.

Clause 6.4 – Terrestrial Biodiversity

The land has been identified as having 'significant vegetation' and 'connectivity between significant vegetation' on the Terrestrial Biodiversity Map.

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A review of aerial photos dated 2003 to 2014 confirm that the unauthorised filling and extension to the existing outbuilding on the land had occurred circa 2008. When these works were carried out native trees and vegetation were removed to create the adjoining apron to the outbuildings and provide manoeuvring driveway areas.

Additional works will be required to provide suitable batters for the filled area to the east of the existing buildings. These works will not require the removal of native vegetation and they will be sufficiently setback from areas of native vegetation.

As this application is seeking approval for unauthorised works/uses having been carried out, and no further works requiring the removal of native vegetation will occur, no significant adverse impact on flora and fauna, habitats or biodiversity will result should the activity continue.

Clause 6.7 – Essential Services

The subject site is serviced by the onsite collection of water, onsite disposal of wastewater and reticulated electricity and telecommunications services. Services to the site exist and are considered adequate to service the proposed development.

ii. Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council:

There are no draft environmental planning instruments that directly relate to the land or the specified development.

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (HDCP) 2002

An assessment of the proposal against the relevant provisions of this plan follows:

Part A Chapter 3 - Notification

The Application was notified for the period 15 August 2014 to 29 August 2014 in accordance with the requirements of this Chapter of the Development Control Plan.

Part C Chapter 2 – Car parking and Access

This chapter does not prescribe a parking rate for truck depots.

Based on the number of employees expected to be on the premises at any one time (two) and the number of trucks (three) and associated trailers and machinery operating from the site, it is considered that the existing concrete area adjacent to the building is sufficient to provide adequate parking for the development. It is further considered that sufficient space would be available on site should any overflow parking be required.

Access to the property exists from Mountain Avenue and is considered satisfactory for the use of the land for a truck depot, having regard to the size and number of vehicles to be operated from the site.

Part C: Chapter 8 – Management of Construction and Demolition Waste

A waste management plan has been submitted in respect to waste management of the ongoing activity.

Part D Chapter 7 – Landfill

The following comments relate directly to the general principles outlined in the Landfill Chapter of the HDCP 2002:

1. The excavation and filling works carried out have assisted the use of the land as a truck depot. It is noted that works will be required to ensure that all batters comply with the 1 in 3 slope requirement of Hawkesbury Development Control Plan – Appendix E.
2. Appropriate drainage of the filled land can be achieved.

Roof stormwater from the extension to the outbuilding is connected to existing water tanks located adjacent to the buildings.

Surface stormwater runoff from the filled area will drain to the east following the natural contour lines and natural drainage lines. Given the size of the property and the location of the development from boundaries, stormwater runoff from this area will have no adverse impact on adjoining properties or watercourses having regard to increased flows, concentration of flows or water quality.
3. It is considered that the filled area is suitable for its use having regard to compaction of fill material.
4. Suitable conditions to be imposed with respect to erosion and sediment control devices during any rectification works.
5. The existing land filling has no adverse impact on the visual and scenic quality of the locality given the size of the property, the setbacks of the development from boundaries and the presence of exiting vegetation.
6. The fill material that has been used at the site has been certified as being suitable for use on the property.
7. The filled area has no adverse impact on adjoining properties.
8. The existing landfill has been certified as suitable for use on the property and it is unlikely that it will adversely impact on the health and safety of residents.
9. The landfill will improve the use of the land. The fill will have no adverse impact on the rural character of the locality.
10. The proposal is not expected to affect water quality within the catchment. Suitable conditions of consent are to be imposed in relation to erosion and sediment control.
11. The proposed works are not expected to expose any acid sulphate soils, sodic soil or saline soils.

Given the above, the filling of the land is considered to be consistent with the requirements of this Chapter of the Development Control Plan.

iv. Planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F:

There has been no planning agreement or draft planning agreement entered into under Section 93F of the Environmental planning and Assessment Act, 1979.

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v. Matters prescribed by the Regulations:

The Environmental Planning and Assessment Regulation 2000 requires:

- The development to be completed in accordance with the National Construction Code – Building Code of Australia
- Developer contribution fees to be paid in accordance with Council's Section 94A Development Contribution Plan. It is noted that developer contribution fees are not applicable to the development as the estimated cost of development is \$60,000, which is below the minimum levy threshold of \$100,000 set by Council's Section 94A Development Contribution Plan.

Suitable conditions of consent are recommended to ensure compliance with these requirements where relevant.

b. The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:

Context

It is considered that the proposed development is compatible with the adjoining land uses and will not result in an unreasonable impact on the amenity of the nearby residences.

The proposal will have no adverse impacts on the visual amenity of the locality given the location and size of the property, the location of the development on the land and the distance from adjoining properties and residences, and the presence of existing native vegetation on the property. It is therefore also considered that the proposed development will not unreasonably impact on adjoining properties in terms of overshadowing, loss of visual or acoustic privacy, or loss of views and vistas.

The truck depot activity comprising four truck movements per day is considered low scale and therefore compatible with the rural character and rural/residential use of the locality.

Noise

The proposed hours of operation for the activity are 5am to 6pm. In accordance with the Protection of the Environment Operations (Noise Control) Regulation 2008 a person must not cause or permit a motor vehicle to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- a) before 8 am or after 8 pm on any Saturday, Sunday or public holiday
- b) before 7 am or after 8 pm on any other day.

The proposal for trucks leaving the site from 5am has the potential to negatively impact on residences along Mountain Avenue in respect to noise and lights. Having regard to the low scale of the development, it is considered reasonable that the operators of the activity be given an opportunity to demonstrate that the operating hours will not result in any unreasonable adverse impacts on the amenity of the locality. In this regard a reviewable condition has been included in the Recommendation to this Report. The owner/operator has agreed to this.

Access, Transport and Traffic

Access to the site is considered satisfactory. The traffic generated by the development is unlikely to have any significant impact on the safety and efficiency of traffic using Mountain Avenue or surrounding roads. Suitable onsite car parking has been proposed for the development and suitable manoeuvring is available on the site for the proposed activity.

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Utilities

The proposed development will not place unreasonable demands on the provision of services.

Flora and Fauna

The application does not require the removal of native vegetation or the destruction of known habitats of native fauna on site. Therefore the proposed development will not result in a significant impact on any threatened species or endangered ecological communities and it is therefore considered that the requirements of Part 5A of the Environmental Planning and Assessment Act, 1979 can be satisfied.

Waste

Given the use of the building for a truck depot, WC facilities are required to be provided in order to comply with the requirements of the Building Code of Australia. In this regard, the WC will need to be either connected to the existing sewage management facility on the site or be provided with a new system. Given that the activity only involves two employees, and has been carried out for the past six years, it is considered that the existing system has the capacity to support the use.

Social and Economic Impact on the Locality

It is considered that the proposal will not have any significant social or economic impacts on the locality.

Cumulative Impact

Given the development is compatible with the adjoining land uses, the objectives of the zone and requirements of Hawkesbury DCP, no negative cumulative impact is foreseen.

c. Suitability of the site for the development:

The development is considered suitable within the context of the locality, compatible with adjoining land uses and is permissible within the zone.

The development is located within a previously cleared area with appropriate setbacks from boundaries. Existing vegetation on the property provides suitable screening of the development from adjoining properties.

The proposed development is located on bushfire prone land. This bushfire affectation is not prohibitive to the development.

The car parking and access is suitable to service the development.

The development will not impact upon critical habitats and threatened species, populations, ecological communities and habitats.

The site is therefore considered to be suitable for the proposed development.

d. Any submissions made in accordance with the Act or the Regulations:

The proposal was exhibited for two weeks in accordance with Part A of the Hawkesbury Development Control Plan 2002 from 15 August 2014 to 29 August 2014 inclusive. Three submissions were received during this time. The matters raised in these submissions are discussed below:

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- *Truck movements and the capacity of the Mountain Avenue, pedestrian safety;*

Comment: One Respondent raised concern that the fuel tanker accessing the property is a B-triple. This matter was raised with the Applicant/Owner who advised that "the best solution is that I will leave the rear tanker at another site and will only use Mountain Ave with the truck and 1 tanker." The use of Mountain Avenue by a B-triple is not permitted, and the Police and Roads and Maritime Services are the authorities for the regulation of heavy vehicles on roads.

The safety of pedestrians on Mountain Avenue was raised in regard to the size and speed of the trucks. Given the scale of the proposal, it is considered that the activity will have no unreasonable additional risks.

- *Expansion of the use in the future;*

Comment: The application provides the parameters by which the proposed development is to be carried out, including hours of operation, number of employees and the number of trucks and truck movements. Should the proposal be approved, the activity must be operated in accordance with the Applicants stated limits. These limits can also be ensured through conditions of consent. In this regard conditions relating to the hours of operation and number of truck movements have been included in the Recommendation to this Report.

- *Out of character with the rural locality;*

Comment: Truck depots are permissible on the land. It is considered that the proposed development will have no adverse impact on the character and amenity of the locality for the following reasons:

- a) the proposal will have no adverse impacts on the visual amenity of the locality given the location and size of the property, the location of the development on the land and the distance from adjoining properties and residences, and the presence of existing native vegetation on the property
- b) the activity is considered be of a low scale, comprising of a maximum of three trucks and therefore four truck movements per day and a maximum of two employees.

- *Hours of operation – noise and lights;*

Comment: As previously discussed, a reviewable condition in respect to the hours of operation has been included in the Recommendation to this Report to monitor the impacts from trucks leaving early in the morning.

It is noted that the concerns raised in respect to the impacts of noise and light from the trucks has been done so in relation to the unauthorised operation, and relate to the departure of trucks from the property at 3:00am in the morning.

- *Fuel stored on the property and fire risks;*

Comment: Concern has been raised in respect to the parking of the fuel tanker on the site and fire risks. The Applicant advises:

"The client delivers oil to gulf western oil at St Marys, if for any reason they get there too late to unload the tanker is left there overnight at that site and it is unloaded the next morning. The client has a ute parked at gulf western site so they can leave the tanker there overnight and drive the ute home. They have never and will never bring a tanker home with any oil in it.

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There are no requirements from Workcover regarding the operation of the tankers. There may be a slight residue of oil in the tanker, (5 litres) in the entire tank), however there is no risk of this exploding, the base oil that is in the tanker has the same flashpoint as motor oil, you could put a lighted match in the oil and it would extinguish the flame."

"Oil is not a dangerous good and the tankers are not registered to carry dangerous goods."

NSW Rural Fire Services document 'Planning for Bush Fire Protection 2006' does not provide any requirements for this type of activity.

It is considered that the parking of the tanker on site will not result in any significant adverse impact on adjoining properties in terms of their bush fire risks or on the natural environment as:

- the tanker is parked within a cleared, sealed area;
 - the truck depot is approximately 175m from the nearest neighbouring residence;
 - the owners have the ability to easily remove the vehicle from the premises during times of bushfire threat;
 - the tanker will not be full when parked on site and will only contain a residue of approximately five litres. This is comparable to the storing of fuels on properties for other rural/residential uses such as use in mowers, tractors, cars, oil tanks for heating etc.
- *Aboriginal cultural heritage;*

Comment: The Deerubbin Local Aboriginal Land Council was notified of the application and did not make any submissions.

- *Loss of property value.*

Comment: Truck depots are permissible with consent in E4 Environmental Living zone.

e. The Public Interest:

The proposal is consistent with the various planning controls affecting the site and would support a use that is permitted within the zone.

It is considered that the site will be able to cater for the development with no negative cumulative impact foreseen. The proposal is not contrary to public interest and it is recommended that the application be supported.

Developer Contributions

The development is exempt from contributions under Council's Section 94A Contributions Plan.

Conclusion

The proposed development is considered to be consistent with the relevant provisions of Hawkesbury Local Environmental Plan 2012, Sydney Regional Environmental Plan No. 20, State Environmental Planning Policies No. 44 & 55, and Hawkesbury Development Control Plan.

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It is considered that the truck depot can be carried out without any significant adverse impacts on the amenity of the locality due to the low scale nature of the activity. However, the proposed hours of operation of the truck depot allows trucks to leave the premises as early as 5am. Given the scale of the activity, comprising a maximum of four truck movements per day, it is considered unlikely that trucks will have any unreasonable adverse impact on adjoining residences, and residences in Mountain Avenue, in terms of noise and light. To ensure that this is the case a reviewable condition has been included in the Recommendation to this Report in relation to the hours of operation. This condition will allow the operation of the depot from 5am for a six month period. Should this be unsuccessful, the depot will then be required to operate from 7am, consistent with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008.

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 development application DA0503/14 at Lot A DP 359072, 135 Mountain Avenue, Yarramundi for a Truck Depot - Extension to existing outbuilding, landfill and use of property be approved subject to the following conditions:

General

1. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
3. The development shall comply with the provisions of the National Construction Code – Building Code of Australia.
4. The building shall not be used or occupied until the issue of an appropriate occupation certificate.
5. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
6. This development falls within the Sewerage Scheme controlled by Hawkesbury City Council. Therefore Hawkesbury City Council is the approving authority for all sewer works.
7. A Building Certificate is to be obtained prior to the issue of a construction certificate.

Prior to Issue of Building Certificate

8. A structural engineer shall inspect and certify that the building is structurally adequate to resist the loads likely to be imposed upon it.

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Prior to Issue of Construction Certificate

9. Council is the sewer authority for this development. As this development involves works in connection to the on-site septic system, a payment of the prescribed inspection fee for both internal and external sewer drainage work is required to be made prior to the issue of a construction certificate.
10. Two additional personnel exit doors are required to be provided in accordance with the recommendations of the Building Code of Australia Compliance Report prepared by Fire Safety Engineering Consultants dated 5 May 2015. The exit doors are required to swing in the direction of egress and be provided with lever type handles and illuminated exit signage. Details are required to be provided with the construction certificate application.
11. Bollards are required to be provided to all personnel exit doors in accordance with the recommendations of the Building Code of Australia Compliance Report prepared by Fire Safety Engineering Consultants dated 5 May 2015.
12. An accessible WC is required to be provided to serve the building in accordance with the recommendations of the Building Code of Australia Compliance Report prepared by Fire Safety Engineering Consultants dated 5 May 2015. Details are required to be provided with the construction certificate application.
13. Emergency Lighting, Illuminated Exit Signage and Portable Fire Extinguishers are required to be provided throughout the building in accordance with the recommendations of the Building Code of Australia Compliance Report prepared by Fire Safety Engineering Consultants dated 5 May 2015. Details are required to be provided with the construction certificate application.
14. An accessible car-parking space is required to be provided in accordance with the recommendations of the Building Code of Australia Compliance Report prepared by Fire Safety Engineering Consultants dated 5 May 2015. Details are required to be provided with the construction certificate application.
15. Braille and tactile signage is required to be provided in accordance with the recommendations of the Building Code of Australia Compliance Report prepared by Fire Safety Engineering Consultants dated 5 May 2015. Details are required to be provided with the construction certificate application.

Prior to Commencement of Works

16. The applicant shall advise Council of the name, address and contact number of the Principal Certifying Authority, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
17. At least two days prior to commencement of works, notice is to be given to Council, in accordance with the Environmental Planning and Assessment Regulation.
18. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
19. The waste management plan shall be amended to include any construction works. An amended copy of the waste management plan shall be provided to the Principal Certifying Authority prior to the commencement of works.
20. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.

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- c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
- d) The name and contact number of the Principal Certifying Authority.

During Construction

- 21. Dust control measures, eg vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
- 22. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
- 23. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
- 24. Works shall not impeded or divert any natural water flow from adjoining properties. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
- 25. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
- 26. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
- 27. Compliance certificates (known as Part 4A Certificates) as are to be issued for Critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 as required by section 109E (3) (d) of the Environmental Planning and Assessment Act 1979 by the nominated Principal Certifying Authority .
- 28. Inspections and Compliance Certificates for sanitary drainage works can be conducted and issued by Hawkesbury City Council. Inspections must be conducted on the exposed pipes prior to covering. Please phone (02) 4560 4444 to arrange inspections.
- 29. Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.
- 30. The filled area shall be battered at a slope not exceeding one vertical to three horizontal.
- 31. All constructed batters shall be topsoiled and turfed immediately upon completion of construction.
- 32. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
- 33. Disabled parking shall be provided in accordance with AS2890.6.

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Prior to Issue of an Interim Occupation Certificate

34. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
35. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
36. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
37. Written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the on-site sewerage management system, is required to be submitted to the Principal Certifying Authority prior to the issue of an Interim Occupation Certificate.
38. A compliance certificate from Hawkesbury City Council's Development Services Branch confirming completion of internal and external drainage must be submitted to the Principal Certifying Authority.
39. A works as executed plan and contour depth of fill plan prepared by a registered surveyor or the design engineer shall be submitted.

Use of the Development

40. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.
41. No internal or external alterations shall be carried out without prior approval of Council.
42. Servicing or washing of trucks and other vehicles associated with the truck depot is not permitted on the property.
43. Oil, fuel, brake fluid, radiator fluid, battery acid and other liquids must not be stored on the site.
44. The hours of operation for the premises are regulated by a reviewable condition as follows:
 - a) The hours of operation are restricted to:
7am and 6pm Mondays to Fridays
8am and 6pm Saturdays, Sundays and public holidays

Reviewable extended hours
 - b) During the trial period of six months, from date of issue of this consent, the use may operate as follows:
5am and 6pm Mondays to Fridays
8am and 6pm Saturdays, Sundays and public holidays
 - c) The extended hours in (b) above may be reviewed by Council at any time during the trial period. Such a review will occur in the event that a breach of the maximum noise restriction criteria has occurred and has not been satisfactorily resolved following a written request from Council.
 - d) Notwithstanding the right of Council to review the hours of operation during the trial period a further application may be lodged by the owner to continue the extended hours of operation outlined in (b) above before the end of the trial. Council's consideration of a proposed continuation of the hours of operation will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed during public consultation or from other relevant stakeholders.

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- e) The purpose of the reviewable condition is to allow ongoing assessment of the hours of operation in relation to neighbourhood amenity and operational performance, and allow the management to demonstrate successful practices in relation to the above.
- 45. The truck depot activity shall not employ more than two persons.
- 46. Only a total of four truck movements per day is permitted to and/or from the property.
- 47. The tanker can only be brought to/parked on the property if empty.
- 48. Any oil or liquid spills must be cleaned up promptly. Necessary materials and equipment shall be kept onsite to contain and clean up any spills. Sufficient supplies of appropriate absorbent materials and/or other appropriate spill clean up equipment shall be kept on site to recover any liquid spillage. Liquid spills must be cleaned up using dry methods only and shall not give rise to an offence under the Protection of the Environment Operations Act 1997.
- 49. Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
- 50. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
- 51. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - a) been assessed by a properly qualified person
 - b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
- 52. Waste is to be stored in an appropriate manner in a covered area and removed at regular intervals.
- 53. All vehicles shall be driven in a forward direction at all times when entering and leaving the premises.
- 54. Noise generated as a result of the activity shall be managed so that the LAeq noise levels, measured at any point in accordance with the NSW DECs' Industrial Noise Source Policy, do not exceed 5dB(A) (LAeq) above background levels (LA90) with respect to noise amenity of other properties and associated outdoor areas.
- 55. The activity shall not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.
- 56. Waste is to be separated where appropriate for reuse and recycling.

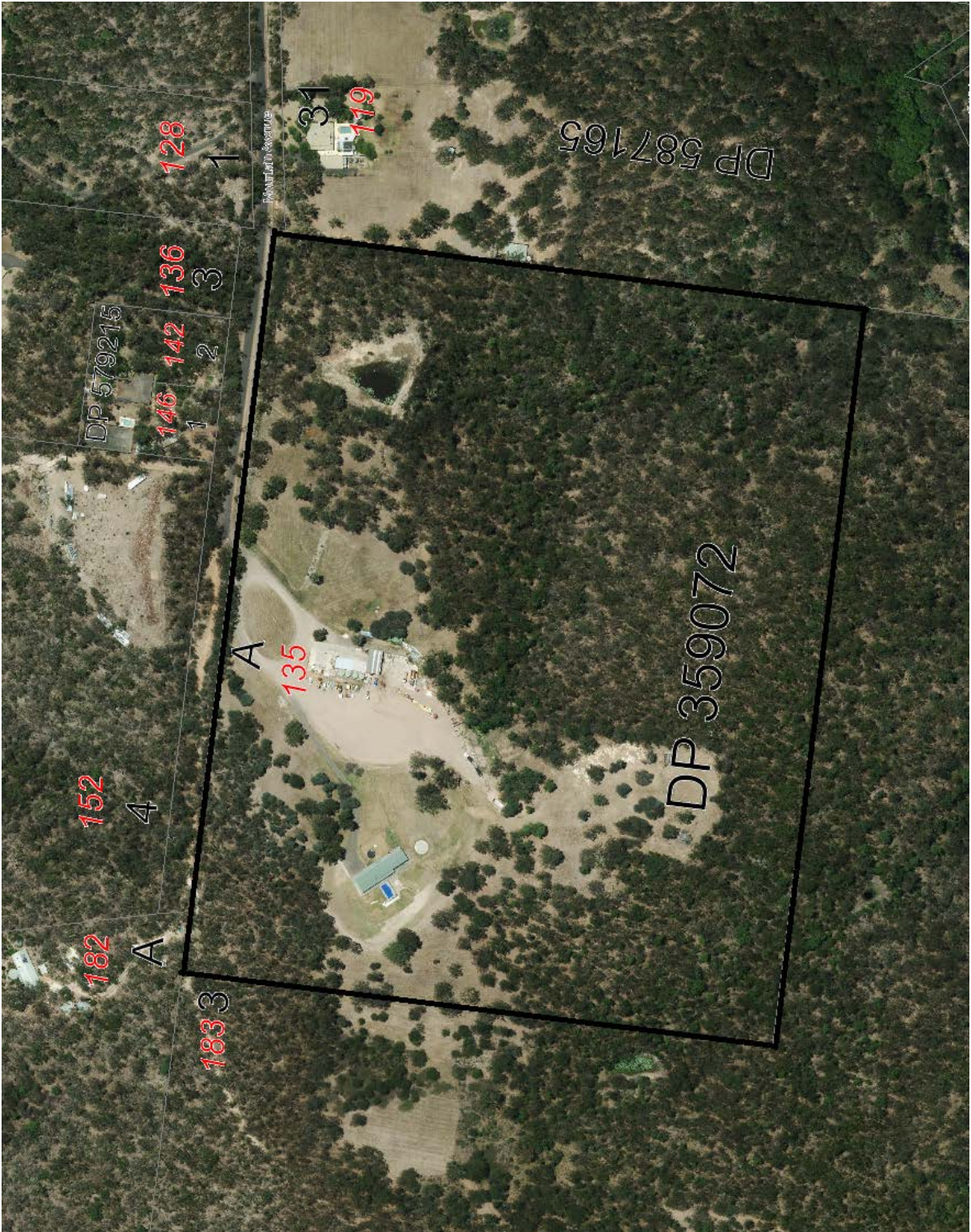
ATTACHMENTS:

- AT - 1 Locality Plan
- AT - 2 Aerial Photo
- AT - 3 Site Plan
- AT - 4 Elevation Plan

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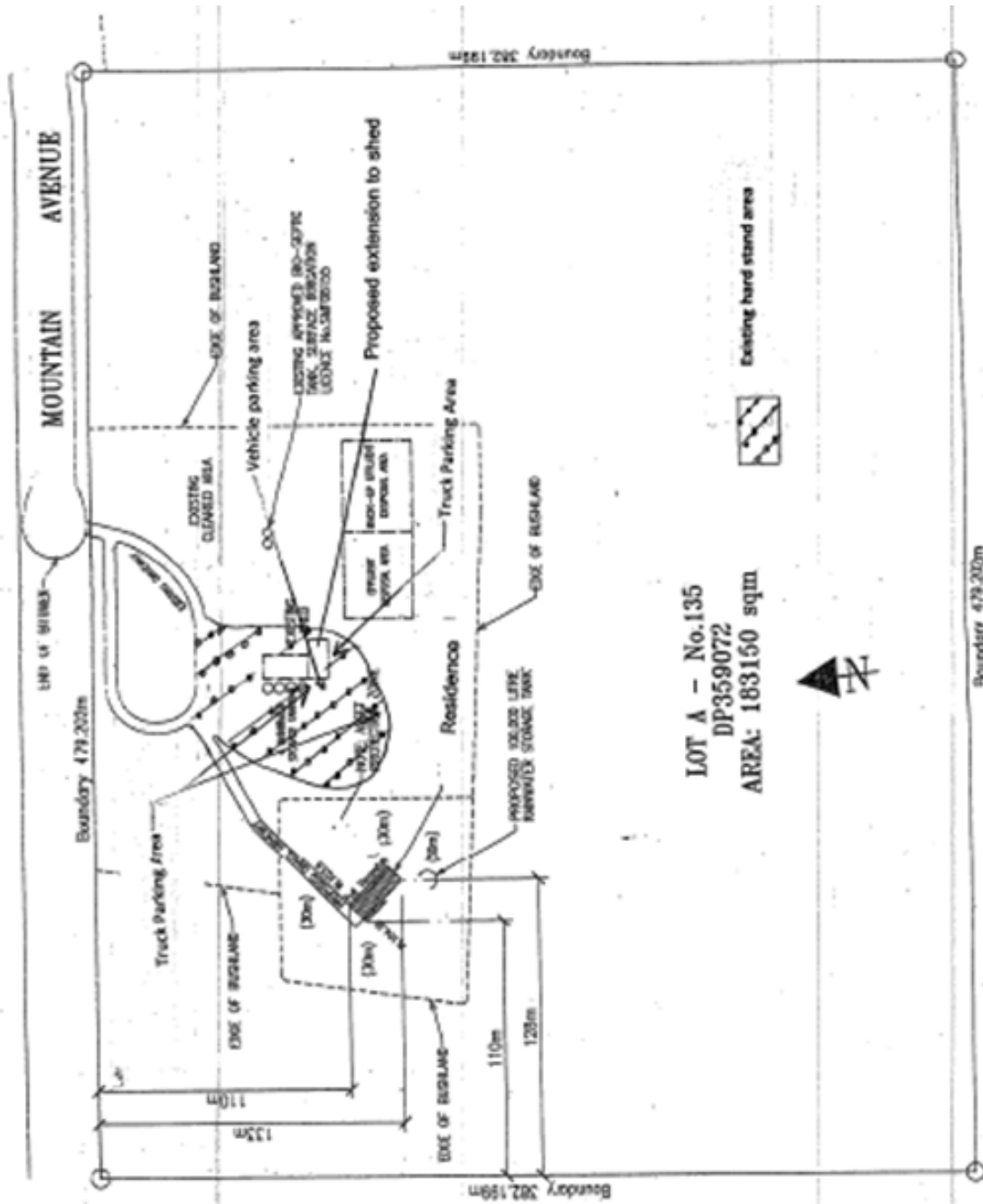
AT - 2 Aerial Photo



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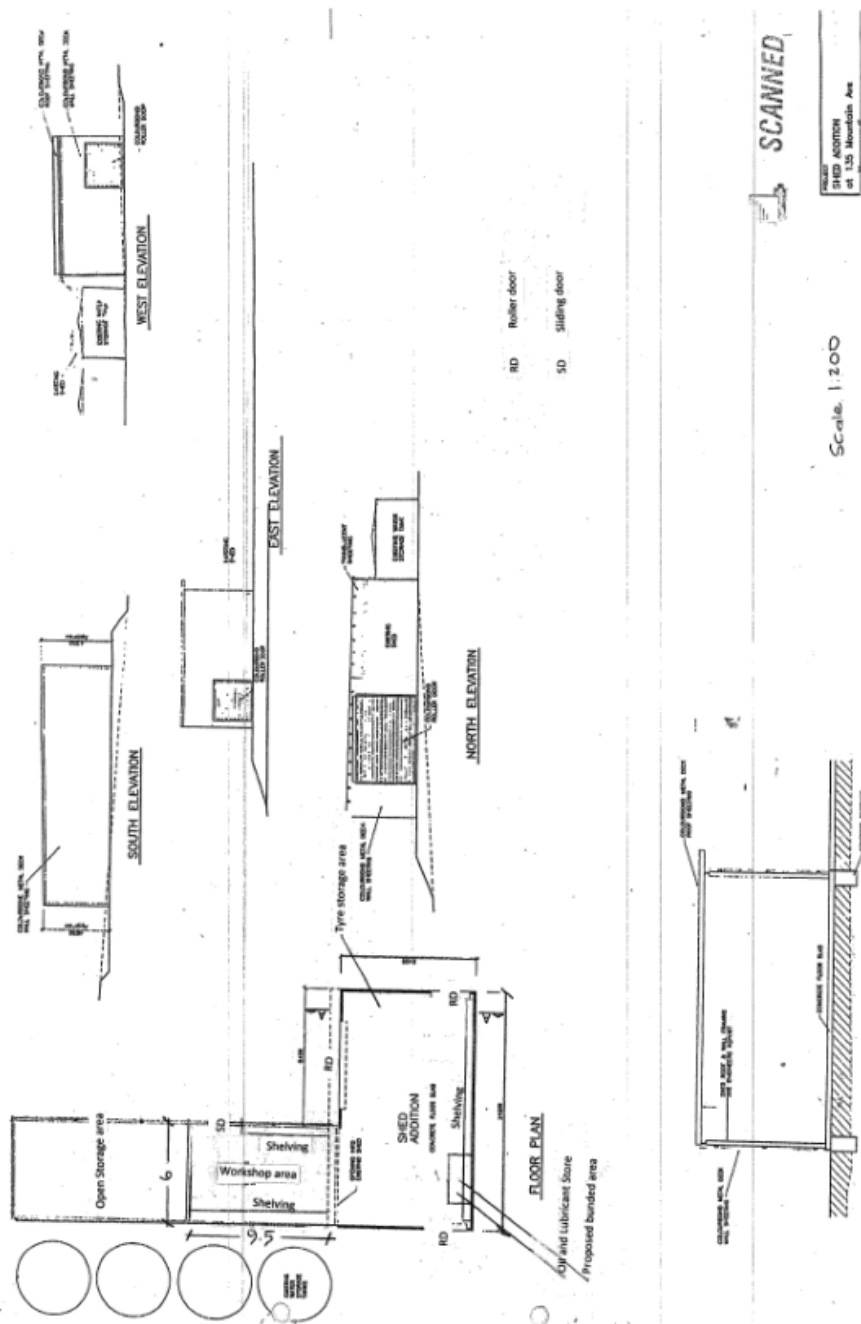
AT - 3 Site Plan



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AT - 4 Elevation Plan



oooO END OF REPORT Oooo

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CITY PLANNING

Item: 187 CP - Hawkesbury City Council - Annual Report - 2014/2015 - (95498, 124414)

REPORT:

Executive Summary

The 2014/2015 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 for the year ending 30 June 2015.

The Annual Report is a statutory requirement for all New South Wales councils and must be submitted to the Office of Local Government by 30 November 2015.

Conformance to the Hawkesbury 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 2014/2015 Annual Report be received and noted and a copy be forwarded to the Office of Local Government and any other necessary authorities prior to 30 November 2015 as required.
2. The full Annual Report also be made available on Council's website by the 30 November 2015.

ORDINARY MEETING

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ATTACHMENTS:

AT - 1 Annual Report 2014/2015 - *(Distributed Under Separate Cover)*

AT - 2 General Purpose and Special Purpose Financial Statements and Special Schedules for the period ending 30 June 2015 - *(Distributed Under Separate Cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 10 November 2015

Item: 188 **CP - Voluntary Planning Agreements for Large Lot Developments in the Kurrajong - Kurmond Investigation Area - (95498, 124414)**

REPORT:

Executive Summary

Council has a number of planning proposals for large lot residential subdivision in the adopted Kurrajong/Kurmond Investigation Area. These planning proposals have progressed to varying points in the process with a few almost ready to be finalised for Gazettal.

All the planning proposals have a requirement to either be covered by a Section 94 Developer Contributions Plan (S94 Plan) or a Voluntary Planning Agreement (VPA) prior to completion. The purpose of this report is to advise Council of the receipt of a number of VPA offers and to recommend a standard approach for VPAs in this area as an interim measure until the S94 Plan is in place.

Consultation

The VPAs have not yet been exhibited. When the draft VPAs are prepared they will be reported to Council prior to exhibition. They will then be exhibited in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979 (the Act) and associated Regulations. The VPAs are then reported back to Council following exhibition for consideration and finalisation.

Background

Council currently has five planning proposals in the Kurrajong/Kurmond Investigation Area (the Investigation Area) that have received Gateway determinations and have completed public exhibition. The proposals are as follows:

1442 and 1442A Kurmond Road, Kurmond	Approximately 15 Lots
396 Bells Line of Road, Kurmond	Approximately 32 Lots
136 Longleat Lane, Kurmond	Approximately 4 Lots
1420 Kurmond Road, Kurmond	Approximately 12 Lots
431 Greggs Road, Kurrajong	Approximately 9 Lots

When the above planning proposals were first reported to Council, the resolutions to support the proposals all contained the following (or similar) requirement prior to finalisation:

"The Department of Planning and Infrastructure and the applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement, has been made towards resolving infrastructure provision for this planning proposal."

The preparation of a S94 Plan, as advised to Council previously, has commenced but the completion of that Plan is not expected for some time. In response to the above, Council staff have advised the applicants for the above proposals of the timeframes and some applicants have expressed the desire to enter into a VPA with Council. To date one applicant has advised of their proposed VPA via a brief email and one applicant (396 Bells Line of Road) has forwarded a draft VPA for consideration by Council.

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The VPA offers have been discussed with the applicants and are cash based offers, i.e. cash payment on a per lot basis. The offers varied in amounts and, after staff discussion with the applicants, the offers have been brought up to a flat rate of \$30,000 per allotment. The basis for this amount is the current "contributions cap" imposed by the State Government on contributions plans and the fact that the existing VPAs finalised with Council for Redbank and Jacaranda Ponds developments are approximately equal to that figure.

It is proposed to develop a works program (similar to the Section 94A Plan) for the expenditure of the contributions received from the VPAs. That program will be the subject of a future report to Council. In this regard, the contributions will be expended on local and district infrastructure and facilities, upgrades such as cycleways, bus shelters, landscape and park embellishments and local road improvements, etc.

The draft VPA that has been submitted to Council has proposed a number of standard Clauses and terms which are generally acceptable. However, further refinement is required to these VPA documents to ensure consistency with existing VPAs with Council and to deal with the following:

- CPI adjustments to contribution cash payments
- Development of a Clause that will allow the S94 Plan to apply once it is adopted with no retrospective provisions should the contribution amount be greater or lesser than the cash payment in the VPA.

It is recommended that the above approach to the development of VPAs in the Investigation Area be utilised for discussions with applicants for these planning proposals, i.e. preferred \$30,000 cash payment per allotment, CPI adjusted, rather than works in kind and provisions to terminate the VPA once the S94 Plan is in place. It is proposed that the draft VPA, or firm offer of a VPA, will be reported to Council at the same time as the finalisation of the planning proposal.

Conformance to the Hawkesbury Community Strategic Plan

Council's consideration and approval of Voluntary Planning Agreements would be consistent with the following CSP 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 the nominated strategy in the CSP being:

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

ORDINARY MEETING

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Financial Implications

The rezoning or release of land for development via the planning proposal (rezoning) process results in a significant upgrading to the value of a property. Prior to finalising any of these planning proposals Council needs to ensure that there is a mechanism (VPA or S94 Plan) in place that allows for that future development to make reasonable contributions to the upgrading of infrastructure in the locality.

The proposal to utilise VPAs, either in the interim or the longer term, is a reasonable alternative in the absence of a S94 Plan. The proposed value per lot of a cash contribution is considered to be a reasonable contribution given the “cap” placed on developer contributions.

RECOMMENDATION:

That:

1. Council agree to offers to enter into negotiations for Voluntary Planning Agreements in the Kurrajong/Kurmond Investigation Area in the absence of an adopted Section 94 developer contributions plan,
2. Any Voluntary Planning Agreement for this locality to be based on CPI adjusted cash contributions on a per lot release basis consistent with the offers discussed in this report,
3. Negotiations for draft VPAs should include consideration of a Clause to terminate the VPA once the Section 94 Plan is adopted with no retrospective provisions should the amended contributions be different to the VPA contribution amount.
4. To reinforce Council's previous resolutions planning proposals that have completed public exhibition are not to be reported to Council for finalisation until a Section 94 Plan is adopted or the report is accompanied by a draft Voluntary Planning Agreement that is proposed to be placed on public exhibition.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 10 November 2015

INFRASTRUCTURE SERVICES

Item: 189 **IS - Management of South Windsor Tennis Courts - (95495, 79354, 73611)**

REPORT:

Executive Summary

The Hawkesbury Sports Council Inc. (HSC) has approached Council to take on and manage the South Windsor Tennis Courts Precinct including the small club/office building. These courts are currently not used due to their poor condition, requiring significant funding to renew the surfacing. HSC is proposing to upgrade and adaptively reuse the courts for multi-sport/training use, and use the building for their administration function as well as for sports club meetings.

It is recommended that Council transfer the management and maintenance of the South Windsor Tennis Courts to the HSC, through a delegation.

Consultation

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

Background

The South Windsor Tennis Courts adjoin the Mileham Street netball courts and the Hawkesbury Indoor Stadium. It is made up of four courts and a tennis building. The site is zoned Open Space and classified as Community Land under the Local Government Act, 1993.

Due to decline in demand for tennis facilities generally and the high operation and maintenance costs, the use of these courts for tennis was not financially viable. The site was informally managed as part of the Indoor Stadium for overflow event usage, however due to limited use, the facility reverted to Council for management.

The tennis courts are covered in a synthetic grass surface and on three of the courts there are splits in this surface making the playing surface unsafe. There is also an algae growing around the edges of most of the courts which is unsightly and makes the surface slippery. The surrounding fence is in good condition however a number of the tennis net posts are bent and would require replacement.

To bring these courts up to a suitable condition (using synthetic grass) is approximately \$30,000 per court totalling \$120,000 excluding GST.

Options

Whilst it is possible to lease out this area, in its current condition, the options are very limited. With tennis declining within the Hawkesbury area it is not considered viable to upgrade the courts and lease them out. Council would have to upgrade the courts to a suitable state and the income generated from the four courts is unlikely to enable major improvements in the future.

The HSC has indicated its interest in taking on the courts and proposes to use the club house as a base to run their organisation. This would save them rent as well as giving sporting clubs a venue to hold meetings/gatherings.

The HSC has provided a proposal on how they intend to use and maintain the courts and also the management of the building. They proposed to upgrade the courts by seeking grants and using their Capital Work funds. The intent is to make the courts multi-purpose which would allow a range of sports such as tennis, netball and futsal.

ORDINARY MEETING

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The building has recently been assessed and works are programmed to carry out repairs to the building to ensure the building is secure and prevent further deterioration.

The HSC have agreed to pay an annual maintenance fee of \$3,000 and all utility costs, following the initial repairs to the building.

Council has previously given HSC delegated authority for the care and control and management of various sporting facilities under Section 377 of the Local Government Act, 1993. It is recommended that Council delegate the management and maintenance of the South Windsor Tennis Courts to the Hawkesbury Sports Council.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Linking the Hawkesbury Directions Statement;

- Plan for, maintain and renew our physical infrastructure and community services, facilities and communication connections for the benefit of residents, visitors and businesses

Financial Implications

The payment of a fee for ongoing maintenance will ensure that the basic building structure is maintained on an ongoing basis. The HSC will meet all utility and upgrade costs.

RECOMMENDATION:

That the existing delegation of authority given to the Hawkesbury Sports Council Inc. under the provisions of Section 377 of the Local Government Act 1993, to manage and maintain various sporting facilities throughout the area be extended to include the management and maintenance of the South Windsor Tennis Courts, on the basis outlined in the report, including the payment of an annual maintenance fee of \$3,000(indexed to CPI), plus all utility costs.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 10 November 2015

Item: 190 **IS - Request for Additional Dates for the Governor Phillip Park Markets - (95495, 79354, 129069)**

Previous Item: 35, Ordinary (10 March 2015)

REPORT:

Executive Summary

Council previously approved applications from Eclectic Markets and Events to hold markets in Governor Phillip Park.

Eclectic Markets currently run markets once a month at Governor Phillip Park and have requested an additional four dates to be held where a fifth Sunday falls in a month. The relevant upcoming dates are 29 November 2015 and 31 January, 31 July and 30 October 2016.

It is recommended that Eclectic Markets and Events be given approval for an additional two Sunday markets on 29 November 2015 and 31 January 2016. The remaining two markets can be included in the consideration of future applications for 2016/2017.

Consultation

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

Background

Council resolved on 10 March 2015 that:

"Eclectic Markets and Events Market be given approval to hold a monthly market at Governor Phillip Park for a period up to 30 June 2016."

Eclectic Markets and Events have requested an additional four dates to be held on the fifth Sunday of the month when it falls. The relevant upcoming dates are 29 November 2015 and 31 January, 31 July and 30 October 2016.

Windsor already has a Sunday market that is held in Windsor Mall. Eclectic Markets and Events have contacted Windsor Mall Markets to ensure there was no conflict with running these additional four markets. Windsor Mall Markets have responded that they support these additional Sunday markets.

It is recommended that Eclectic Markets and Events be given approval for an additional two Sunday markets on 29 November 2015 and 31 January 2016. The remaining two markets can be included when considering any application for the 2016/2017 market approvals.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Directions Statement;

- Help create thriving town centres, each with its own character that attracts residents, visitors and businesses

and is also consistent with the nominated strategy in the CSP being:

- Differentiate, brand and promote the Hawkesbury as a tourism destination.

ORDINARY MEETING

Meeting Date: 10 November 2015

Financial Implications

Fees and charges will be charged for the additional events in accordance with Council's adopted fees and charges.

RECOMMENDATION:

That:

1. Eclectic Markets and Events Market be given approval for two additional Sunday Markets on 29 November 2015 and 31 January 2016.
2. The approvals be subject to the following:
 - a) Council's general park conditions.
 - b) Council's fees and charges.
 - c) The Richmond Park and Windsor Foreshore Plans of Management.
 - d) Satisfactory management of conflict with other users.
 - e) Council reserving the right to suspend the use where conflicts of use arise.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 191

IS - Hawkesbury War Memorial Honour Roll Eligibility Criteria - (95495, 79354)

REPORT:

Executive Summary

Correspondence has been received from the Richmond Returned and Services League Sub Branch and other parties seeking an amendment to the Council adopted 'Hawkesbury War Memorial Eligibility Criteria 2005', which sets out the eligibility for placement of names on war memorials throughout the City.

The original amendments sought were to allow other local veterans, who do not conform to the specific criteria of "living in the Hawkesbury when they enlisted", to have their names placed on memorials.

Meetings were held with both the Richmond and Windsor sub branches to discuss the matter and it was agreed by both parties to amend the criteria to better clarify which persons should have their names included on to the war memorials. The proposed amendments however, still maintain the principle that the memorials are for the citizens of the area who enlisted, rather than being open to those who may have moved to the area, post service whilst recognising that such persons may have contributed to the community in various ways. The RSL sub-branches agreed that other means of recognition of contribution were possible and the original intent of the memorials should be maintained.

It is recommended that Council endorse this principle and the changes to the criteria.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. Consultation has taken place with the RSL sub-branches, who have in turn consulted with their members.

Background

In 2005, meetings were held with the Presidents of the (then) three Returned and Services League of Australia (RSL) sub-branches, to discuss how to initiate steps to add the names of the fallen Hawkesbury service personnel from the Second World War, the Vietnam War, the Korean War and all other conflicts to the respective War Memorials in the Hawkesbury. Following the upgrade of the Richmond War Memorial an approach had developed with names being added without agreed criteria on eligibility.

As there was no consensus between the three sub-branches at the time as to how a name should be approved to be added to a memorial, this led to the representatives of the three RSLs indicating that they had no objection to new names being added to memorials but requested that a policy be developed that sets in place the criteria for the placement of such names. They put forward a range of criteria and on 29 November 2005, Council resolved that:

- "1. The criteria for names be added to a war memorial, identified by the sub branches and outlined within the report, be adopted as a Council policy.
2. The sub-branches continue the role of filtering through potential names and once confirmed a letter be forward to Council requesting that the name/s be added to a memorial.
3. The costs of adding any new name to a memorial to be shared equally between the appropriate sub-branch and Council."

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The criteria referred to in point one was the following:

- War Memorials located within the district are local monuments and should only be made available to residents of the Hawkesbury at the time of their enlistment.
- A veterans name should only appear on one memorial within the district.
- In the event that a veteran has served in more than one conflict, that the name still only appear on one memorial, but it may appear on separate theatres of conflict.

Whilst names had already been added to the memorials that would not meet these new criteria, the intention was not to 'invalidate' the legitimacy of the names but rather ensure consistency and that the limited remaining space on the memorials was left for those who lived in the area at the time of the conflict.

The Richmond RSL wrote to Council earlier this year, requesting that the policy be amended. They sought changes to allow other worthy veterans who lived in the area, but who did not live in the Hawkesbury when they enlisted, to be similarly honoured. Part of the changes proposed were that Richmond RSL should have separate criteria for adding names to a memorial to that of Windsor RSL. It should be noted that although Council has ultimate responsibility for management of all of the memorials, it has always sought to manage these important sites in full consideration and agreement with the RSL sub-branches.

There are now only two RSLs within the Hawkesbury LGA, as the Kurrajong/Colo RSL no longer exists. As any change to the policy would affect both remaining sub-branches and all memorial sites, a number of meetings have been held with the presidents of both the Richmond and Windsor RSL to discuss the criteria and possible amendments with a view to achieving an agreed position.

Following these discussions, it was agreed by both sub-branches that having separate criteria for placing a name on a memorial would not work as it would lead to an inconsistency of names being added to a war memorials, similar to what was occurring prior to the 2005 criteria being established. The reason for this is that those seeking to have a name added to a memorial could seek to find the sub branch whose criteria would allow them to add their name to a memorial. The sub-branches agreed that it is best to have a consistent message and to amend the current criteria so that there would be no misunderstanding as to who was entitled to be added to a war memorial.

Both sub-branches agreed that War Memorials were generally erected to represent the sacrifice of local veterans going to war and that they were not installed for the purpose of representing the actions and contributions of individuals following the war. The Department of Veteran Affairs defines a war memorial as:

"A war memorial is a commemorative object intended to remind us of the people who served in and died as a result of war. War memorials may take many forms, but common to all of them is the intention that they remind us of those we have lost to war."

Whilst it was recognised that it may exclude some veterans who may move, or have previously moved, to the area after service, representatives of the sub-branches both agreed on the following principle:

"War Memorials located within the Hawkesbury LGA are to commemorate local veterans who were deployed on operational service in Australia's defence forces and who were resident in the Hawkesbury or its historical Council/Shire boundaries prior to enlistment."

Based on this principle, an amended policy and criteria was developed to add names to a war memorial. The new procedure is broken up into the principle, the criteria and the process. Both Richmond and Windsor RSL sub-branches subsequently went to their members with the following draft eligibility criteria for their consideration:

The Draft Hawkesbury War Memorial Eligibility Criteria 2015

Background

War Memorials were generally erected to represent the sacrifice of local veterans going to war.

The Department of Veteran Affairs defines war memorials as:

"A war memorial is a commemorative object intended to remind us of the people who served in and died as a result of war. War memorials may take many forms, but common to all of them is the intention that they remind us of those we have lost to war."

In many regional towns, even those settled after the First World War, memorials were built to commemorate the impact of the war. Since the Second World War and subsequent conflicts, many of these memorials have been updated.

In 1966, the policy was introduced of repatriating war dead back to Australia for burial if possible. Prior to that, local war memorials were especially important in giving family and friends a focal point for remembering.

In Australia, generally only the names of those who served and died are inscribed on monuments and honour rolls, preserving them in the local memory. However, some monuments also include the names of people from the district who served and returned. This distinguishes Australia from British military tradition, which gives individual honours on monuments only to the dead.

This was the case in the Hawkesbury, where memorials were erected for the purpose of its residents who served in and died as a result of war. Over time however, names have been supported that did not meet the original purpose.

To reduce confusion, Council and the Returned Service Leagues (RSL's) formed the 'Hawkesbury War Memorial Eligibility Criteria 2005' to standardise the process of adding names to a war memorial. This criteria was amended in 2015 to better reflect the integrity and maintain the historical intent of the memorials.

Criteria

1. War Memorials located within the Hawkesbury Local Government Area (Hawkesbury LGA) are to commemorate local veterans who were deployed on operational service to a declared War Zone, as a member of the Australian defence force, and who were resident in the Hawkesbury or its historical Council/Shire boundaries at enlistment for Military Service, encompassing Reservists and Permanent Members.
2. The Veteran must be deceased before their name can be placed on a Memorial.
3. A Veteran who was 'Killed in Action' will have a religious cross placed next to their name, with the same cross at the bottom of the memorial with the letters KIA – Killed in Action written.
4. Veterans should be honoured by surname, initials and Post Nominals recognising Military Gallantry. E.g., VC, DCM, MM etc.
5. The Veteran may be placed on any one Memorial within the Hawkesbury LGA.
6. In the event that a veteran serves in more than one conflict his/her name may be placed under each conflict that he/she served. Meaning that his/her name can be placed more than once but only on one Memorial within the Hawkesbury LGA.

ORDINARY MEETING

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Process

The process for adding names to a war memorial in the Hawkesbury LGA is:

1. Each sub-branch is to maintain a register of eligible RSL Sub-Branch members that are entitled to have their names added to a Memorial within the Hawkesbury LGA.
2. A copy is to be held by Council and is to be maintained in an updated state by the relevant sub-branch and as changes occur, Council is to be advised.
3. Council is to be notified of the death of an eligible veteran and the sub-branch to formally request that the name be added to the relevant War Memorial.
4. If a sub-branch receives a request from a member of the community for a non-sub-branch member to have a name placed on a Memorial within the Hawkesbury LGA, the applicant is to provide proof of residency as per criteria 1.
5. A certified copy of the Veterans Service Record is to be provided to the relevant sub-branch and then the sub-branch will be responsible to carry out the required due diligence to establish if that name meets the criteria.
6. After due diligence has been completed, Council is to be advised of the outcome in writing by the relevant RSL Sub-Branch.
7. Council is to communicate with the applicant advising them of the outcome and if criteria is met, when the name will be placed on the Memorial.
8. Should a request be made directly to Council or where the name is not included on the register, Council staff will refer the request to the relevant sub-branch which will undertake due diligence research and advise Council and the applicant of its recommendation.
9. The costs of adding any new names to a Memorial to be shared equally between the appropriate sub-branch and Council.

Outcome of Sub-Branch Consultations:

Windsor RSL Sub-Branch adopted the proposed criteria, whilst Richmond RSL Sub-Branch adopted the document with the following additional criteria:

"A Veteran deemed ineligible for inclusion on a war memorial by the criteria in the above paragraphs, may be considered for inclusion if exceptional and/or compelling circumstances exist. The normal due diligence process would still apply before approval is given."

As part of this change they also amended part 4 of the Process to:

"If a sub-branch receives a request from a member of the community for a non-sub-branch member to have a name placed on a Memorial within the Hawkesbury LGA the applicant is to provide proof of residency as per criteria 1 or if the veteran was not a resident at enlistment, then criteria 6 may be applicable."

The Richmond RSL Sub-Branch does not identify what the exceptional and/or compelling circumstances would be. Based on the discussions held to date it is suggested that this would need to be more than the person being resident in the area (post conflict).

Due to this process taking over six months and the sub-branches have failed to endorse one consistent eligibility criteria, it is unlikely that this will now occur. Having separate criteria for both sub-branches is not recommended as it could lead to an inconsistency of names being added to war memorials, similar to what was occurring prior to the 2005 criteria being established.

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Due to the criteria being very similar, it is recommended that Richmond RSL Sub-Branch eligibility criteria be adopted with an inclusion to the process that a report would go to Council for their consideration as to whether a name should be included under exceptional circumstance provisions.

It is recommended that the proposed Hawkesbury War Memorial Eligibility Criteria 2015, as detailed in the attachment to this report, be adopted. It should be noted that the attached draft incorporates minor drafting changes and inclusions of criteria and process relating to exceptional circumstance provisions.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After People and Place Direction Statement;

- Be a place where we value, protect and enhance the historical, social, cultural and environmental character of Hawkesbury's towns, villages and rural landscapes

Financial Implications

There are no financial implications applicable to this report.

RECOMMENDATION:

That the proposed Hawkesbury War Memorial Eligibility Criteria 2015 attached to this report be adopted.

ATTACHMENTS:

AT - 1 The Hawkesbury War Memorial Eligibility Criteria 2015

AT - 1 The Hawkesbury War Memorial Eligibility Criteria 2015

Background

War Memorials were generally erected to represent the sacrifice of local veterans going to war.

The Department of Veteran Affairs defines war memorials as:

"A war memorial is a commemorative object intended to remind us of the people who served in and died as a result of war. War memorials may take many forms, but common to all of them is the intention that they remind us of those we have lost to war."

In many regional towns, even those settled after the First World War, memorials were built to commemorate the impact of the war. Since the Second World War and subsequent conflicts, many of these memorials have been updated.

In 1966, the policy was introduced of repatriating war dead back to Australia for burial if possible. Prior to that, local war memorials were especially important in giving family and friends a focal point for remembering.

In Australia, generally only the names of those who served and died are inscribed on monuments and honour rolls, preserving them in the local memory. However, some monuments also include the names of people from the district who served and returned. This distinguishes Australia from British military tradition, which gives individual honours on monuments only to the dead.

This was the case in the Hawkesbury, where memorials were erected for the purpose of its residents who served in and died as a result of war. Over time however, names have been supported that did not meet the original purpose.

To reduce confusion, Council and the Returned Service Leagues (RSL's) formed the 'Hawkesbury War Memorial Eligibility Criteria 2005' to standardise the process of adding names to a war memorial. This criteria was amended in 2015 to better reflect the integrity and maintain the historical intent of the memorials.

Criteria

1. War Memorials located within the Hawkesbury Local Government Area (Hawkesbury LGA) are to commemorate local veterans who were deployed on operational service to a declared War Zone, as a member of the Australian defence force, and who were resident in the Hawkesbury or its historical Council/Shire boundaries at enlistment for Military Service, encompassing Reservists and Permanent Members.
2. The Veteran must be deceased before their name can be placed on a Memorial.
3. A Veteran who was 'Killed in Action' will have a religious cross placed next to their name, with the same cross at the bottom of the memorial with the letters KIA – Killed in Action written.
4. Veterans should be honoured by surname, initials and Post Nominals recognising Military Gallantry. E.g., VC, DCM, MM etc.
5. The Veteran may be placed on any one Memorial within the Hawkesbury LGA.
6. In the event that a veteran serves in more than one conflict his/her name may be placed under each conflict that he/she served. Meaning that his/her name can be placed more than once but only on one Memorial within the Hawkesbury LGA.

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7. A Veteran deemed ineligible for inclusion on a war memorial by the criteria in the above paragraphs, may be considered for inclusion if exceptional and/or compelling circumstances exist, including pre-enlistment residency circumstances or military service contribution to the Hawkesbury. The normal due diligence process would still apply before approval is given.

Process

The process for adding names to a war memorial in the Hawkesbury LGA is:

1. Each Sub-Branch is to maintain a register of eligible RSL Sub-Branch members that are entitled to have their names added to a Memorial within the Hawkesbury LGA.
2. A copy is to be held by Council and is to be maintained in an updated state by the relevant sub-branch and as changes occur, Council is to be advised.
3. Council is to be notified of the death of an eligible veteran and the sub-branch to formally request that the name be added to the relevant War Memorial.
4. If a sub-branch receives a request from a member of the community for a non-sub-branch member to have a name placed on a Memorial within the Hawkesbury LGA the applicant is to provide proof of residency as per criteria 1.
5. If a recommendation is received from a Sub-Branch under the provisions of criteria 7, the recommendation will be reported to Council for final endorsement.
6. A certified copy of the Veterans Service Record is to be provided to the relevant sub-branch and then the sub-branch will be responsible to carry out the required due diligence to establish if that name meets the criteria.
7. After due diligence has been completed, Council is to be advised of the outcome in writing by the relevant RSL sub-branch.
8. Council is to communicate with the applicant advising them of the outcome and if criteria is met, when the name will be placed on the Memorial.
9. Should a request be made directly to Council or where the name is not included on the register, Council staff will refer the request to the relevant sub-branch which will undertake due diligence research and advise Council and the applicant of its recommendation.
10. The costs of adding any new names to a Memorial to be shared equally between the appropriate sub-branch and Council.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 10 November 2015

SUPPORT SERVICES

Item: 192 **SS - Execution of Transfer Granting Easement - 110 March Street, Richmond - (95496, 112106)**

REPORT:

Executive Summary

Council has previously obtained consent for a Development Application pertaining to an addition to the existing Senior Citizens Centre at 114 March Street, Richmond being Lot 101 in Deposited Plan 793048.

The approved development allowed for part of the addition to encroach onto the adjoining property at 110 March Street, Richmond being Lot 2 in Deposited Plan 575929 which is also owned by Council.

The development consent requires Council to register an appropriate easement over Lot 2 in Deposited Plan 575929, and this report recommends that Council agree to affix the Seal of Council to the documentation.

Background

Council, on 13 May 2014, obtained consent for a Development Application pertaining to a single storey addition to the front of the existing Senior Citizens Centre at 114 March Street, Richmond being Lot 101 in Deposited Plan 793048.

The approved development allowed for the porte cochere to encroach onto the adjoining property at 110 March Street, Richmond being Lot 2 in Deposited Plan 575929, which is also owned by Council.

The development consent contains a condition which states:

"39. If required, registration on the title of any easements required for encroachment of the porte cochere over adjoining Lot 2 DP 575929. Documentary evidence is to be provided to the Principal Certifying Authority prior to the issue of the Occupation Certificate."

Whilst both relevant properties are owned by Council, and the registration of the easement is a relatively simple process, in order for the matter to be formalised, authority must be given for all relevant documentation to be executed under to Seal of Council.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Linking the Hawkesbury Directions statement:

- Plan for, maintain and renew our physical infrastructure and community services, facilities and communication connections for the benefit of residents, visitors and businesses.

Financial Implications

Council will be required to pay legal fees associated with the preparation and registration of the documentation as well as stamp duty, if applicable. Funding is available in Council's 2015/2016 Adopted Operational Plan for payment of these costs.

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RECOMMENDATION:

That authority be given for the Transfer Granting Easement, as well as any other necessary documentation regarding an easement over Lot 2 in Deposited Plan 575929, 110 March Street, Richmond, in association with consent condition No 39 of DA0600/13, to be executed under the Seal of Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 10 November 2015

Item: 193 **SS - General Purpose Financial Statements and Special Purpose Financial Statements for the period ended 30 June 2015 - (95496, 96332)**

Previous Item: 163, Ordinary (29 September 2015)

REPORT:

Executive Summary

Council's General Purpose Financial Statements and Special Purpose Financial Statements for the period ended 30 June 2015 (2014/2015 Financial Statements) have now been completed, audited and advertised in accordance with the provisions of the Local Government Act, 1993 (the Act). 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 2014/2015 Financial Statements to Council, in accordance with the requirements of the Act. Council's Auditor, Mr Dennis Banicevic of PwC, will be in attendance at the meeting to make a presentation in respect of Council's audited 2014/2015 Financial Statements.

Consultation

Public Notice of the Council Meeting of 10 November 2015 has been given in the Hawkesbury Courier on Thursday, 29 October 2015. The 2014/2015 Financial Statements have been placed on exhibition from Monday, 2 November 2015.

In accordance with Section 420(1) of the Act, 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, 17 November 2015.

Background

Council's 2014/2015 Financial Statements have been completed, audited and advertised in accordance with the provisions of the Act. The unqualified audit certificate from Council's Auditors, PwC, has been received and is available for inspection by Councillors and the community.

The Act 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 27 October 2015 and public notice was given in the Hawkesbury Courier on Thursday, 29 October 2015.

ORDINARY MEETING

Meeting Date: 10 November 2015

Operating Performance

Provided below is a summary of Council's financial result for the period ended 30 June 2015.

Statement of Financial Performance	2014/2015 \$'000	2013/2014 \$'000	Movement Inc/(Dec)
Income from continuing operations	106,983	82,994	23,989
Expenses from continuing operations	68,827	68,352	475
Net Operating Result for the year	38,156	14,642	23,514
Capital Grants and Contributions	30,159	18,354	11,805
Net Operating Result before Capital Grants and Contributions	7,997	(3,712)	11,709

Details of revenues and expenses for 2014/2015 as compared to the previous year are as follows:

Income from continuing operations	2014/2015 \$'000	2013/2014 \$'000	Movement Inc/(Dec)
Rates and Annual Charges	44,901	43,097	1,804
User Charges and Fees	6,171	5,736	435
Interest	1,871	2,012	(141)
Other Operating Revenue	16,256	7,364	8,892
Grants and Contributions – Operating	7,282	6,252	1,030
Grants and Contributions – Capital	30,159	18,354	11,805
Profit on Sale of Assets	0	9	(9)
Profit from Joint Venture Equity	343	170	173
Total Income from Continuing Operations	106,983	82,994	23,989

Expenses from continuing operations	2014/2015 \$'000	2013/2014 \$'000	Movement Inc/(Dec)
Employee costs	25,247	24,054	1,193
Borrowing costs	439	574	(135)
Materials and Contracts	18,241	18,714	(473)
Depreciation and Amortisation	14,651	14,428	223
Other Expenses	10,240	10,582	(342)
Loss on Sale of Assets	9	0	9
Total Expenses from Continuing Operations	68,827	68,352	475

ORDINARY MEETING**Meeting Date:** 10 November 2015**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 2015.

Statement of Financial Position	2014/2015 \$'000	2013/2014 \$'000	Movement Inc/(Dec)
Current Assets	51,395	49,584	1,811
Non Current Assets	1,009,362	832,632	176,730
Total Assets	1,060,757	882,216	178,541
Current Liabilities	18,255	15,309	2,946
Non Current Liabilities	9,012	11,271	(2,259)
Total Liabilities	27,267	26,580	687
Net Assets	1,033,490	855,636	177,854
Equity	1,033,490	855,636	177,854

Performance Indicators

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

Financial Performance Indicator	June 2015	June 2014
Operating Performance Ratio	-6.88%	-11.53%
Own Source Operating Revenue Ratio	60.40%	69.10%
Unrestricted Current Ratio	3.56	3.88
Debt Service Ratio	8.44	5.78
Rates, Annual Charges, Interest and Extra Charges Outstanding Percentage	5.52%	5.82%
Cash Expense Cover Ratio	9.52 mths	9.02 mths
Buildings and Infrastructure Renewals Ratio	50.97%	74.10%

Interpretation of Financial Results

Council's operating result improved from a surplus of \$14.6 million in 2013/2014 to \$38.2 million in 2014/2015. The net operating result before capital grants and contributions was a surplus of \$8.0 million in 2014/2015, compared to a \$3.7 million deficit in 2013/2014. Council's cash and current investments increased from \$43.2 million to \$45.8 million during the reporting period, and included restricted and unrestricted funds.

Council's net current assets decreased from \$34.3 million to \$33.1 million in 2014/2015. Available working capital as at 30 June 2015 is \$1.8 million.

Council's Unrestricted Current Ratio at 30 June 2015 is 3.56, which declined as compared to the previous financial year, but remained significantly above the accepted industry benchmark of 1.5. The Debt Service Ratio was 8.44 and remains better than the accepted industry benchmark of 2. The Own Source Operating Revenue Ratio declined, down to 60.40% as against 69.10% for 2013/2014. This is due to grants and contributions being higher in 2014/2015 than the previous financial year.

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The Rates Outstanding Ratio decreased to 5.52% 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 3.06%, which is better than the benchmark.

The Buildings and Infrastructure Renewals Ratio indicates that infrastructure assets are being renewed at 51% of the rate at which they are depreciating.

Council's financial position for the period ended 30 June 2015 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 \$17 million to bring its assets back to the standard, and an annual maintenance requirement of \$12.8 million compared with the current funding of \$11.0 million.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping our Future Together Directions Statement:

- The Council 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 an 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 2015.
2. Thank its Auditor, Mr Dennis Banicevic of PricewaterhouseCoopers, for his presentation in respect of Council's audited 2014/2015 Financial Statements.

ATTACHMENTS:

- AT - 1** General Purpose and Special Purpose Financial Statements and Special Schedules for the Period Ended 30 June 2015 - *(Distributed under Separate Cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING

Questions for Next Meeting

QUESTIONS FOR NEXT MEETING**Councillor Questions from Previous Meetings and Responses - (79351)****REPORT:**

Questions - 29 September 2015

#	Councillor	Question	Response
1	Reardon	Enquired if the rough patch of road near Grose Vale Road/Duffy Avenue intersection could be investigated for repairs.	The Director Infrastructure Services advised that instructions have been given for the intersection to be investigated and appropriate repairs undertaken.
2	Mackay	Requested that the vacant, former Wilberforce Nursery be cleaned up as it is becoming very overgrown.	The Director Infrastructure Services advised that instructions have been given for the vegetation maintenance to be undertaken.
3	Mackay	Enquired if there is a lease agreement in place for the former Wilberforce Nursery site.	The Director Support Services advised that Council at its meeting on 25 August 2015 resolved to enter into a new lease with Hannah Tegart for Shop 12, Wilberforce Shopping Centre (former Wilberforce Garden Nursery site). Prior to the commencement of any lease of the site, development consent is required to use the former nursery site as a café. Council is currently awaiting the submission of an appropriate development application.
4	Williams	Requested that potholes on Sackville Road and West Portland Road be repaired.	The Director Infrastructure Services advised that instructions have been given for any potholes to be repaired.
5	Paine	Requested that the bike path that runs past the Jolly Frog Hotel be reviewed for maintenance of vegetation overgrowth.	The Director Infrastructure Services advised that instructions have been given for the overgrown vegetation to be removed.
6	Paine	Requested testing of South Creek, McGraths Hill for contaminants and a health check.	The Director City Planning advised that previous water testing in South Creek following the upstream fire at St Marys did not find any contaminants. Water testing, additional to South Windsor STP testing, is currently being arranged.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
7	Calvert	Enquired about the status of proposed signs that explain the history of the Hawkesbury area and important persons or events that were to be in addition to the 'Welcome to Hawkesbury' signs and asked about a proposal at Wilberforce.	The General Manager indicated that a response to this question would be provided at the next meeting.
8	Rasmussen	Enquired why the applicant of the proposed truck depot at 135 Mountain Avenue, Yarramundi was advised in error that the item would be presented to Council at this meeting.	The Director City Planning advised that an attempt to report this application to the last Council meeting was made. However, due to the date and time of the Councillor site inspection, it was not possible to include the report into the agenda. The advice letter to the owner was sent in error. The email to the Councillors by the applicant's consultant seemed to have been sent without the consultant viewing the published agenda.
9	Rasmussen	Requested that Council write to RMS regarding Stage 2 of the development at North Richmond, in relation to the removal of parking at front of Post Office and Veterinary Surgery and for Council to ensure that the parking remains.	The Director Infrastructure Services advised that Council officers have sought a meeting with RMS and affected businesses in regard to this matter, and a report will be prepared for Council following those discussions to enable a detailed submission to be finalised.

oooO END OF REPORT Oooo



ordinary
meeting

end of
business
paper

This business paper has
been produced
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