



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 24 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

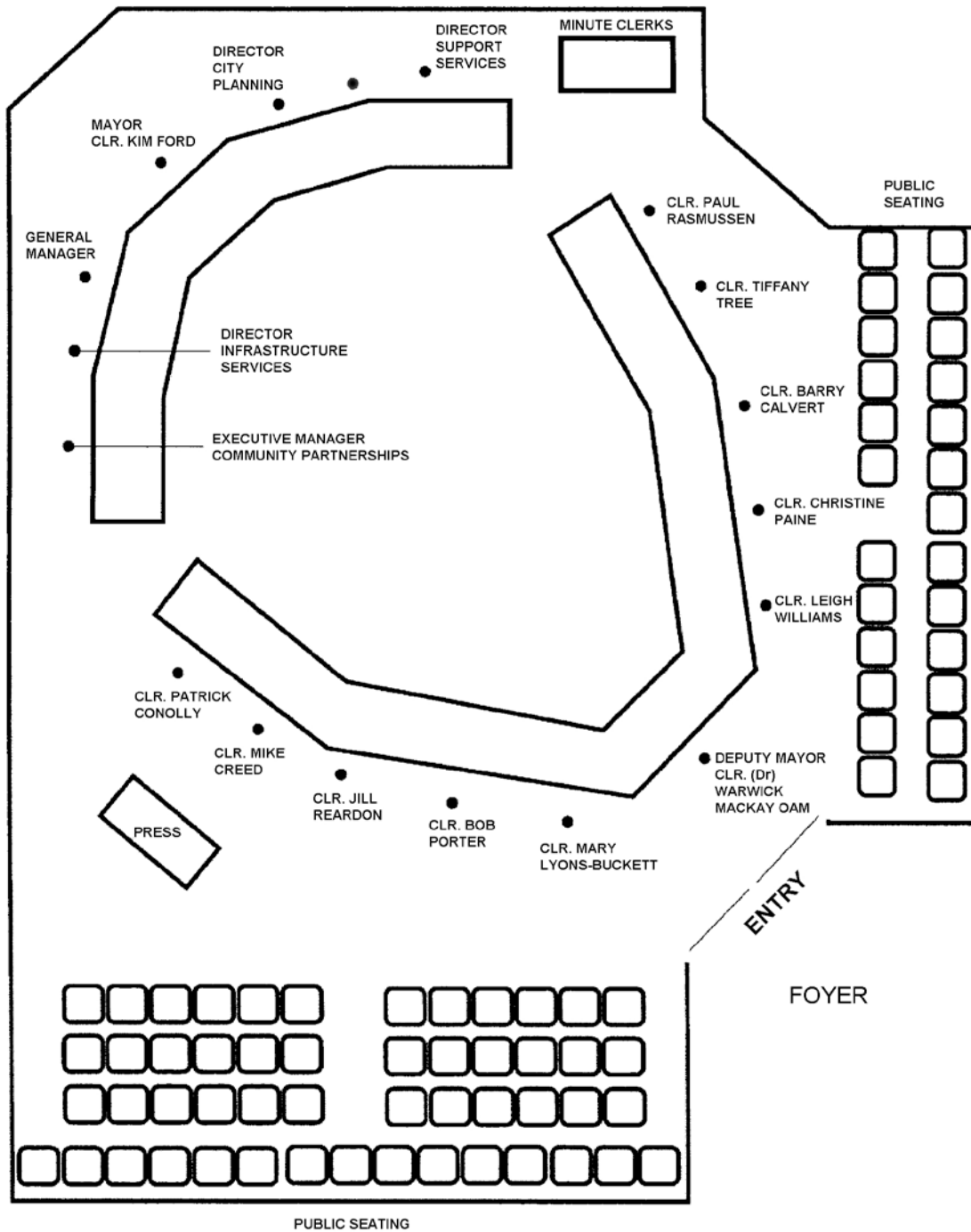
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>.

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.

Hawkesbury City Council



ORDINARY MEETING

Table of Contents

Meeting Date: 24 November 2015

AGENDA

- **WELCOME**
 - Prayer**
 - Acknowledgement of Indigenous Heritage**
- **APOLOGIES AND LEAVE OF ABSENCE**
- **DECLARATION OF INTERESTS**
- **SECTION 1 - Confirmation of Minutes**
- **ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL**
- **SECTION 2 - Mayoral Minutes**
- **EXCEPTION REPORT - Adoption of Items Not Identified for Discussion and Decision**
- **SECTION 3 - Reports for Determination**
 - Planning Decisions**
 - General Manager**
 - City Planning**
 - Infrastructure Services**
 - Support Services**
- **SECTION 4 - Reports of Committees**
- **SECTION 5 - Notices of Motion**
- **QUESTIONS FOR NEXT MEETING**
- **REPORTS TO BE DISCUSSED IN CONFIDENTIAL SESSION**

ORDINARY MEETING

Table of Contents

Meeting Date: 24 November 2015

ORDINARY MEETING**Table of Contents****Meeting Date:** 24 November 2015**TABLE OF CONTENTS**

ITEM	SUBJECT	PAGE
SECTION 1 - Confirmation of Minutes		3
SECTION 2 - Mayoral Minutes		7
MM	NSW Government's Fit For The Future Program - (79351, 79353, 120428)	7
SECTION 3 - Reports for Determination		19
PLANNING DECISIONS		19
Item: 194	CP - DA0228/15 - 1 Reserve Road, Freemans Reach - Lot 24 DP 776850 - Intensive Plant Agriculture - Demolition of Existing Structures, Vegetation Removal, Construction of Dam and Farm Building and Use of Land as Turf Farm - (95498, 30249)	19
Item: 195	CP - Draft Section 64 Contribution Plan - Stormwater Infrastructure for Pitt Town and Proposed Amendments to Council's Operational Plan 2015/2016 - (95498, 124414)	34
Item: 196	CP - LEP001/12 - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 396 Bells Line of Road, Kurmond - (95498, 124414)	40
Item: 197	CP - LEP005/15 - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 18 James Street, South Windsor - (95498, 124414)	74
Item: 198	CP - Pitt Town Development Area - Draft Indicative Road Layout for "Precinct D" - (95498, 124414)	91
Item: 199	CP - Kurmond and Kurrajong Investigation Area - Progress Report - (95498, 124414)	99
GENERAL MANAGER		109
Item: 200	GM - Tourism Strategy - Establishment of a Tourism Working Group - (79351)	109
Item: 201	GM - Use of Boats Designed to Create an Extra-Large Wave on the Hawkesbury River - (79351)	114
CITY PLANNING		120
Item: 202	CP - Amendment to the Stormwater Management Strategy for the Pitt Town Development Area - (95498, 124414)	120
INFRASTRUCTURE SERVICES		136
Item: 203	IS - Extension of Contract No. 00917 - Provision of a Septic Tank and Collection Well Effluent Removal Service - (95495, 112179)	136
SUPPORT SERVICES		138
Item: 204	SS - September 2015 - Quarterly Budget Review Statement - (95496, 96332)	138
Item: 205	SS - Monthly Investments Report - October 2015 - (95496, 96332)	143

ORDINARY MEETING

Table of Contents

Meeting Date: 24 November 2015

Item: 206	SS - Policy for Payment of Expenses and Provision of Facilities to Councillors - Review - (95496, 96333)	146
Item: 207	SS - Rates Applicable to Commonwealth and State Government Owned Properties - (95496, 96332)	149
SECTION 4 - Reports of Committees		157
ROC	Audit Committee Minutes - 26 August 2015 - (95496, 91369)	157
ROC	Audit Committee Minutes - 23 September 2015 - (95496, 91369)	162
ROC	Waste Management Advisory Committee Minutes - 8 October 2015 - (95249)	164
ROC	Local Traffic Committee - 9 November 2015 - (80245)	168
QUESTIONS FOR NEXT MEETING		179
Councillor Questions from Previous Meetings and Responses - (79351)		179
CONFIDENTIAL REPORTS		183
Item: 208	IS - Tender 00964 - Supply and Placement of Asphaltic Concrete Within the City of Hawkesbury - (95495, 79344) CONFIDENTIAL	183
Item: 209	SS - Property Matter - Lease to Amy Platt - Shop 3, McGraths Hill Shopping Centre - (95496, 112106, 9587, 125184, 125287) CONFIDENTIAL	184

ordinary

section 1

confirmation of minutes

ORDINARY MEETING
Confirmation of Minutes

ORDINARY MEETING
Confirmation of Minutes

SECTION 1 - Confirmation of Minutes

ORDINARY MEETING
Confirmation of Minutes

ordinary

section 2

mayoral minutes

ORDINARY MEETING

Mayoral Minutes

ORDINARY MEETING

Mayoral Minutes

SECTION 2 - Mayoral Minutes

MM

NSW Government's Fit For The Future Program - (79351, 79353, 120428)

REPORT:

Executive Summary

This Mayoral Minute outlines the latest developments in the NSW Government's Fit For the Future Program and how it relates to Hawkesbury City Council, including a recent resolution of The Hills Shire Council that it is prepared to merge with Hawkesbury City Council, on the condition that it is a merger of both councils fully and incorporates all existing boundaries.

This recent decision by The Hills Shire Council poses a threat to Hawkesbury losing its autonomy and identity as a result of being taken over by another Council. Hawkesbury City Council has the scale and capacity in its current form to continue as a stand-alone council. This Council should therefore take action to address the recent decision by The Hills Shire Council.

This Mayoral Minute recommends that Council write to the Premier of NSW, the Minister for Local Government and the Member for Hawkesbury, reiterating that Council should continue to remain as a stand-alone local government entity. It is also recommends that a delegation from Council, being the Mayor, two Councillors and the General Manager, seek an urgent meeting with the Premier of NSW, the Minister for Local Government and the Member for Hawkesbury, to outline Council's position in regard to this matter.

Background

There have been numerous reports and Mayoral Minutes to Council, and Councillor Briefing Sessions held over the last year regarding the NSW Government's Fit For the Future Program. The most recent being the consideration of a Mayoral Minute at the Council Meeting of 27 October 2015.

At that meeting, Council resolved as follows:

"That:

- 1. Council respond to the NSW Government's request for comments from Council as a result of the recently released IPART report regarding the Assessment of Council Fit for the Future Proposals in the manner suggested by Option 1 as referred to in this Mayoral Minute.*
- 2. A further report be submitted to Council regarding possible strategies to amend Council's FFFTF proposal; so as to achieve the required operating performance ratio, including the consideration of significant cost savings and a reduced SRV. The report will also include the effectiveness and logistics of any possible amalgamations.*
- 3. The report options be presented to a Councillor Briefing Session prior to being reported to Council."*

In accordance with Part 1 of the above resolution, Council responded on 30 October 2015. This response was to advise the State Government that as Council meets the scale and capacity requirements of the Fit For The Future process, and as there is not an appropriate neighbouring council "not fit" due to scale and capacity to consider merging with, Council is not considering a merger. Further, action will be taken to achieve the required operating performance ratio, the only benchmark that Council did not meet, at an earlier date than currently specified in Council's proposal. This will ensure that Council is "fully fit" within the required timeframes for a metropolitan Council.

ORDINARY MEETING

Mayoral Minutes

In regard to Parts 2 and 3 of the above resolution, a Councillor Briefing Session will be held on 1 December 2015.

The Hills Shire Council, at its meeting on 10 November 2015, considered a report regarding the NSW Government's Fit For the Future Program and resolved as follows:

- "1. *The Hills Shire does not support the proposal by Parramatta City Council to amend its boundary with The Hills Shire to include suburbs and land south of the M2.*
2. *Council write to the Minister for Local Government and the Local Members of Parliament to advise that The Hills Shire is prepared to bring forward the Independent Local Government Review Panel's recommendation to merge with Hawkesbury City Council on the condition that it is a merger of both Councils fully and incorporating all existing boundaries, and*
3. *Given that Hawkesbury City Council has resolved to stand alone, any merger with The Hills should remain eligible for the funding package to cover merger costs and to part fund the infrastructure backlog of Hawkesbury City Council assets."*

Accordingly, The Hills Shire Council has resolved to approach the State Government to indicate their willingness to merge with Hawkesbury City Council.

It is noted that at The Hills Shire Council meeting on 10 November 2015, only eight of its 12 Councillors were present to vote on the above matter. Of the eight Councillors present at the meeting, the vote was five to three in favour of the above resolution, that is, a minority of The Hills Shire Councillors voted in favour of the proposed merger. It is simply not right that a minority of The Hills Councillors, with no mandate to represent the Hawkesbury, are attempting to influence the future of the Hawkesbury.

The content of the report considered by The Hills Shire Council makes it abundantly clear that The Hills Shire Council have no understanding of the needs and values of the Hawkesbury community or of the services and facilities that our Council provides. The Hills Shire Council report relies on misleading and incorrect statistics and assumptions to justify its merger proposal.

Included as Attachment 1 to this Mayoral Minute, are comments on The Hills Shire Council report, that have been used to justify a decision to seek a merger with the Hawkesbury. Also highlighted are the limitations of the report by Ernst & Young, which was commissioned by the Independent Pricing and Regulatory Tribunal to assess the potential benefits of a merger between Hawkesbury and The Hills Councils.

The Hills Shire Council proposes an impractical north-west super council which would stretch westward from North Parramatta to Bilpin covering an area of nearly 3,200 square kilometres. Our total area would be represented by, at best, three councillors out of 12 representatives. The Hills Shire Council's aggressive plan signals a potentially disastrous takeover for the residents of the Hawkesbury, who would largely be neglected due to this under representation.

This view is backed up by the following quote from The Hills Shire Council's report:

"A merger with Hawkesbury would result in a Council that is strategically dominant and would ensure the identity of The Hills would not be lost."

Hawkesbury City Council is forming a Regional Strategic Alliance with Blue Mountains and Penrith City Councils, which will allow Council to achieve the efficiencies that local government reform is seeking, and achieve strategic capacity, while maintaining our autonomy and identity. I have discussed the issue of mergers with the Mayors of Blue Mountains and Penrith City Councils and they have indicated that their councils would not be interested in a merger and support our Council's position of remaining a stand-alone Council.

ORDINARY MEETING

Mayoral Minutes

The Final Report of the Independent Local Government Review Panel indicated that Hawkesbury City Council was a "no change" council due to its position on the metropolitan fringe, and suggested that, as outlined below, holds special characteristics which warrant the retention of Hawkesbury City Council, along with Blue Mountains and Wollondilly Councils, as "no change" councils.

"13.7 The metropolitan fringe"

Three local government areas - Hawkesbury, Blue Mountains and Wollondilly - make up the western fringe of Sydney. Each is responsible for a mix of growing urban centres and rural or natural areas (including water catchments) that provide important 'green spaces' around the metropolitan complex.

At this stage there appears to be merit in retaining these councils in more or less their current form to play specialist roles in managing the important areas under their control."

Based on the recent decision by The Hills Shire Council that it is prepared to merge with Hawkesbury City Council, it is recommended that Council write to the Premier of NSW, the Minister for Local Government and the Member for Hawkesbury, reiterating that Council should continue to remain as a stand-alone local government entity, and advise of the content of this Mayoral Minute, and Attachment 1, which provides comments on The Hills Shire Council's report to its meeting on 10 November 2015.

Also, it is recommended a delegation from Council seek an urgent meeting with the Premier of NSW, the Minister for Local Government and the Member for Hawkesbury, to outline Council's position in regard to this matter.

Conformance to the Hawkesbury Community Strategic Plan

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

- Maintain its independent identity and voice through strong local government and community institutions;
- Have constructive and productive partnerships with residents, community groups and institutions.

RECOMMENDATION:

That:

1. Council write to the Premier of NSW, the Minister for Local Government and the Member for Hawkesbury, reiterating that Council should continue to remain as a stand-alone local government entity, and advise of the content of the Mayoral Minute, and Attachment 1, providing comments on The Hills Shire Council's report to its meeting on 10 November 2015.
2. A delegation from Council, consisting of the Mayor, two Councillors and the General Manager, seek an urgent meeting with the Premier of NSW, the Minister for Local Government and the Member for Hawkesbury to advise of Council's position as outlined in Part 1 above.

ATTACHMENTS:

AT - 1 Comments on The Hills Shire Council's Report to its meeting on 10 November 2015

**Attachment 1: Comments on The Hills Shire Council's Report
to its meeting on 10 November 2015**

This commentary provides an analysis of the content of a report - Reform of Local Government considered by The Hills Shire Council on 10 November 2015 as it relates to Hawkesbury City Council. It addresses inaccurate comments and figures presented in The Hills' report.

This analysis clearly shows that there is no demonstrated benefit to the Hawkesbury community arising from The Hills' proposal.

Merger Savings – Ernst & Young Merger Analysis

Despite the fact that the Independent Local Government Review Panel's preferred option for Hawkesbury City Council was no change, and the State Government accepted this, IPART commissioned Ernst & Young to undertake an analysis of the likely results of a merger between Hawkesbury and The Hills Councils. The analysis indicated total potential savings of \$3M per year, combined for both Councils. Assuming this saving would be split based on the population of the individual councils, in the case of Hawkesbury residents this benefit would be approximately \$12 per person per year. This is the smallest of all potential savings in case studies examined by Ernst & Young. Relative to Hawkesbury's budget and operations it is a minor saving.

The Ernst & Young merger analysis was limited to a desktop assessment of the relative financial merits of merger options presented based on the information provided by IPART. Council was neither informed or requested to provide any contribution towards information for the analysis. A detailed "bottom-up" review of the costs, benefits and risks of a merger was not carried out.

The analysis does not take into account the specific operating circumstances and business characteristics of the merger options explored.

The reliance to be placed on the results of the analysis may therefore be limited .

In its Fit For the Future proposal, Council has included a combination of 20 different strategies to address its long term sustainability as a stand-alone Council. The Hawkesbury has a proven and recognised track record in successfully managing an area on the periphery of the Sydney metropolitan area.

Reform

Hawkesbury meets the scale and capacity criteria and on this basis the Independent Local Review Panel Review preferred option was for Hawkesbury to remain as a stand-alone Council.

There is therefore no apparent justification, within the context of scale and capacity, for The Hills Council to be required to consider a merger with Hawkesbury under the pretence of being pro-active about reform.

The Hills Council's report refers to the potential benefits identified by the Ernst & Young analysis and bases its support for a full merger with Hawkesbury on this. It is claimed that this proposed merger might be a means by which the NSW Government could strengthen local government in the region in accordance with the reform process that The Hills Council fully support.

As referred to in The Hills Council report, the Office of Local Government Circular (15-36), requires councils assessed as being not fit due to scale and capacity, or, who neighbour a council that is not fit due to scale and capacity, to indicate the merger preferences for these councils. As confirmed by this Circular, as well as being the underlying principle throughout the entire Fit For The Future process, the requirement to consider merger preferences is aimed at councils not meeting scale and capacity or those who neighbour those councils. As both Hawkesbury and The Hills Council have met the scale and capacity neither was required to submit a merger proposal.

Mergers of councils not meeting scale and capacity would be likely to produce savings for the combined communities as fewer resources would be required to service the combined area than if those areas were separate. Efficiencies would be likely to be achieved through potential reduction or elimination of duplicated functions across areas that can still physically be managed by one entity. As referred to in the Ernst & Young report, it is reasonable to expect the opportunities for cost savings to flow from the scale effects associated with local council amalgamations; however, their magnitude is likely to vary by type of activity and may diminish for councils that are already large. The latter limited benefits outcome applies to a merger between two already large areas such as The Hills and the Hawkesbury.

Hawkesbury City Council has progressed a Regional Strategic Alliance with Blue Mountains and Penrith City Councils which will achieve the main aims of local government reform by facilitating strategic capacity for the combined areas and producing savings and efficiencies from resource sharing, joint purchasing and shared service delivery, to name a few.

The Regional Strategic Alliance will produce the outcomes that generally could be achieved through a merger, but whilst maintaining each Council's own identity.

"Communities of interest"

The Hills Council report also selectively relies on the use of one of the four SEIFA (Socio Economic Indexes For Areas) prepared by the Australian Bureau of Statistics (ABS) to suggest The Hills and the Hawkesbury have socio-economic similarities and therefore share a community of interest.

The SEIFA Indexes measure the relative level of socio-economic position of an area based on a range of Census characteristics. While it provides a general view of the relative socio-economic positions, it has never been advocated by the ABS as a tool for measuring 'communities of interest'. Its primary use by government is to assist in the needs based distribution of grants. The use of the SEIFA index to suggest that residents of Kurrajong and North Richmond for example, share a community of interest with The Hills is unconvincing.

In any event, the use of the SEIFA tool as advocated by The Hills (SEIFA Index of 1085) would suggest that the Hawkesbury (SEIFA Index of 1020) has stronger 'community of interests' with the Blue Mountains (SEIFA Index of 1039) and Penrith (SEIFA Index of 996) which have SEIFA scores much more closely aligned with Hawkesbury.

Without doing a full analysis of the ILGRP Report on 'cluster groups', it is noted that only three of the 14 Cluster Figures in Attachment 1 of The Hills Council Report actually group Hawkesbury and The Hills together. These are: Figure 6 'Age Structure', Figure 16 'Knowledge Economy, Sydney', and Figure 28 'Rate base', leaving 10 Cluster Figures where the two councils are NOT grouped together (excluding Figure 9: 'Birthplace' as it is for NSW). Of the cluster groups selected in The Hills Report, six of the Cluster Figures group Hawkesbury and Penrith together, including: Figure 6 'Age Structure', Figure 7 'Household Structure', Figure 16 'Knowledge Economy, Sydney', Figure 22 'Income', Figure 26 'Wealth', and Figure 28 'Rate Base'.

It can be therefore be demonstrated that Hawkesbury City Council is much more closely aligned with the communities of Blue Mountains and Penrith City Councils than with The Hills.

Hawkesbury's Fit for the Future Proposal

The Hills Council report contains a number of errors and misleading statements in regard to Hawkesbury's Fit For the Future proposal, as follows:

- "Rates Increases of 29.7%, average 5.9% a year" – This is incorrect as the 29.7% increase is a cumulative increase.
- "Levying of an annual \$25 stormwater management charge against the estimated 625,129 residential and equivalent business properties" – This is incorrect as the number of properties referred to in Hawkesbury's proposal is 25,129 not 625,129.

ORDINARY MEETING

Mayoral Minutes

- "Increase fees to generate 6% rate of return on the value of assets within Council's Waste Management Facility" – This is incorrect as there is no reference to an increase in fees in Council's proposal. The proposed return is not reliant on an increase in fees, and this was never identified as the approach.

Comments on Hawkesbury's Financial Sustainability

The Hills Council report makes a number of unsupported, emotive and misleading statements in regard to Hawkesbury's financial position and sustainability as a stand-alone council. All statements appear to be aimed at depicting Hawkesbury's position as one that needs rescuing. The report has this underlying tone throughout.

In direct contrast to The Hills' depiction of the Hawkesbury, Councils' external auditors, who are also The Hills' auditors, in their report on Hawkesbury's 2014/2015 Financial Statements, state:

"Council is considered to be in a sound and stable financial position. Most of the financial indicators are better than the accepted industry benchmarks".

Further, in their presentation to Council at the meeting on 30 November 2015, they gave a strong assurance to the community that operating results are on track and improving and that Council was in a good financial position, definitely sustainable and was certainly able to stand on its own, as it has for many years.

The Hills Council report also criticises Council's liquidity. This is refuted based on the Council's Auditor's report on the matter as included in audited Financial Statements for the 2014/2015 financial year, and it has been the case for many years.

Council's Auditor's comment relating to this matter is as follows:

"The Unrestricted Current Ratio declined slightly but remained above the industry benchmark"

The Auditor's report also shows that Council has an effective unrestricted or available working capital upon which it could build its 2016/2017 budget of \$1.8M as at June 2015.

Financial Performance

The proposed merger is not offering any superior improvement plan for Hawkesbury than that formulated by Hawkesbury in its Fit For The Future proposal and it does not appear to provide any robust evidence that either The Hills or the Hawkesbury community would be better off.

The Hills Council report correctly states that the Hawkesbury's operating result shows that the level of recurrent income has not been sufficient to support recurring expenditure. This is compared to The Hills approach to the formulation of their budgets being based on recurrent income being aligned with the required recurrent expenditure.

The Hills approach to budgeting is reliant on increasing recurrent revenue as required, rather than being limited by the constraints of rate-pegging.

In recent years The Hills have been in a position to supplement their rating income with one-off significant property sales. Whilst this boosted the Council's liquidity, income generated from these sales does not constitute recurring income. The other robust income stream for The Hills is income from developer contributions. This income is reliant on, and is restricted to, development occurring in the area and is susceptible to market fluctuations should the housing market slow.

Hawkesbury has a very limited number of properties it could potentially sell, with a conservative estimated income of a one-off \$1M, as included in Hawkesbury's Fit For The Future proposal. The only other additional properties that a merged entity could dispose of would be community buildings and other community assets.

ORDINARY MEETING

Mayoral Minutes

In the absence of disposing of valued community assets and/or aggressive residential development strategies, the main source of recurrent revenue applicable to the Hawkesbury area remains predominately income from rates.

The application of The Hills' approach to budgeting to the Hawkesbury area would require recurrent revenue to be adjusted in line with recurrent expenditure. This would need to be achieved through either increased revenue through rates and/or expenditure reductions.

The Hills Council report clearly indicates that their strategy is to increase income through a Special Rate Variation to address Hawkesbury's immediate infrastructure needs, as well as "*finding savings in the Hawkesbury Budget*".

It is very clear that The Hills would not intend to improve Hawkesbury's position by taking advantage of their favourable operating results, but rather adjust the Hawkesbury's income and expenditure so The Hills' residents are not negatively impacted by Hawkesbury's comparatively weaker financial position.

The Hills Council report also attempts to criticise Hawkesbury's capability to deliver cost-effective services to its community by measuring employment costs against rates and population.

The comparison undertaken is flawed in a number of ways.

Hawkesbury delivers its services through a combination of its own staff, contractors and consultants. The combination of these resources varies from council to council, including between The Hills and the Hawkesbury. It is therefore misleading to compare employee costs to total rate income as some sort of efficiency measure.

Another flaw in the comparison is that whilst recognising that Hawkesbury provides services that The Hills do not, there has been no adjustment to reflect this difference within the comparison of employee costs against rates. The comparison is not being made on an equitable basis and is therefore severely flawed. Services provided by the Hawkesbury but not by The Hills, include the Companion Animal Shelter, the Hawkesbury Waste Management Facility, Sewer Treatment facilities, the Visitor Information Centre, the Community Nursery and the Regional Gallery.

The comparison is even further significantly incorrect in that employee costs relating to services funded through annual charges rather than rates are included in the amounts. These services include Domestic Waste, Sewerage and Sullage. To compare the costs relating to these services to only rates revenue is incorrect and illogical.

Rating Matters

The Hills Council report includes details in regard to what a likely distribution of rates among the different rating categories across a merged entity would look like. It also refers to a likely rating policy that might apply during the first few years of the merger that would negatively impact Hawkesbury residents.

The details on how the proposed distribution would be achieved have been withheld from The Hills Council report. Also, there is no commitment that the proposed distribution would be possible and/or endorsed by the new entity's council and the combined community. It is very clear in the report that should The Hills take over the Hawkesbury, the focus would be on looking after The Hills' residents and the overarching approach would be to have a differential rate applying to Hawkesbury residents "*to deal with Hawkesbury's immediate infrastructure needs*".

Council has undertaken some financial modelling in regard to a likely rating distribution across a merged entity, and what rating structure manipulation has been applied by The Hills to produce the likely structure presented within The Hills Council report.

ORDINARY MEETING

Mayoral Minutes

A combined entity would have a combined total rating revenue of \$100.5M. If this yield was to be maintained as is, and The Hills' 2015/2016 rating structure was to be applied, it would be necessary to impose a higher average rate on Residential and Business Categories to compensate for a significant decrease in Farmland rates. That is 88,893 of the total assessments of 89,906, or 99% of the combined entity's community would experience an increase in rates.

The only way to "*ensure all Hills residents see no change or a reduction in their rates*" would be to impose further additional rates on the Hawkesbury residents.

To ensure The Hills residents' rates, remain unchanged from current levels (average \$1,037) as reported in The Hills' report, the shortfall that would be required to be recouped from Hawkesbury residents would amount to \$1.7M (\$28 applied to 60,442 Hills residential assessments). Averaged across the Hawkesbury, this would equate to an average of \$72 per Hawkesbury residential assessment.

Similarly, \$70 per Business property would need to be shifted across from The Hills to the Hawkesbury properties to ensure current rates remain unchanged for The Hills' residents.

The increases detailed above alone are in excess (more than double for Residential properties) of increases Hawkesbury residents would experience under Hawkesbury's Fit For The Future proposal in regard to increases in rating revenue. In light of IPART's comments in regard to the reliance of Hawkesbury's improvement plan on a Special Rate Variation being imposed on the Hawkesbury community, it would be inconsistent for the approach being proposed by The Hills to be supported by the State Government.

In addition to the above shift in rates burden to the Hawkesbury residents, required to "*ensure all Hills residents see no change or a reduction in their rates*", The Hills report indicates that a Special Rate Variation would need to apply to Hawkesbury residents, to raise an additional \$1.5M "*to help deal with Hawkesbury's immediate infrastructure needs*". The Hills propose a rating policy whereby the Hawkesbury residents keep paying current levels "*for a few years*". Given The Hills' financial position, it is unclear as to why current surpluses being generated by The Hills couldn't be applied towards addressing Hawkesbury's infrastructure needs.

It is very clear that The Hills intent is to ensure that the Hawkesbury community pays for its infrastructure requirements so as not to impose an unequitable burden on The Hills residents. The Hills proposal in regard to a possible rating structure for a combined entity, and the likely average rates that would apply to the respective rating categories is to the detriment of Hawkesbury residents.

The proposed structure and planned Special Rate Variation has not been communicated to, or discussed with neither The Hills' or Hawkesbury's community, both of which would, in the majority, be negatively impacted.

Annual Charges

The Hills Council report incorrectly compares Annual Charges that would typically be paid by a Hawkesbury ratepayer to those typically paid by a Hills ratepayer. The report states that Hawkesbury ratepayer would pay \$5,961 annually compared to a Hills ratepayer paying \$1,522.

This comparison is wrong and the underlying logic is flawed. The approach to the comparison highlights The Hills' lack of understanding of Hawkesbury's operations.

The reported typical annual charge payable by a Hills' ratepayer is based on the assumption that they would have both a sewerage charge and a sullage charge. This assumption is significantly flawed as no resident would require both services on their property.

Further, The Hills' comparison is based on the assumption that a Hills' resident would not require any type of waste water service for their property. This scenario is not possible. A Hills resident is likely to be paying a waste water charge to Sydney Water (2015/2016 charge - \$609), or if they are in a rural area where no sewerage service is available, they would be paying a contractor, engaged by themselves, for sullage collection.

ORDINARY MEETING

Mayoral Minutes

In regard to waste management charges (garbage collection), Hawkesbury charges are slightly cheaper for the 140L Bin Service but slightly higher than The Hills for its 240L Bin Service. Hawkesbury provides its waste management services through a combination of its own resources and contracts. The annual charge is based on the reasonable cost of providing the service. In accordance with the Local Government Act 1993, the calculation of reasonable cost and consequently the annual charge applied, is audited by Council's external auditor, PriceWaterhouse Coopers on an annual basis. A main driver of the cost to provide the waste management service is transport cost. The dispersed population across the Hawkesbury results in higher costs to deliver the service in rural distant areas with low number of properties than costs that would apply to more densely populated residential areas.

The underlying factor driving waste management costs in the Hawkesbury is essentially its population distribution profile. This profile will not change under a merger scenario. In the absence of maintaining a higher annual charge for Hawkesbury residents, under a similar approach as that being proposed for rates, a redistribution of charges across the whole merged area would be required. This is likely to result in The Hills' residents experiencing increases in the waste management annual charges. The only other manner in which The Hills could make the waste management service more cost effective would be to increase the number of properties in rural area through residential development.

Infrastructure Backlog

The Hills Council report criticises Council's methodology to determine its infrastructure backlog, essentially on the basis that it is different from their methodology.

As referred to in The Hills Council report, Hawkesbury engaged Jeff Roorda and Associates, a well-known subject matter expert across the local government industry to assist with the approach to determine the value of its infrastructure backlog. The approach was also supported by more robust asset data being collected over the last few years, and asset modelling tools implemented also over the last two years.

A thorough review was undertaken in regard to all inputs in the determination of Council's infrastructure backlog. The review indicated that Council's approach to placing assets in a backlog category has resulted in an inflated amount potentially having been reported in previous years. Also, contributing to the drop in Council's reported backlog is the focus on asset renewal which has been the core of Council's budget allocation especially in recent years.

As councils are becoming more proficient at understanding asset management, and asset modelling tools are implemented, reporting on assets has, and will continue to be refined. This is supported by an observed adjustment to reported backlogs, in recent years, across the industry.

The suggestion in the Hills Report that Hawkesbury's reported infrastructure backlog is somehow incorrect is therefore not justified or supported by any evidence. It is also to be noted that whilst there was no requirement for the infrastructure backlog calculation to be audited for the financial year 2014/2015; Council's external auditors have reviewed our methodology and have identified no issues.

Also, the suggestion that there are inconsistencies within Hawkesbury's Fit For the Future proposal in regard to this matter is also incorrect. The amount reported as infrastructure backlog represents the status as at the end of a financial year. Whilst the infrastructure backlog amount reported as at the end of 2014/2015 was less than previously reported, this does not change the underlying deterioration of assets that will continue to occur if not addressed in a timely manner.

Conclusion

The Hills Council report summarises the Hawkesbury's financial position and performance as at 2014/2015 as a "*poor picture*". However, it omits the turnaround in these results proposed by Hawkesbury's Fit For the Future proposal. Further, the report does not demonstrate how a merger with The Hills would produce better results for either of the two community's involved.

oooO END OF REPORT Oooo

ORDINARY MEETING

Mayoral Minutes

ordinary

section 3

reports
for determination

ORDINARY MEETING

Meeting Date: 24 November 2015

ORDINARY MEETING

Meeting Date: 24 November 2015

SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 194 **CP - DA0228/15 - 1 Reserve Road, Freemans Reach - Lot 24 DP 776850 - Intensive Plant Agriculture - Demolition of Existing Structures, Vegetation Removal, Construction of Dam and Farm Building and Use of Land as Turf Farm - (95498, 30249)**

Development Information

File Number: DA0228/15
Property Address: 1 Reserve Road, Freemans Reach
Applicant: Edwards Planning
Owner: Mr J Sammut
Proposal Details: Intensive plant agriculture – Turf farm including removal of native vegetation, demolition of existing structures, construction of dam and erection of farm building
Estimated Cost: \$120,000
Zone: RU1 Primary Production
Date Received: 24 April 2015
Advertising: 7 May 2015 - 21 May 2015

Recommendation: Refusal

REPORT:

Executive Summary

The Development Application seeks consent for the use of the land for Intensive plant agriculture – turf farm. To enable the establishment of the turf farm the application involves the removal of native vegetation, demolition of existing structures, construction of a dam and erection of a farm building.

Intensive plant agriculture is permitted on the land under Hawkesbury Local Environmental Plan 2012 (LEP 2012) and the development is subject to the requirements of Hawkesbury Development Control Plan 2002 (HDCP 2002).

The assessment of the proposal has concluded that the development would have an adverse impact on the native vegetation communities located on the property and that the development has not taken adequate consideration of the natural constraints of the site.

It is recommended that the application not be supported and that any future agricultural use of the land should be contained within the areas of the property that have been previously cleared.

The application has been notified and in response 13 submissions raising objection to the proposal were received.

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

ORDINARY MEETING

Meeting Date: 24 November 2015

Description of Proposal

The proposed development includes the following:

- demolition of the existing dwelling, associated outbuildings and stables building;
- removal of approximately 46% of the existing native vegetation located onsite;
- construction of a dam;
- establishment of a 4.81 ha turf growing area;
- construction of an access around the perimeter of the turf growing area; and
- construction of a farm building to provide for machinery storage, office space and workers amenities.

It noted that the application identifies a possible future dwelling site that would be subject to a separate application.

The application is supported by the following documents:

- Statement of Environmental Effects, prepared by Edwards Planning
- Geo-environmental on site effluent disposal report, prepared by Anderson Environmental Pty Ltd
- Ecological and Environmental Management Plan, prepared by Anderson Environmental Pty Ltd,
- Flora and Fauna Assessment report, prepared by prepared by Anderson Environmental Pty Ltd, amended August 2015
- Bushfire Hazard Assessment, prepared by prepared by Anderson Environmental Pty Ltd
- Farm Management Plan, prepared by Edwards Planning.

History of Application

24 April 2015	Application submitted.
7 May 2015	Application notified to adjoining properties until 21 May 2015. (13 submissions received)
1 June 2015	Additional information letter sent to applicant concerning farm management plan, flora and fauna assessment, ecological and environmental management plan, effluent disposal, dam specifications, vegetation buffers, landscaping, justification of farm building location, hours of operation and driveway entrances.
31 August 2015	Letter sent to applicant seeking a response to Councils letter dated 1 June 2015.
23 September 2015	Response to Councils additional information letter received.

Site and Locality Description

The subject land is irregular in shape, has a total site area of 11.74ha and fronts Kurmond Road and Reserve Road.

The land contains an old dwelling, a number of outbuildings and a stables building. The majority of the site is covered in native vegetation that occupies approximately 9.1ha of the total land area. Cleared parts of the site have been used for the purposes of residential, agricultural and grazing activities. An existing dam is located generally in the centre of the property.

The area is characterised by rural residential land uses towards the north and eastern boundaries with agricultural uses to the south of the property.

Issues Relevant to the Decision

- Removal of native vegetation
- Impacts on amenity of adjacent properties
- Water supply

ORDINARY MEETING

Meeting Date: 24 November 2015

Council Policies, Procedures and Codes to Which the Matter Relates

- State Environmental Planning Policy No 44 – Koala Habitat Protection (SEPP 44)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan 2012 (LEP 2012)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)

Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1989

In determining the application, Council is required to take into consideration the following matters as are relevant 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 Protection

The flora and fauna assessment report submitted with the application confirms that all potential koala feed species within the site were surveyed. It was found that there was no evidence of Koalas on the land and that the site does not conform to potential Koala habitat as defined in this SEPP.

Consequently it is considered that the proposal is not contrary to the aims and objectives of this plan.

State Environmental Planning Policy No. 55 – Remediation of Land

A review into the history of the property has revealed that the land has been used for residential, agricultural and grazing purposes and that the site is largely covered with native vegetation. There is no evidence to suggest that the land is contaminated to a state that would prevent the land from being used for agricultural purposes. On this basis the property is considered suitable for the proposed land use having regard to this policy.

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

An assessment of the proposal has revealed that the application has not adequately addressed the specific planning policies which apply to the development. The proposal to remove native vegetation to support agriculture is contrary to the specific planning policies and recommended strategies relating to flora and fauna. In this respect the SREP 20 states the following:

Clause 6 subclause (6) Flora and fauna

Policy: Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.

Strategies, generally:

- Conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna, and existing or potential fauna corridors.*
- Locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land.*
- Minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices.*
- Consider the impact on ecological processes, such as waste assimilation and nutrient cycling.*

ORDINARY MEETING

Meeting Date: 24 November 2015

- (e) *Consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms.*
- (f) *Consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas.*
- (g) *Consider the need to control access to flora and fauna habitat areas.*
- (h) *Consider the need to maintain corridors for fish passage, and protect spawning grounds and gravel beds.*

Comment: The proposal is contrary to recommended strategy Clause 6 subclauses (6) (a), (b), (c), (d), (e) and (g) as the proposal has not taken adequate regard to the preservation of existing significant vegetation in that:

- the application seeks to remove approximately 46 % of the flora and fauna habitat areas identified on the property for the turf farm;
- the application proposes the removal of vegetation which has been identified as being within a vegetation corridor for flora and fauna habitat;
- the application fails to locate the proposed development in areas of the site which are already cleared or disturbed;
- recent clearing, use of herbicide and burning of the native vegetation onsite has impacted the condition of the vegetation communities present on the site and not allowed the land to regenerate or be managed in accordance with best practice; and
- the Ecological and Environmental Management Plan submitted in conjunction with the application confirms that it is possible that the degraded areas onsite can be rehabilitated in the long term.

Hawkesbury Local Environmental Plan 2012

The proposed land use, being defined as *Intensive plant agriculture – Turf farming*, is permitted with consent in the RU1 Primary Production zone. It is considered however that the proposal has not demonstrated that it is consistent with the following zone objectives:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To promote the conservation and enhancement of local native vegetation including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.*

The development would result in a significant reduction and fragmentation of the existing native vegetation which occurs naturally on the site. The location of the proposed dam, farm buildings and access ways are all situated within an existing flora and fauna corridor. Furthermore Council has received a number of concerns from adjoining properties concerning the proximity of the development and future amenity impact.

The majority of the vegetation proposed to be removed is mapped as “Significant vegetation” on the *Terrestrial Biodiversity Map* with the remaining areas being mapped as “Connectivity between significant vegetation”. An assessment of the proposal has revealed that the development is contrary to Clause 6.4 Terrestrial biodiversity.

ORDINARY MEETING

Meeting Date: 24 November 2015

The justification for the removal of native vegetation sought in conjunction with this application is largely based upon its current condition. It is highlighted that this current condition is the result of recent clearing activities involving the use of herbicide and burning that have had a significant impact upon the integrity of understorey species. These activities have significantly impacted upon the condition of the existing vegetation and should not be used as justification for the proposed vegetation removal. This is based upon the fact that the land has not had the opportunity to regenerate naturally or be managed in accordance with best practice principles.

The Ecological and Environmental Management Plan submitted with the application provides that the vegetation which has been disturbed onsite has a good scope for regeneration.

In reviewing the previous land management techniques used on the property it has been found that these activities are contrary to best practice, have not been approved by Council and that it should be the property owners responsibility to ensure that vegetation onsite is protected in a manner that does not adversely impact native flora and fauna.

Support of the proposal would result in the fragmentation of native vegetation onsite and would consequently have an adverse impact on the vegetation which exists on the land. Given these issues it is considered appropriate that any future agricultural activities should be limited to the areas onsite that are already cleared consistent with the overall objectives and requirements of Clause 6.4 Terrestrial biodiversity.

The application is also considered to be inconsistent with Clause 6.7 Essential services. In this regard a review of the submitted farm management plan provides that the proposal relies upon the proposed dam for the site's water supply. The applicant has stated that the proposal would rely on the maximum harvestable rights of the property. It is considered that the availability of adequate water supply of suitable quantity, quality and reliability to sustain the high water demands associated with the proposed turf farm has not been demonstrated by the applicant.

Based on the above matters the proposal is determined to be contrary to the requirements of LEP 2012.

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 relevant to the subject land or 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 between 7 May 2015 and 21 May 2015. In response 13 written submissions were received raising objection to the development and are discussed under the submission section of this report below.

Part C Chapter 7 - Effluent Disposal

The application is supported by an on-site effluent disposal report which demonstrates that effluent disposal is possible on the site having regard to the requirements of this chapter. It is however noted that the proposed effluent disposal areas are within parts of the site required to be cleared and would require the removal of native vegetation. This is not supported and is discussed further in the report.

Part C Chapter 2 – Car parking and Access

Adequate area is available onsite for parking of vehicles associated with the operation of a turf farm and is generally acceptable having regard to the requirements of this chapter.

Part D Chapter 6 Dam Construction

Whilst the submitted plans detail that the dam is able to be designed having regard to the requirements of this chapter the location of the proposed dam is not considered suitable given the environmental impacts associated with its construction. It is considered that this would further compromise the existing native vegetation located onsite. This is discussed further in the report.

Part D Chapter 8 Farm Buildings and Outbuildings

This chapter replaced the Rural Sheds Chapter of the DCP which was effective at the time of lodgement of this application.

Whilst the proposed Farm Building may be considered acceptable having regard to the land use, size and height requirements it is considered that the proposal is contrary to the locational principles for the siting of these structures. In this regard farm buildings should be sited so that disturbance to the natural environment is minimised.

Given that the application proposes to clear vegetation to create a building platform and driveway/manoeuvring area it is considered that the proposal is unacceptable having regard to these requirements.

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:**

N/A

v. **Matters prescribed by the Regulations:**

Should the proposal be supported the development would be subject to development contributions under Council's Section 94A Development Contributions Plan 2006 and compliance with the requirements of the Building Code of Australia (BCA)/National Construction Code.

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:**

It is considered that the design of the proposal has not adequately taken into consideration natural site constraints and that the proposal would have an adverse impact on the existing vegetation communities located on the land.

c. **Suitability of the site for the development:**

As previously detailed in this report it is considered that the removal of native vegetation to support the proposed activity has not been adequately justified and that the application has not been able to demonstrate that the proposed site is suitable for the development.

Flora and Fauna

The Flora and Fauna report confirms that vegetation onsite is representative of Cumberland Shale Plains Woodland which is a critically endangered Ecological Community under the *Environment Protection and Biodiversity Conservation Act 1999* and the *Threatened Species Conservation Act 1999*.

ORDINARY MEETING

Meeting Date: 24 November 2015

The report has highlighted that the loss of the forest understorey has limited the range of species that could have been recorded on site due recent clearing, herbicide applications and vegetation pile burning. Consequently these activities have significantly altered the assessment of flora and fauna which may have been found or surveyed onsite.

Furthermore the flora and fauna report confirms that the proposed vegetation loss is unavoidable based on the design of the development. It is therefore considered that the proposal has not been appropriately designed to avoid impacting endangered ecological communities onsite and that the proposed land use should be limited to the areas of the site which are already cleared.

The report concludes that the proposed vegetation removal is considered to be mildly significant with regard to size and threatened status based on the condition of vegetation as it currently exists, however it is clear that the Ecological and Environmental Management Plan confirms that the vegetation onsite has good scope for revegetation.

Support of the vegetation removal based on recent impacts (caused by cleaning) to the vegetation community on the site is not supported. The location chosen for the turf farm and its associated structures are not suitable for the proposal and that any future agricultural use of the land should be confined to the areas of the site which have previously been cleared.

Water supply

The application proposes that the development would rely on the construction of a new dam to service the proposed 4.81ha turf farming area and that the size of the dam would have a capacity equal to the Maximum Harvestable Right available to the property. The Maximum Harvestable Right available to the property is calculated at 0.9392 ML (mega litres) based upon location and site area.

It is noted that maximum harvestable rights only apply to basic domestic water usage and dams proposed to be used for commercial farming would fall under the category of Integrated Development under the *Environmental Planning and Assessment Act 1979* as the development would require a licence under the *Water Management Act 2000*.

Concern is raised in relation to the availability of a suitable water supply for the intended turf farm given that the application relies upon the proposal dam having a capacity of less than 1 ML in volume. It is noted that the NSW Department of Primary Industries '*Planning for turf farms*' fact sheet, February 2014, specifies that typical turf production requires an irrigation volume ranging between 6 to 8 ML / ha / year.

Based on the proposed growing area of 4.81ha it is calculated that the turf farm would use a minimum of 28.86ML water for irrigation. The lack of a comprehensive water balance assessment, confirming that there would be satisfactory access to a water supply of suitable quantity, quality and reliability, raises concerns in relation to the sustainability of the proposed use on the land.

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

Public Submissions

The application was notified to adjoining property owners in accordance with the DCP. In response to the notification 13 submissions were received. All submissions raised objection to the proposal to establish the development within close proximity to the residential properties.

The concerns raised in the submissions have been summarised as follows:

- Increase in turf farms in the area affecting neighbouring properties.
- Reserve Road cannot cater for large vehicles anticipated for the turf farm.
- Location of the northern driveway does not allow for larger vehicles to safely access the site.
- Application is not supported by a farm management plan.
- Property has never been used for turf farming.

ORDINARY MEETING

Meeting Date: 24 November 2015

- Proposal would affect safety and traffic of people using Reserve Road with the northern driveway proposed.
- Turf farm would impact health of neighbouring residents.
- Erosion and dust would impact adjoining properties.
- Proposal would have adverse noise impacts as part of the operation of a turf farm.
- Proposed use is incompatible with surrounding land uses.
- Chemical spraying would impact neighbouring properties.
- Activity would impact downstream properties and waterways.
- Use would decrease surrounding property values.
- Proposal would impact native flora and fauna in the locality.
- Soils not suitable for turf farming and would require significant modification not mentioned in application.
- Proximity of turf farm to adjoining residents.
- Loss of privacy.
- Water management plan should be required.
- Chemical/fertilizers and imported soil would be needed to make the area viable for turf within the native vegetated areas.

Following the notification period the applicant provided a response to the issues raised in the submissions. The applicant's response states that the majority of issues raised were covered in the application and that the application proposes a land use which is permitted in the zone. The applicant also submitted revised details relating to the proposed dam and a farm management plan.

In reviewing the information submitted it is considered that the works required to support the permitted land use are of a scale that has the potential to have adverse impacts on adjoining properties.

Currently the site contains a significant stand of native vegetation which is proposed to be removed to support the new land use. As previously mentioned in this report it is considered that the application has not adequately taken into consideration the natural site constraints.

The proposal is inconsistent with the zone objectives as the development relies on the clearing of native vegetation for a new land use that has the potential to create land use conflicts with the adjoining residential uses in the existing zone.

e. The Public Interest:

The proposed development is considered to be contrary to the general public interest in that the proposal does not satisfy the overall objectives of the zone and aims of LEP 2012 and SREP 20.

It is considered that the site is not suitable for the proposed development based on the information submitted and that the development would be better suited to the cleared parts of the site. Furthermore the issues raised in the public submissions have merit and the development has not adequately considered the natural constraints of the site.

Conclusion

The environmental impacts associated with the proposal relate primarily to the impact upon the stands of native vegetation located on the property and the proximity of the development to the adjoining properties that are used for residential purposes. The design of the development has not adequately considered the sites natural constraints and would have adverse impacts on existing native vegetation. In addition, inadequate information has been provided demonstrating that the site has access to a suitable water supply for the intended use. It is therefore recommended that the proposal not be supported.

ORDINARY MEETING

Meeting Date: 24 November 2015

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 DA0228/15 at Lot 24 in DP 776850, 1 Reserve Road Freemans Reach for Intensive plant agriculture – turf farm including removal of native vegetation, demolition of existing structures, construction dam and erection of farm building be refused for the following reasons:

1. The development application contains inadequate information to justify that the site is suitable for the proposed land use in terms of Section 79C of the Environmental Planning and Assessment Act, 1979. In particular, insufficient information has been submitted in respect to satisfactory access to water of suitable quantity, quality and reliability for the proposed activity.
2. The development fails to satisfy the objectives and specific planning policies of Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River 1997 in that the proposal would have an adverse impact on existing threatened flora and fauna species.
3. The development is inconsistent with the overall aims of Hawkesbury Local Environmental Plan 2012 as the proposal does not promote the orderly and economic development of the land having regard to existing threatened flora and fauna species.
4. The development fails to satisfy the objectives of the RU1 Primary Production zone of Hawkesbury Local Environmental Plan 2012 in that the proposal does not promote the protection of native vegetation by encouraging the development to occur in areas already cleared of vegetation or minimise potential land use conflicts with other uses within the zone.
5. The development is inconsistent with Clause 6.4 – Terrestrial biodiversity of Hawkesbury Local Environmental Plan 2012 in that the proposal would have an adverse impact on existing threatened flora and fauna communities.
6. The development is inconsistent with Clause 6.7 – Essential services of Hawkesbury Local Environmental Plan 2012 in that the application has not been able to demonstrate that a sustainable water supply would be able to be provided to support the proposed use of the land.
7. The development is inconsistent with Hawkesbury Development Control Plan 2002 as the application proposes to locate the farm building in an area of the site that will require clearing of native vegetation.
8. The proposal has the potential to have an adverse impact on the amenity of residents in the immediate locality in respect to noise, traffic and visual impacts.
9. Approval would not be in the general public interest.

ORDINARY MEETING

Meeting Date: 24 November 2015

ATTACHMENTS:

AT - 1 Locality Map

AT – 2 Aerial Map

AT – 3 Plans

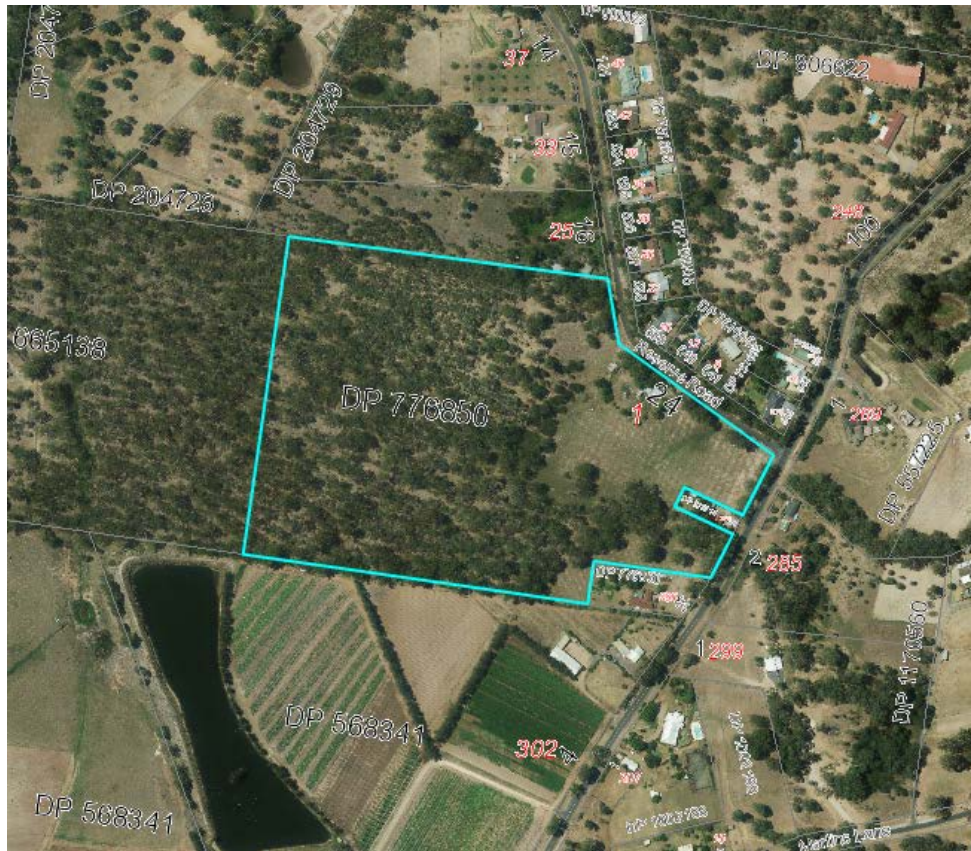
Meeting Date: 24 November 2015

[illegible]

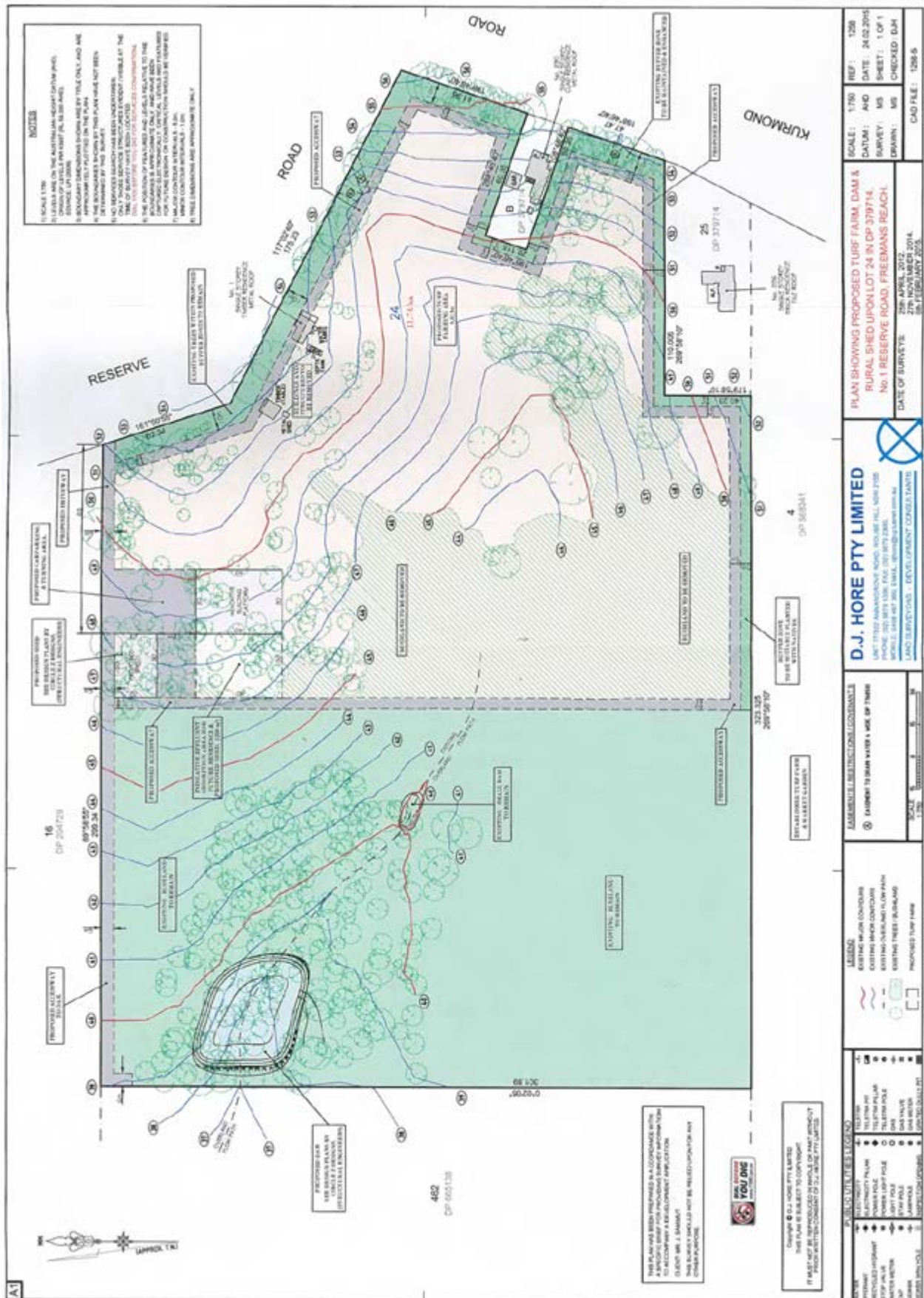
ORDINARY MEETING

Meeting Date: 24 November 2015

AT – 2 Aerial Map



Meeting Date: 24 November 2015



ORDINARY MEETING

Meeting Date: 24 November 2015

Item: 195 **CP - Draft Section 64 Contribution Plan - Stormwater Infrastructure for Pitt Town and Proposed Amendments to Council's Operational Plan 2015/2016 - (95498, 124414)**

REPORT:

Executive Summary

The purpose of this report is to advise Council of a draft contribution plan and proposed amendments to Council's Operational Plan 2015/2016 that, if adopted, would enable Council to collect development contributions for the provision of stormwater infrastructure, land acquisition and creation of easements at certain land in Pitt Town.

It is recommended that the draft contribution plan and proposed amendments to the Operational Plan be publically exhibited for a minimum period of 28 days.

Consultation

The issues raised in this report concern matters which trigger the provisions for community consultation under Council's Community Engagement Policy. In this regard it is proposed to publically exhibit the draft contributions plan for a minimum of 28 days.

Background

On 10 July 2008, certain land at Pitt Town was rezoned by the NSW State Government under Part 3A of the *Environmental Planning and Assessment Act 1979*. The rezoning created the potential for the subject land to be developed into 943 residential and large lot residential allotments.

To enable the transportation and treatment of stormwater from the land to be developed it is necessary that stormwater infrastructure be provided, land acquired, and easements created by Council. It is proposed that the cost of such be recovered from a charge levied upon the subdivision of land that benefits from this work.

Accordingly, a draft contribution plan and corresponding amendments to Council's Operational Plan 2015/2016 has been prepared. The draft plan and proposed amendments are attached to this report.

Land and development to which the proposed contributions apply

The proposed contribution plan, at this time, applies to the subdivision of land within the area 1 as shown in Figure 1 below.

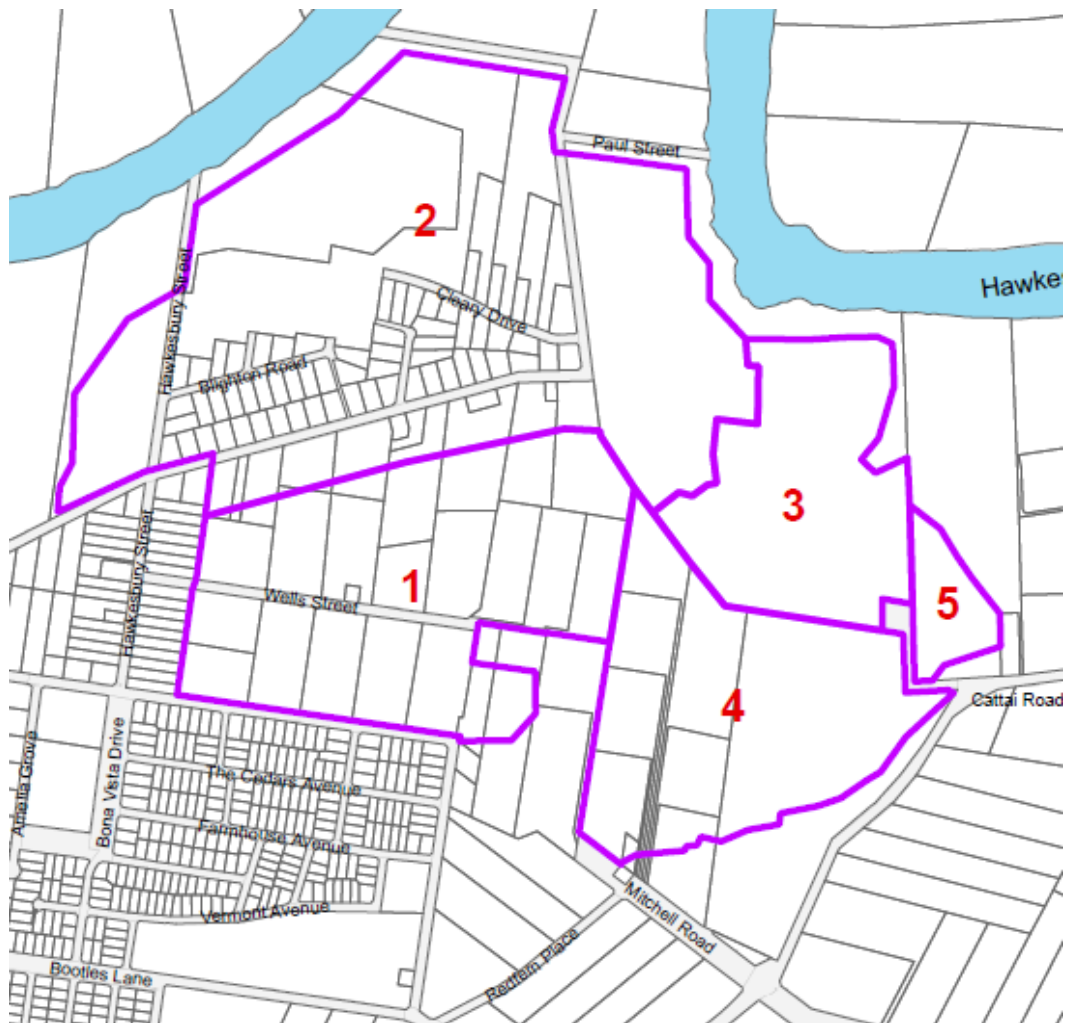


Figure 1: Contribution Areas

Note separate contribution plans are currently being prepared for areas 2 – 5 and it is anticipated these will be reported to Council in the very near future. Should those plans be finalised and adopted by Council they would then be incorporated into one contributions plan to cover the area shown above.

Proposed Stormwater Infrastructure, Acquisition of Land and Creation of Easements

The draft contribution plan identifies the stormwater infrastructure to be provided, land to be acquired, and easements to be created.

Stormwater within the catchment area is to be captured and treated via the provision of trunk drainage, a Gross Pollutant Trap (GPT), a swale, and a bio-retention system. The proposed stormwater infrastructure, land to be acquired, and easements to be created is based on the preferred stormwater management options identified in *Pitt Town Development Updated Stormwater Management Strategy*, November 2015 prepared by WorleyParsons Services Pty Ltd on behalf of Council. (The amended strategy is the subject of a separate report to Council on this agenda.)

It is anticipated that the land to be acquired, easements to be created and works to be undertaken will be completed concurrently with the subdivision of land and be generally completed before the creation of the last lot within the catchment area.

ORDINARY MEETING**Meeting Date:** 24 November 2015**Proposed Contribution**

Contributions are proposed to be levied by Council on the subdivision of land in order to recoup the incurred and estimated costs for the following items:

- Preliminary investigations and plans
- Provision of stormwater infrastructure
- Acquisition of land and creation of easements

The incurred and estimated costs of these are:

Item	Cost
Pitt Town Development Water Management Plan (PTDWP), November 2005 prepared by Connell Wagner Pty Ltd - incurred cost	\$15,749.42
Pitt Town Development Updated Stormwater Management Strategy, November 2014 and November 2015 prepared by Worley Parsons Services Pty Ltd - incurred cost	\$8,877.11
Land valuations prepared by K.D. Wood Valuations (Aust.) Pty. Ltd, October 2015 – incurred cost	\$4,000.00
Stormwater infrastructure – estimated cost	\$4,176,974.91
Acquisition of land and creation of easements –estimated cost	\$1,641,533.60
TOTAL	\$5,847,135.04

Notes:

The estimated costs include allowances for the following

Stormwater Infrastructure	
Detailed survey and design	1.5% cost of infrastructure
Project supervision / management	10% cost of infrastructure
Administration / overheads	10% cost of infrastructure
Contingency	30% cost of infrastructure
Land Acquisition / Creation of easements	
Detailed survey, further valuation, project management	1.5% cost of infrastructure
Contingency	30% cost of infrastructure
Borrowings for stormwater infrastructure, land acquisition and creation of easements	
Assumed borrowing rate of 6% per annum, repaid monthly over a 10 year period	

The contribution formula for the recoupment of costs associated with these items is:

$$\text{Contribution rate } (\$/\text{m}^2) = C/A$$

Where:

- C is the total incurred and estimated cost of preliminary investigations and plans, provision of stormwater infrastructure, acquisition of land and creation of easements.
- A is the area of land within the respective contribution area exclusive of existing public roads as at 8 October 2015.

ORDINARY MEETING

Meeting Date: 24 November 2015

The proposed contribution rate is to be applied to all land that is proposed to be subdivided for large lot residential purposes inclusive of any proposed road reserves, easements and temporary stormwater works. The proposed contribution rate is shown in the following table.

Item	Total Cost	Area	Contribution rate (\$ / m ²)
Preliminary investigations and plans			
Provision of stormwater infrastructure	\$5,847,135.04	35.5ha	\$16.47
Acquisition of land and creation of easements			

Consultation

It is recommended that the draft contribution plan and proposed amendments to the Operational Plan be publically exhibited for a minimum period of 28 days.

Conformance to the Hawkesbury Community Strategic Plan

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

- 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.

The proposal is consistent with the Linking the Hawkesbury direction:

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

The proposal is consistent with the Shaping Our Future Together direction:

- 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.

Financial Implications

The costs associated with the preparation of the contribution plan and amendment to the Operational Plan are covered in Council's existing budget.

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.

ORDINARY MEETING

Meeting Date: 24 November 2015

RECOMMENDATION:

That the draft Section 64 Contribution Plan and proposed amendments to Hawkesbury City Council Operational Plan 2015/2016 - Part 2 attached to this report be publically exhibited for a minimum period of 28 days.

ATTACHMENTS:

- AT - 1** Draft Section 64 Contribution Plan - Stormwater Infrastructure for Pitt Town Contribution Area 1, November 2015 - (*Distributed Under Separate Cover*)
- AT - 2** Proposed Amendments to Hawkesbury City Council Operational Plan 2015/2016 - Part 2

ORDINARY MEETING**Meeting Date:** 24 November 2015

AT - 2 Proposed Amendments to
Hawkesbury City Council Operational Plan
2015/2016 - Part 2

Insert after WM.16 line item the following:

WM.16A.1	Contribution Area 1 - Preliminary Investigations and Plans, Stormwater infrastructure, Land Acquisition and creation of easements	Per m ² in accordance with adopted Section 64 Plan and indexed accordingly.	N/A	F	X	POA
----------	---	--	-----	---	---	-----

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 November 2015

Item: 196

CP - LEP001/12 - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 396 Bells Line of Road, Kurmond - (95498, 124414)

File Number:	LEP001/12
Property Address:	396 Bells Line of Road, Kurmond
Applicant:	Montgomery Planning Solutions
Owner/(s):	101 Property Pty Limited
Date Received:	25 October 2012
Public exhibition:	8 - 25 August 2014
Community Submissions:	Six submissions
Government Agency Submissions:	Five submissions
Recommendation:	Council proceed with the making of the LEP amendment

REPORT:

Executive Summary

On 26 March 2013 Council considered a report regarding a planning proposal, submitted by Montgomery Planning Solutions (the applicant), seeking an amendment to *Hawkesbury Local Environmental Plan 2012* (LEP 2012) in order to allow development of Lot 2 DP 607906, 396 Bells Line of Road, Kurmond primarily for large lot residential purposes.

The purpose of this report is to advise Council of the outcome of the public authority and community consultation regarding the planning proposal.

This report also includes advice to Council of an offer by the developer to enter into a Voluntary Planning Agreement (VPA) with Council that would result in the developer paying a cash contribution of \$30,000 per residential lot to Council for the purposes of community facilities and works.

It is recommended that Council proceed with the making of an LEP that gives effect to the revised planning proposal described in this report and to place the draft VPA on public exhibition.

Background

On 26 March 2013, Council considered a report regarding a planning proposal seeking an amendment to LEP 2012 in order to allow development of Lot 2 DP 607906, 396 Bells Line of Road, Kurmond primarily for large lot residential purposes with a minimum lot size of 4,000m². The subject site is shown in Figure 1 below.

ORDINARY MEETING

Meeting Date: 24 November 2015



Figure 1: Subject Site

The planning proposal included a concept plan (Not adopted by Council) for a 27 lot subdivision as shown in Figure 2 below.

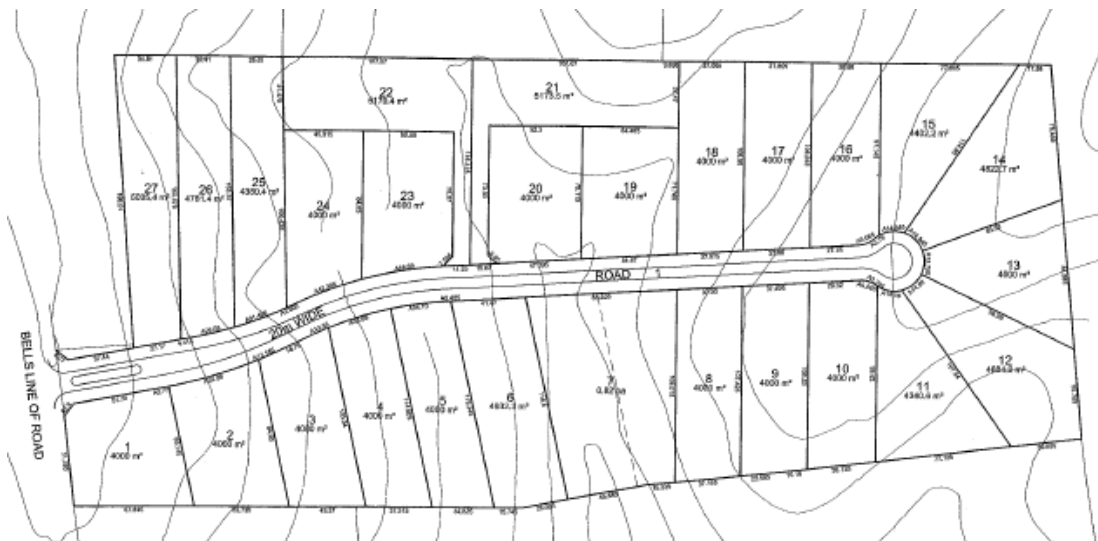


Figure 2: Initial Concept Plan of Proposed Subdivision

ORDINARY MEETING

Meeting Date: 24 November 2015

The resolution of Council on 26 March 2013 was:

"That:

- 1. Council support the preparation of a Planning Proposal for the land comprising of Lot 2 DP 607906, 396 Bells Line of Road, Kurmond to allow development of the land primarily for large lot residential development.*
- 2. The concept plan titled "Concept Layout over Lot 2 in DP 607906 at Bells Line of Road, Kurmond LGA Hawkesbury", prepared by North Western Surveys and dated 10/10/2012 attached to this report be adopted for the purposes of preparing the planning proposal only and the proposed allotment layout not be adopted until finalised as part of the development application process.*
- 3. The planning proposal be forwarded to the Department of Planning and Infrastructure for a "gateway" determination.*
- 4. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.*
- 5. If the Department of Planning and Infrastructure determines that the planning proposal is to proceed, Council commence the preparation of a Section 94 Contributions Plan for the vicinity of Kurmond to ensure that all proposed developments in the locality contribute to the required infrastructure, especially road upgrade and provision, in the locality. Alternatively the applicant and Council can commence Voluntary Planning Agreement negotiations to address this issue.*
- 6. 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 report to Council advised that certain matters such as on-site effluent disposal, flora and fauna impacts, avoidance of steep sloping land, and compliance with Department of Planning and Environment (DP&E) guidelines needed to be addressed prior to forwarding the proposal to the DP&E for a "Gateway" determination.

On 26 August 2013, the applicant provided a revised planning proposal consisting of 23 lots with a minimum lot size of 4,000m².

On 4 September 2013, the planning proposal was forwarded to the DP&E and on 16 October Council received a "Gateway" determination advising to proceed with the planning proposal. The "Gateway" determination required that prior to exhibition, additional information regarding flora and fauna impacts be obtained and placed on exhibition with the planning proposal

The applicant was requested to provide the additional information and on 16 March 2014 Council received an amended planning proposal consisting of 32 lots with a minimum lot size of 2,000m². The primary reason for the increase in the number of lots and the reduction in the proposed minimum lot size was because the proponent now proposed connecting future allotments to Sydney Water's sewerage system instead of the previously proposed on-site effluent disposal.

The amended planning proposal was forwarded to the DP&E for consideration on 17 March 2014 and Council received a revised "Gateway" determination on 13 June 2014

Notification of the planning proposal was sent to various public authorities on 25 June 2014. Community consultation occurred from 8 to 25 August 2014.

The exhibited planning proposal included a concept plan for a 32 lot subdivision (Not adopted by Council) as shown in Figure 3 below.



Figure 3: Exhibited Concept Plan of Proposed Subdivision

In response to comments from the Roads and Maritime Service (RMS) and Office of Environment and Heritage (OEH), the applicant has on a number of occasions since August 2014 provided additional information and suggested amendments to revise the planning proposal. Council staff have also sought additional comment from RMS and OEH regarding the additional information and amendments.

The revised amendment to LEP 2012 is discussed later in this report.

Authorisation for Council to Exercise Delegation

The "Gateway" determination included authorisation for Council to exercise delegation to make this plan. Should Council resolve to proceed with the making of the plan this authorisation will allow Council to make a direct request to the Parliamentary Counsel's Office (PCO) to prepare a draft local environmental plan to give effect to the planning proposal. Following receipt of an opinion from the PCO that the plan can be legally made, Council may then make the plan. Council delegated this plan making function to the General Manager by resolution on 11 December 2012.

In finalising a "delegated" planning proposal Council is required to prepare a "Section 59" planning report in accordance with DP&E requirements. As part of this report Council is required to provide details of consultation with relevant public agencies and demonstrate how any objections or issues were resolved and identify what amendments were made to the planning proposal to respond to the issues raised by agencies.

Consultation with Public Authorities

Consultation was undertaken with the following public authorities:

- Office of Environment and Heritage
- Roads and Maritime Service
- Transport for NSW
- NSW Trade & Investment - Resource & Energy Division
- NSW Rural Fire Service
- Local Land Services Greater Sydney

Council received responses from all but Transport for NSW. The responses are discussed below.

ORDINARY MEETING

Meeting Date: 24 November 2015

Office of Environment and Heritage

A number of advices were received from OEH due to the applicant providing responses to various issues raised by OEH. The summary of OEH's comments below is taken from their most recent advice to Council dated 22 June 2015.

Summary of Agency Comment

OEH does not consider there is enough information provided in the flora and fauna report to demonstrate that the second (north to south running) watercourse does not contain native vegetation that could qualify as Sydney Sandstone Transition Forest (SSTF), and based on this it cannot be argued that it should not be retained and protected.

Staff Response

Council's Land Management Officer has inspected the site and advised that the area of OEH concern does not contain native vegetation that could qualify as SSTF. Notwithstanding this the revised amendment allows for greater protection of the north-south watercourse and associated riparian area.

Summary of Agency Comment

The proposal does not address the 10/50 clearing code issue. There needs to be 50 metre buffers to residential building to ensure that the vegetation cannot be cleared.

The original proposal was for a minimum lot size of not less than 4,000m². The new "preliminary concept plan" contains many 2,000m² sized lots. It is not clear if this amended minimum lot size is supported by Council. If it was supported consideration needs to be given to allowing for buffer areas within the community title area.

Council could also consider requiring larger lot sizes (i.e. greater than 4,000m²) where they adjoin the SSTF conservation area with prescribed building envelopes to ensure there are adequate buffers to the retained vegetation although this may not offer long term protection if subsequent lot size changes are considered.

Staff Response

Recent changes to the 10/50 Vegetation Clearing Code of Practice mean that the subject land is excluded from the 10/50 entitlement area and hence clearing of vegetation on the subject property without Council approval under this code is not permitted. Furthermore the revised amendment provides for larger lot sizes within and adjacent to the SSTF area thus minimising fragmentation of the SSTF and allowing for building envelopes and associated asset protection zones (APZs) outside of the SSTF area.

Summary of Agency Comment

OEH supports the protection of SSTF and considers restrictions on title through an 88B instrument is not adequate protection. OEH considered that at least a community title arrangement is required, and recommends the SSTF area be protected by zones for conservation (preferably E2 Environmental Conservation) with restricted land uses including no residential development.

Biobanking may be a feasible alternative to protect the SSTF conservation area in perpetuity and manage it for conservation, particularly if it can be protected in conjunction with protection of vegetation in adjoining areas that are also proposed for subdivision.

There is an opportunity to consider the broader vegetation corridor and road layout. There may be an option to retain more vegetation and relocate the creek crossing so it does not bisect the protected area of SSTF if the adjoining site is considered concurrently.

ORDINARY MEETING

Meeting Date: 24 November 2015

Applicant's Response

From a long term practical point of view, the most effective way of conserving the EEC associated with the riparian corridor is to create a larger lot(s) with a dwelling entitlement to contain the EEC. As a mechanism to implement this strategy within the local environmental plan, Council could provide a different minimum lot size for the conservation area.

It is submitted that suitable protection controls for the identified EEC are already included in LEP 2012. Specifically, Clause 6.4 Terrestrial Biodiversity, subclauses (3) and (4) must be applied to a subsequent development application for subdivision. This clause provides Council with sufficient power through the development application process to ensure that the identified EEC is suitably protected.

It is our intention to prepare a vegetation management plan for the conservation areas to enhance the quality of the SSTF and ensure its long term conservation. This would be submitted with a future development application for subdivision. We would anticipate that Council would require this plan to be implemented through an appropriate restriction on the title of the relevant lots.

Staff Response

The revised amendment to the minimum lot size map provides greater protection to the SSTF and riparian areas by increasing the proposed minimum lot size in the relevant area thus reducing the number of proposed lots and enabling the location of the building envelopes and associated APZs outside of the SSTF and riparian areas.

Roads & Maritime Service

Summary of Agency Comment

Whilst RMS raised concerns regarding the proposed intersection design, overall they raised no objection to the planning proposal proceeding to gazettal provided that Council is satisfied that an appropriate mechanism is in place to ensure provision of a safe and efficient vehicular and pedestrian access to and from the site prior to any consent being issued for subdivision of the land.

Staff Comment

The design and construction of access to and from the site can be dealt with at development application stage and ensured by way of condition of consent.

NSW Trade & Investment - Resource & Energy Division

Summary of Agency Comment

NSW Trade and Investment raised no objection to the proposal.

NSW Rural Fire Service

Summary of Agency Comment

The NSW Rural Fire Service (RFS) raised no objection to the planning proposal and provided ancillary comments primarily in relation to future development of the land and compliance with *Planning for Bushfire Protection 2006* (PBP 2006). The NSW RFS also stated that strategic planning should include the provision of larger lots closer to bushfire hazard to allow for greater space for the establishment of APZs.

Staff Response

The revised amendment to the minimum lot size map proposes larger lots within the centre of the property in order to provide sufficient separation distances from future dwellings and associated APZs to the SSTF.

ORDINARY MEETING

Meeting Date: 24 November 2015

Local Land Services Greater Sydney

Summary of Agency Comment

The Local Land Services Greater Sydney recommends that the following objectives be applied to the development:

To prevent broad scale clearing unless it improves or maintains environmental outcomes

To protect native vegetation of high conservation value having regard to its contributions to such matters as water quality, biodiversity, or the prevention of salinity or land degradation.

Staff Response

The revised amendment to the minimum lot size map proposes larger lots within the centre of the property in order to provide sufficient separation distances from future dwellings and associated APZs to the SSTF.

Community Consultation

The planning proposal was publically exhibited for the period 8 to 25 August 2014. A notice was placed in the 'Hawkesbury Courier' local newspaper and letters were sent to adjoining and nearby landowners and occupiers advising of the public exhibition of the planning proposal. During the public exhibition period the planning proposal and supporting documentation was made available on Council's website and at Council's Main Administration Building.

Council received six submissions. The issues raised in the submissions were:

Impact of on-site waste water disposal on watercourses. Concerned about water and sewage flow regarding where it will flow, be connected and directed down Bells Line of Road or creek line.

Applicant's Response

The developer has made arrangements (and provided evidence of approval) to connect to the Sydney Water Sewerage Treatment Plant (STP) at North Richmond. This will be achieved by connecting each proposed lot by gravity reticulation to a holding tank on the lower part of the land. A private sewer line, consisting of a rising main to Bells Line of Road and gravity flow to North Richmond STP. Therefore, there will be no potential for leaching of wastewater into the local watercourse.

Roof water from future dwellings will be collected and stored within on-site in ground stormwater holding tanks (min 100,000Lt). Any storm water over flow will be addressed by the developer's engineers in conjunction with Council at development application stage.

Staff Response

In principle the arrangements proposed by the developer are considered satisfactory and can be further explored and assessed at development application stage.

Insufficient capacity within surrounding schools and child care centres to cater for additional population

Applicant's Response

One of the benefits of this type of infill development is that it makes use of existing infrastructure which may be underutilised. The minor increase in the number of new families within the locality will ensure that local school enrolment numbers are maintained. In relation to child care centres, these are operated on a commercial basis and supply of childcare places is directly related to demand. It is submitted that the proposal will have positive impacts.

ORDINARY MEETING

Meeting Date: 24 November 2015

Staff Response

The proximity and capacity of surrounding schools and child care centres is to be considered on an englobo basis as part of the structure planning for the Kurmond and Kurrajong Investigation Area. It is anticipated that the DP&E will be informed of the outcome of these investigations and, if required, consultation with relevant government agencies can be co-ordinated through the DP&E.

Impact of additional traffic on roads, congestion and traffic safety. Lack of public transport options and services. Council is approving development at a rate which far exceeds the capabilities of current infrastructure. Further development in the area and no infrastructure spending on our existing road network will make existing congestion problems worse.

Applicant's Response

This development is relatively small compared to North Richmond or Glossodia. It is noted that since this objection was received, major works have commenced between North Richmond and Richmond to alleviate traffic congestion. Furthermore, the Redbank approved Voluntary Planning Agreement (VPA) will see the construction of a new road bridge via Grose Vale which, if endorsed, will detour Penrith bound traffic away from North Richmond.

Notwithstanding, the proposal does satisfy the sustainability criteria for Council's RLS and Council staff are currently working on a Section 94 contributions plan which will address equitable contributions required for regional road improvements as well as local facilities. The proposal would be subject to the contributions plan in force at the time of development application assessment.

Staff Response

Existing road condition and capacity and public transport services are currently being considered on an englobo basis as part of the structure planning for the Kurmond and Kurrajong Investigation Area. Detailed discussions are to occur with the RMS and Transport for NSW regarding same. At present it is expected road upgrades, where required, will be achieved by works associated with future development and by way of the collection and expenditure of development contributions for upgrades.

Council considered a report on the preparation of VPAs for this locality at the meeting of 10 November 2015. The resolution of that meeting was to enter into negotiations for VPAs for the current planning proposals before Council, including the proposal the subject of this report. The draft VPA is discussed later in this report.

Concerned about conflict between vehicles due to proposed new access onto Bells Line of Road, in particular with respect to large vehicles using Bells Line of Road and vehicles turning from Bells Line of Road into the nearby Inverary Drive. Thought should be given for the provision of another roadway out of the proposed development towards either Slopes Road or Kurmond Road.

Applicant's Response

The proposal makes provision for left and right turning lanes from Bells Line of Road into the proposed single entrance road. A traffic impact report was submitted with the proposal which provided a preliminary design for the intersection. The proposal was referred to the RMS who made a number of comments.

The developer understands that they will be required to construct this intersection in accordance with RMS requirements as a condition of future development consent for subdivision.

The land does not have access to any other roads. However, should the opportunity arise in the future for the developer to gain control of the adjoining property, a second access to a local road could be considered, subject to discussion with Council.

ORDINARY MEETING

Meeting Date: 24 November 2015

Staff Response

RMS concerns regarding the proposed access to and from the site can be addressed at development application stage.

If the planning proposal goes ahead the speed limit should be reduced from 80km/h to 60km/h between Crooked Lane, North Richmond and Kurmond Village in order to provide safety for the residents gaining access to and from the Bells Line of Road along the access roads and private driveways. An additional benefit of reducing the speed limit on this section of the Bells Line of Road would be to reduce traffic noise especially from large articulated trucks

Applicant's Response

The proposed intersection will be designed in accordance with the current 80km/hr posted speed limit. It is noted that there is sufficient sight stopping distance in this location for the current speed limit.

Notwithstanding, there may be some merit in considering a reduction to 60km/hour between this site and the existing 60km sign outside Kurmond Village. There are a number of existing residential driveways, a childcare centre and a restaurant (recently re-opened) within this 80km zone. This is a matter for Council and RMS consideration.

Staff Response

The speed limit in this area can be considered by the RMS and Council as an additional and separate matter to the finalisation of this planning proposal.

Impact on flora and fauna and watercourses

Applicant's Response

The developer has spent considerable time and effort in addressing these matters in conjunction with Council and the OEH. The proposal will effectively conserve and enhance a large area of degraded SSTF (an endangered ecological community) associated with the watercourse on the land. Conservation will be achieved through the implementation of a conservation management plan within two larger lots along the watercourse.

It is considered that the proposed conservation mechanism for the EEC is a practical and enforceable way to achieve the retention of a suitable riparian corridor through the land and to ensure the ongoing biodiversity of the area.

It should be noted that if the existing agricultural use of the land continues, the EEC will continue to degrade with no incentive or mechanism for conservation.

Staff Response

The revised amendment to the minimum lot size map provides greater protection to the SSTF and riparian areas by increasing the proposed minimum lot size in the affected area thus reducing the number of proposed lots and enabling the location of the building envelopes and associated asset protection zones (APZs) outside of these areas.

Impact on character of the area, proposed development will change a quite rural area with unspoilt green hills and grazing cattle

Applicant's Response

The objective of large residential lots is to retain the rural character of the area, while providing economic stimulus to the local community. As identified in the Hawkesbury Residential Land Strategy (RLS), this is an appropriate location for additional large lot residential development.

ORDINARY MEETING

Meeting Date: 24 November 2015

It is noted that there are numerous established large residential lots in the immediate vicinity ranging in size from 2,000m² to 4,000m². There are also two restaurants, a veterinary clinic and a child care centre all within some 400m of the subject land and all located within the same RU1 Primary Production zone.

It is submitted that the proposal will result in development which fits within the character and context of the locality.

Staff Response

Lot sizes within the immediate vicinity of the site typically range in size from approximately 4,000m² to more than 10ha. The proposed minimum lot size of 2,000m² will change the character of the area. Council has announced its' intention to consider such a change in the character of the area by way of defining the Kurmond and Kurrajong large lot residential/rural residential investigation area. The minimum lot size of 2,000m² is consistent with large lot residential development.

What additional shopping and parking facilities are being planned for?

Applicant's Response

The proposal does not generate the need for any expansion to existing shopping facilities and parking. On the contrary, incremental increases in population such as this proposal will provide considerable economic benefits to the broader community. In particular, local retailers and service providers will benefit from the demand created by an increased number of families living in the area.

Staff Response

This is to be considered on an englobo basis as part of the structure planning for the Kurmond and Kurrajong Investigation Area.

Council should identify what infrastructure upgrades are required, cost and budget for these works and ensure that developers contribute to the costs. State funding should also be explored.

Applicant's Response

It is understood that Council is currently undertaking these infrastructure investigations. The developer is aware that they will be responsible for payment of Section 94 contributions once Council has prepared and adopted a Section 94 Contributions Plan.

Staff Response

Structure planning for the provision of infrastructure and services within this area is currently being undertaken. At present it is expected that, where required and possible, infrastructure upgrades will be achieved by works associated with future development and by way of the collection and expenditure of development contributions for upgrades. The developer has offered to enter into a VPA with Council and a draft VPA is discussed later, and is also attached, to this report.

We would prefer less properties along our boundary (respondent's property is located to the north-east of the subject site) larger lots would be more suitable along the boundary to avoid land use conflicts. The proposed 2,000m² lots are too small and should be at least 4,000m².

Applicant's Response

This respondent was concerned that additional neighbours would mean additional complaints in the future about activities on his property. In particular, the submission states:

"... we own several large trucks and have children that like to motor bike ride on that boundary. We are not wanting to upset old or new neighbours with the noise of the vehicles and farm animals, as we have sheep, goats, horses, and dogs."

The owners of the subject land have met with their rear neighbour and believe the issue has been addressed with this respondent in relation new fencing and weed removal.

Notwithstanding the above, the respondent's activities are subject to Council's controls and EPA noise guidelines regardless of who his neighbours may be.

Staff Response

The respective owner's subsequent discussions are noted.

Revised amendment to minimum lot size of map of LEP 2012

In response to the comments received from the various public authorities and objections received, Council staff and the applicant have agreed on a revised amendment to the minimum lot size map of LEP 2012. The revised amendment, with an aerial photo provided for context, is shown in Figure 4.



Figure 4: Revised amendment to minimum lot size of LEP 2012 with aerial photograph

This revised minimum lot size map allows for two large lots in the centre of the site. This land contains the SSTF and an area proposed to be subject to a vegetation management plans as well as two watercourses and their associated riparian areas. The proposed minimum lot sizes of 1.5ha and 1ha will allow for the creation two lots within the central area (i.e. one lot either side of the proposed spine road) with building envelopes and associated APZs outside of the SSTF area and riparian areas.

The location of the combined SSTF / proposed vegetation management plan area and the two central watercourses relative to the revised amendment is shown in Figure 5.



Figure 5: Location of the combined SSTF / proposed vegetation management plan area and two central watercourses relative to the revised amendment to the minimum lot size of LEP 2012

Note the three dams on the property are likely to be removed as part of any future subdivision and the watercourse shown in the eastern corner of the property is considered to be of much lesser significance than the two central watercourses due to it suffering bank disturbance and loss of vegetation and the impact to flow regimes of the two in-stream dams within the above the property.

Council resolution 28 July 2015 regarding fundamental constraints to development

On 28 July 2015, Council resolved that current planning proposals within the Kurmond and Kurrajong Investigation Area only proceed to Gateway if the 'fundamental' development constraints have been addressed. Fundamental constraints and associated recommendations that are relevant to this planning proposal are shown below in Tables 1 and 2. These tables also provide comments regarding the proposal's compliance with the recommendation.

ORDINARY MEETING

Meeting Date: 24 November 2015

Table 1: Physical Environment

Factor	Degree of Constraint to Development	Recommendation
<p><i>Terrestrial Biodiversity</i></p> <p>Impact of development on threatened or endangered flora and fauna</p>	Fundamental - Major	<p>Legislation applies to threatened and endangered species. OEH concurrence may be required</p> <p>Removal of significant vegetation is to be avoided</p> <p>Fragmentation of significant vegetation is to be minimised</p>
<p>Comment: The significant vegetation is the SSTF and riparian vegetation associated with the watercourses located in the centre of the site. The proposed 1.5ha and 1ha minimum lot sizes will minimise removal and fragmentation of this vegetation. Furthermore the applicant proposes that the SSTF be protected by way of a vegetation management plan associated with the subsequent subdivision of the land</p>		
<p><i>Watercourses and Riparian Areas</i></p> <p>Impact of development on watercourses and riparian areas</p>	Fundamental - Major	<p>Legislation applies to threatened and endangered species. OEH concurrence may be required</p> <p>Building envelopes, APZs, driveways and roads (not including roads for the purposes of crossing watercourses) are to be located outside of riparian corridors</p> <p>Road crossings of watercourses are to be minimised</p> <p>Fragmentation of riparian areas is to be minimised</p>
<p>Comment: The proposed 1.5ha and 1ha minimum lot sizes will allow for compliance with this recommendation and allows for building envelopes, APZs and driveways to be located outside of the riparian corridors. Only one road crossing is likely through the main central watercourse and riparian areas either side of this road will be contained in two lots, i.e. one lot either side of the road.</p>		
<p><i>Dams</i></p> <p>Impact of development on aquatic habitat. Proximity of dams to effluent disposal systems</p>	Fundamental - Minor	<p>Legislation applies to threatened and endangered species. OEH concurrence may be required</p> <p>Removal of dams containing significant aquatic habitat is to be avoided. Minimum required buffer distances for effluent disposal systems is to be adhered to</p>
<p>Comment: The flora and fauna assessment report undertaken on behalf of the application did not find any significant aquatic habitat in the three dams on the property. The applicant has advised that the new lots are to be connected to Sydney Water's sewerage system</p>		
<p><i>Bush Fire threat</i></p> <p>Impact of the location and management of APZs and perimeter roads</p>	Fundamental - Major	<p>RFS concurrence may be required</p> <p>Building construction and water supply is to comply with NSW Rural Fire Service's <i>Planning for Bushfire Protection 2006</i>, e.g. APZs and roads</p>
<p>Comment: It is considered this can be satisfactorily dealt with at development application stage by way of referral to the RFS and conditions of consent</p>		

ORDINARY MEETING

Meeting Date: 24 November 2015

Factor	Degree of Constraint to Development	Recommendation
<p><i>Aboriginal Heritage</i></p> <p>Impact of development on Aboriginal heritage items</p>	Fundamental - Moderate	<p><i>National Parks and Wildlife Act 1974</i> applies</p> <p>Council and developers are also to consider relevant provisions of <i>Heritage Act 1977</i> when preparing and considering development applications</p>
<p>Comment: No known aboriginal relics are located on the site. Further consideration can be given to this at development application stage</p>		
<p><i>Land Contamination</i></p> <p>Suitability of land to be developed given potential for land to be contaminated</p>	Fundamental - Minor	<p>Remediation action plans and validation may be required</p> <p>Council and developers are to consider relevant provisions of <i>State Environmental Planning Policy No 55—Remediation of Land</i> when preparing and considering development applications</p>
<p>Comment: The applicant advises the land has been used for agriculture in the form of animal grazing for many years and that there is no evidence to suggest that any activities have occurred on the land which would give rise to contamination. Further considered can be given to this at development application stage</p>		
<p><i>Acid Sulfate Soils</i></p> <p>Impact of disturbance of acid sulfate soils on the environment and development</p>	Fundamental to Minor	<p>Development proposals and land class are to be assessed with respect to Clause 6.1 Acid Sulfate Soils of LEP 2012. Acid sulfate soils management plans required</p>
<p>Comment: The subject site is within the Acid Sulfate Soils Class 5 categorisation which is the least restrictive of the 5 classifications. Further considered, if required, can be given to this at development application stage</p>		

ORDINARY MEETING

Meeting Date: 24 November 2015

Table 2: Infrastructure and Services

Factor	Degree of Constraint to Development	Recommendation
<p><i>Road network</i></p> <p>Capacity and safety of existing road network</p>	Fundamental - Major	<p>RMS concurrence may be required</p> <p>Development contributions are to be levied for road improvements</p> <p>Council and developers are to consider relevant provisions of <i>State Environmental Planning Policy (Infrastructure) 2007</i> when preparing and considering development applications</p>
<p>Comment: RMS have not requested a development contribution for road works. Council staff have had detailed discussions with RMS regarding the road network. A VPA is proposed as part of this proposal.</p>		
<p><i>Wastewater</i></p> <p>Capacity of land to cater for on-site effluent disposal</p>	Fundamental	<p>Sydney Water concurrence may be required</p> <p>Developers are to demonstrate that waste water can be disposed of on site in an environmentally sensitive manner.</p> <p>Alternatively developers may provide reticulated sewer service to new lots in accordance with relevant licences and/or authority requirements</p> <p>Clause 6.7 - Essential Services under LEP 2012 applies</p>
<p>Comment: The applicant has advised that the new lots are to be connected to Sydney Water's sewerage system</p>		
<p><i>Public Transport Services</i></p> <p>Provision of bus service to cater for the needs of incoming population</p>	Fundamental - Moderate	<p>Transport NSW and RMS concurrence may be required</p> <p>Possible levying of development contributions for bus services</p> <p>Clause 6.7 - Essential Services under LEP 2012 applies</p>
<p>Comment: RMS have not requested a development contribution for bus services. Transport of NSW did not provide a response to the planning proposal. Council staff have had detailed discussions with RMS and Transport for NSW regarding public transport services.</p>		
<p><i>Stormwater drainage</i></p> <p>Quantity and quality of stormwater run-off entering watercourses</p>	Fundamental - Moderate	<p>Developers are to demonstrate that stormwater can be captured, treated and released in an environmentally sensitive manner</p> <p>Possible levying of development contributions for stormwater purposes</p> <p>Clause 6.7 - Essential Services under LEP 2012 applies</p>
<p>Comment: It is considered this can be satisfactorily dealt with at development application stage by way of the assessment of drainage designs and conditions of consent.</p>		
<p><i>Water Supply</i></p> <p>Provision of reticulated water supply to new lots</p>	Fundamental - Moderate	<p>Sydney Water concurrence may be required.</p> <p>A reticulated water service is to be provided to new lots by developers in accordance with relevant authority requirements</p> <p>Clause 6.7 - Essential Services under LEP 2012 applies</p>

ORDINARY MEETING

Meeting Date: 24 November 2015

Factor	Degree of Constraint to Development	Recommendation
Comment: It is considered this can be satisfactorily dealt with at development application stage by way of condition of consent.		
<i>Electricity</i> Provision of electricity service to new lots	Fundamental	Electricity provider concurrence may be required Electricity services are to be provided to new lots by developers in accordance with relevant authority requirements Clause 6.7 - Essential Services under LEP 2012 applies
Comment: It is considered this can be satisfactorily dealt with at development application stage by way of condition of consent.		

Offer of a Voluntary Planning Agreement

Council considered a report on VPAs for the Kurrajong/Kurmond adopted Investigation Area at the meeting of 10 November 2015. The resolution of this meeting was as follows:

"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."*

As detailed in the report to Council on 10 November, the developer has offered to enter into a voluntary planning agreement (VPA) with Council that would result in the developer paying a cash contribution to Council for the purposes of community facilities and works to the value of \$30,000 per residential lot.

This offer was in response to resolution 5 of Council on 26 March 2013 and is consistent with the above Council resolution of 10 November 2015 regarding VPAs for large lot residential development in the Kurmond and Kurrajong Investigation Area.

The draft VPA is attached to this report. In relation to the above 10 November resolution:

- Clauses 6 and 7 of the attached VPA satisfy points 1 and 2 of the above resolution as they deal with the calculation of the cash contribution and CPI adjustments,
- Clause 9 satisfies the intent of point 3 of the above resolution. However, prior to public exhibition of the draft VPA, Clause 9.3 should be amended to include provisions that not only restricts Council taking retrospective action if a Section 94 plan is adopted but it should also restrict the other party to the agreement from seeking a retrospective refund if a S94 contribution is less than the agreed cash payment.

ORDINARY MEETING

Meeting Date: 24 November 2015

- The attached draft VPA, with the exception of the above minor amendment, satisfies point 4 of the above resolution in that the attached amended draft VPA will be place on public exhibition for the Statutory period prior to reporting to Council for finalising.

Related proposed amendment to LEP 2012 Clause 4.1D

As stated above the primary reason for the reduction in the minimum lot size from 4,000m² to 2,000m² was because the proponent proposes connecting future allotments to Sydney Water's sewerage system instead of the previously proposed on-site treatment and disposal of waste water.

Council staff have discussed with the applicant possible mechanisms to ensure that reticulated sewerage is provided to future lots and that a situation does not arise whereby development consent is sort for 2,000m² lots with onsite treatment and disposal of waste water

LEP 2012 currently contains a clause which ties minimum lot size to the provision of reticulated sewerage. This clause is Clause 4.1D and relevant parts of this clause are shown below.

"(1) Despite clauses 4.1, 4.1AA and 4.1A, development consent must not be granted for the subdivision of land that is identified as "Area A" and edged heavy blue on the Lot Size Map if:

- (a) arrangements satisfactory to the consent authority have not been made before the application is determined to ensure that each lot created by the subdivision will be serviced by a reticulated sewerage system from the date it is created, and*
- (b) the area of any lot created by the subdivision that contains or is to contain a dwelling house is less than 4,000 square metres."*

It is recommended the planning proposal and resultant amendment to LEP 2012 include that part of site with a proposed 2,000m² minimum lot size as also being identified as "Area A" and edged heavy blue on the Lot Size Map. The effect of this would be that if for some reason the future subdivision could not be connected to a reticulated system, the minimum lot size would default to 4,000m².

Variation to Planning Proposals

The *Environmental Planning and Assessment Act 1979* permits Council, at any time, to vary a planning proposal as a consequence of its consideration of any submission or report during community consultation or for any other reason.

If Council does vary the planning proposal it is to forward the revised planning proposal to the Minister of Planning.

As discussed above a number of post-gateway determination variations to the planning proposal are proposed. Hence, if Council agrees with these variations, prior to Council finalising the planning proposal under delegated authority from DP&E it will be necessary to forward these variations to DP&E for consideration.

Conclusion

In response to the consultation undertaken with the community and the relevant public authorities the planning proposal has been revised to provide greater protection to the significant vegetation and watercourse located in the centre of the subject site.

In accordance with previous resolutions of Council the developer has offered to enter into a Voluntary Planning Agreement with Council that would result in the cash payment of \$30,000 a per lot for the purposes of community facilities and works.

ORDINARY MEETING

Meeting Date: 24 November 2015

It is therefore recommended that Council proceed with the making of an LEP that will give effect to the revised proposal described in this report and that the draft VPA be publically exhibited for a minimum of 28 days.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking after People and Place Directions statement:

- Offer residents a choice of housing options that meet their needs whilst being sympathetic to the qualities of the Hawkesbury
- Population growth is matched with the provisions 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.

Financial Implications

The applicant has paid the fees required by Council's Fees and Charges for the preparation of a local environmental plan.

Planning Decision

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

RECOMMENDATION:

That:

1. Council, under the authorisation for Council to exercise delegation issued by the Department of Planning and Environment's Gateway determination, proceed with the making of an LEP that will give effect to the revised proposal described in this report.
2. Council publically exhibit the Draft Voluntary Planning Agreement attached to this report for a minimum of 28 days with the following amendment to Clause 9.3:

Clause 9.2 does not allow the Council or the Developer to retrospectively apply a section 94 contribution for allotments for which development contributions have been paid in accordance with this Agreement.

3. The Voluntary Planning Agreement be reported back to Council following public exhibition prior to finalisation.

ATTACHMENTS:

AT - 1 Draft Voluntary Planning Agreement between Hawkesbury City Council and 101 Group Pty Limited, 2015

ORDINARY MEETING

Meeting Date: 24 November 2015

AT - 1 Draft Voluntary Planning Agreement

between

Hawkesbury City Council and 101 Group Pty Limited, 2015

101 GROUP PTY LTD



**VOLUNTARY PLANNING
AGREEMENT**

2015

ORDINARY MEETING

Meeting Date: 24 November 2015

Planning Agreement

Section 93F of the Environmental Planning and Assessment Act 1979

THIS PLANNING AGREEMENT is made on theday of2015

BETWEEN:

Parties

HAWKESBURY CITY COUNCIL ("the Council")

AND:

101 GROUP PTY LTD (ACN 142 599 291) ("the Developer")

Background

- A. The Developer is the registered proprietor of the Development Land.
- B. On the 13th Day of June 2014 NSW Planning and Environment issued a Gateway Determination in response to a revised planning proposal to apply a new minimum lot size and maximum lot yield to the development land. The planning proposal will facilitate the subdivision of the land into 32 large residential lots.
- C. The Developer has been in negotiation with council for a number of years in regards to finalising the rezoning approval. The Council has not prepared or adopted a Section 94 Contributions Plan to date. The Hawkesbury Section 94A plan is considered to be inadequate for subdivision of land. The Developer is therefore of the belief that the offer contained in this document provides fair and equitable Public Benefit in lieu of Section 94 or Section 94A contributions.
- D. The Developer proposes to make Development Applications to Council for Development Approval to carry out the Proposed Development if the Development Land is rezoned in accordance with the Rezoning Application.
- E. The Developer has offered to provide the Developer's Contribution on the terms and conditions contained in this Agreement if Development Approval is granted to the Proposed Development.

ORDINARY MEETING

Meeting Date: 24 November 2015

And it is agreed as follows

1. Planning Agreement under the Act

The Parties agree that this Agreement is a planning agreement governed by Subdivision 2 of Division 6 of Part 4 of the Act.

2. Application of this Agreement

2.1 This Agreement

2.1.1 applies to the Development Land;

2.1.2 is a planning Agreement within the meaning set out in section 93F of the Act;

2.1.3 is to be registered on the title of the Development Land under section 93H of the Act;

2.1.4 is not a confidential document and may be exhibited without restriction by either party.

2.2 Subject to clause 2.3, this Agreement operates from the date it is executed.

2.3 Clause 3 of this Agreement will only operate if and when Council grants Development Approval to the Proposed Development on the Development Land.

3. Developer's Contribution

3.1 Subject to the terms of this Agreement, including clause 2.3, the Developer agrees to provide the Developer's Contribution.

3.2 The Developer's Contribution comprises the Cash Contribution.

4. Definitions

4.1 In this Agreement the following definitions apply:

4.2 **Act** means the *Environmental Planning and Assessment Act 1979 (NSW)* (as amended from time to time).

4.3 **Approval** means any approvals consents, modifications, certificates (of all types) permits, endorsements, licenses, conditions or requirements (and any variation to them) which may be required by Law for the Proposed Development.

4.4 **Authority** means a government, local government, semi-government, public, administrative, statutory, ministerial, civil, fiscal or judicial body, commission, agency, department, tribunal or other authority or body.

4.5 **Base CPI** means the CPI number for the quarter ending immediately before the commencement of this Agreement.

4.6 **Business Day** means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.

4.7 **Cash Contribution**, means subject to Clauses 6, 7 and 8, the maximum amount of \$960,000 as outlined in schedule 1.

Page 3

101 Group Pty Ltd Voluntary Planning Agreement DRAFT V3 November 2015

ORDINARY MEETING

Meeting Date: 24 November 2015

- 4.8 **CPI** means the Consumer Price Index released by the Australian Bureau of Statistics for "Sydney - All Groups" or such other consumer price index that might replace it.
- 4.9 **CPI Review Date** means each six month anniversary of the date of this agreement.
- 4.10 **Costs** include costs, charges, fees, disbursements and expenses, including those incurred in connection with advisors.
- 4.11 **Current CPI** means the CPI number for the quarter ending immediately before the relevant CPI Review Date
- 4.12 **Dealing**, in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land.
- 4.13 **Development Land** means the land comprising Lot 2 DP 607906, 396 Bells Line of Road Kurmond.
- 4.14 **Development Application** has the same meaning as in the Act.
- 4.15 **Development Approval** means a development consent issued under the Act with respect to all or part of the Proposed Development.
- 4.16 **Development Consent** has the same meaning as in the Act.
- 4.17 **Development Contribution** means a monetary contribution, or the provision of a material public benefit.
- 4.18 **Dispute** in connection with this agreement means an argument, a controversy, a difference, a dispute including of opinion or interpretation.
- 4.19 **Event of Insolvency** means anyone or more of the following occurrences:
- (a) the Developer becomes bankrupt, is served with a bankruptcy notice or a bankruptcy petition, has committed an act of bankruptcy or has entered into an arrangement within and under the meaning of the Bankruptcy Act 1976 (Cth); or
 - (b) a resolution is passed for the winding up or liquidation of the company; or
 - (c) a liquidator, provisional liquidator, receiver, receiver manager, controller, controlling manager, administrator, voluntary administrator or official manager is appointed to the Developer or a resolution is passed for the purposes of placing that party in the control of an external administrator; or
 - (d) it suspends payment of its debts or is unable to pay its debts including of money payable under this agreement or is deemed insolvent; or
 - (e) it fails to or is taken as having failed to comply with a statutory demand under the Corporations Act 2001 (Cth).
- 4.20 **Gazettal** means publication in the NSW Government Gazette of the rezoning of the Development Land from the Mixed Agricultural Zone to rural residential/residential housing zones to make the Proposed Development permissible subject to obtaining development consent.
- 4.21 **GST** has the same meaning as in the GST Law.
- 4.22 **GST Law** has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.
- 4.23 **Land** means Lot 2 DP 607906, 396 Bells Line of Road Kurmond.

Page 4

101 Group Pty Ltd Voluntary Planning Agreement DRAFT V3 November 2015

ORDINARY MEETING

Meeting Date: 24 November 2015

4.24 **Law** means:

- (i) the common law and principles of equity;
- (ii) the requirements of legislation, regulations and by-laws; and
- (iii) a binding order made by an Authority.

4.25 **LPI** means Land and Property Information of New South Wales or any other government agency replacing it.

4.26 **Mortgage** means a mortgage charge, lien pledge, title retention, deposit arrangement, caveat or equitable interest.

4.27 **Party** means a party to this agreement, including their successors and assigns.

4.28 **Proposed Development** means the rezoning and subdivision of the Development Land into approximately 32 residential lots.

4.29 **Public Facilities** means public infrastructure, facilities, amenities and services.

4.30 **Regulation** means the *Environmental Planning and Assessment Regulation 2000*.

4.31 **Residential Allotment** means a lot comprising part of the Development Land to be created as part of the Proposed Development that is intended to be used for the purposes of a single dwelling house without being further sub-divided.

4.32 **Residential Allotment Contribution** means, subject to Clauses 6, 7 and 8, and Schedule 1, cash to the value of \$30,000.

4.33 **Rezoning Application** means a Planning Proposal to rezone the Development Land in order to allow the Proposed Development to be carried out on that land.

4.34 **Subdivision Certificate** means a certificate issued under section 109C (d) of the Act with respect to the Proposed Development.

4.35 **Transfer** means to settle, assign, transfer, convey, alienate, otherwise dispose of or part with possession of.

5. Interpretation

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
- (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.
- (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or reenactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.

Page 5

101 Group Pty Ltd Voluntary Planning Agreement DRAFT V3 November 2015

ORDINARY MEETING

Meeting Date: 24 November 2015

- (f) A reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
- (h) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- (k) References to the word, "include" or "including" are to be construed without limitation.
- (l) A reference to this Agreement includes the agreement recorded in this Agreement.
- (m) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns.
- (b) Any schedules and attachments form part of this Agreement.

6. Calculation of Development Contributions to be made under this Agreement

- (a) The Developer and Council acknowledge and agree that:
 - (i) the Maximum Total Cash Contribution has been calculated on the basis that approximately 32 Residential Allotments can be achieved on the Development Land and, subject to Schedule 1, the Developer will contribute cash to the maximum value of \$30,000 (as at the commencement of this Agreement and as per Residential Allotment (being the Residential Allotment Contribution);
 - (ii) if more or less than 32 Residential Allotments can be achieved on the Development Land, the Maximum Total Contribution is to be revised such that the Developer's Contribution will have a maximum value of the Residential Allotment Contribution multiplied by the number of achievable Residential Allotments.

Page 6

101 Group Pty Ltd Voluntary Planning Agreement DRAFT V3 November 2015

ORDINARY MEETING

Meeting Date: 24 November 2015

7 CPI Adjustment of Development Contributions

- 7.1 On each CPI Review Date the Residential Allotment Contribution will be calculated as follows:

$$RAC_C = RAC_B \times \frac{\text{Current CPI}}{\text{Base CPI}}$$

Where:

RAC_B = The Residential Allotment Contribution at the commencement of this Agreement (i.e. \$30,000)

RAC_C = Adjusted Residential Allotment Contribution at CPI review date.

- 7.2 On each CPI Review Date the Cash Contribution must be adjusted on a proportionate basis in accordance with the adjustment to the Maximum Total Contribution.

8. Payment of Cash Contributions

- (a) The Developer must pay the Cash Contribution to Council as a contribution to the community facilities and works nominated as cash contributions in Schedule 1.
- (b) The Cash Contribution must be paid to Council, prior to the issue of the Subdivision Certificate, on a 'pro-rata' basis. The pro-rata payment calculation is to be based on the number of Residential Allotments included in the Subdivision Certificate for the relevant stage and outlined in Schedule 1.

9. Application of s94 and s94A of the Act to the Development

- 9.1 This Agreement excludes the application of section 94A and section 94 of the Act to the Proposed Development.
- 9.2 Notwithstanding Clause 9.1, should a section 94 Plan which applies to the land come into force prior to the issue of any development consent for subdivision of the land, this Agreement shall be terminated immediately and the adopted contribution rate within such section 94 Plan shall be applied in place of the Development Contribution cited within this Agreement.
- 9.3 Clause 9.2 does not allow the Council to retrospectively apply a section 94 contribution for allotments for which development contributions have been paid in accordance with this Agreement.
- 9.4 Subject to clause 10 should this Agreement be terminated in accordance with clause 22, section 94A or section 94 of the Act, whichever is applicable, will apply to the Proposed Development.

Page 7

101 Group Pty Ltd Voluntary Planning Agreement DRAFT V3 November 2015

ORDINARY MEETING

Meeting Date: 24 November 2015

10. Registration of this Agreement

(a) Either:

- (i) within 20 Business Days of the date of the Gazetteal; or
- (ii) within 120 days from the commencement of this Agreement;

whichever is the latter, the Developer must take all reasonable steps to procure the registration of the Agreement on the relevant folios of the register held by the LPI pertaining to the Development Land.

(b) The Council agrees:

- (i) to provide a release and discharge of this Agreement with respect to the Development Land or any lot, including a strata lot, created on subdivision of the Development Land on satisfaction by the Developer of the obligation to provide the Developer's Contribution: and
- (ii) to do all things reasonably necessary, including the execution of any documents, to enable the Developer to remove the notation of this Agreement on the relevant folios of the register, held by the LPI pertaining to the Land.

(c) The Council acknowledges that the registration of this Agreement on the relevant folios of the register held by the LPI pertaining to the Development Land, constitutes a suitable means of enforcement of this Agreement for the purposes of s93F(3)(g) under the Environmental Planning and Assessment Act 1979.

10. Review of this Agreement

The parties may agree to review this Agreement in circumstances and in a manner determined by the parties. Any amendment, modification, supplement or replacement document which results from a review must be in writing, signed by the parties and registered at LPI under Section 93H of the Act.

11. Dispute Resolution

11.1 Reference to Dispute

If a dispute arises between the Parties in relation to this Agreement, then the Parties must resolve that dispute in accordance with this clause.

11.2 Notice of Dispute

The Party wishing to commence the dispute resolution processes must notify the other Party in writing of:

- (a) the intent to invoke this clause;
- (b) the nature or subject matter of the dispute, including a summary of any efforts made to resolve the dispute other than by way of this clause; and
- (c) the outcomes which the notifying Party wishes to achieve (if practicable).

Page 8

101 Group Pty Ltd Voluntary Planning Agreement DRAFT V3 November 2015

ORDINARY MEETING

Meeting Date: 24 November 2015

11.3 Representatives of Parties to Meet

- (a) The representatives of the Parties must promptly (and in any event within 15 Business Days of the written notice provided in accordance with clause 10.2) meet in good faith to attempt to resolve the notified dispute.
- (b) The Parties may, without limitation:
 - (i) resolve the dispute during the course of that meeting;
 - (ii) agree that further material, expert determination in accordance with clause 10.5 or consideration is needed to effectively resolve the dispute (in which event the Parties will, in good faith, agree to a timetable for resolution); and
 - (iii) agree that the Parties are unlikely to resolve the dispute and, in good faith, agree to a form of alternative dispute resolution (including expert determination, arbitration or mediation) which is appropriate for the resolution of the relevant dispute.

11.4 No party may constrain

If:

- (a) at least one meeting has been held in accordance with clause 10.3; and
- (b) the Parties have been unable to reach an outcome identified in clause 10.3(b)(i) to (iii); and
- (c) any of the Parties, acting in good faith, forms the view that the dispute is reasonably unlikely to be resolved in accordance with a process agreed under clause 10.3, then, that Party may, by 15 Business Days written notice to the other Party, terminate the dispute resolution process in respect of that dispute. The termination of the process set out in this clause does not of itself amount to a breach of this Agreement.

11.5 Expert Determination

- (a) If a Dispute arises between Parties to this Agreement, the Parties may agree to refer the Dispute to expert determination in Sydney, New South Wales administered by the Australian Commercial Dispute Centre (ACDC).
- (b) The expert determination will be conducted in accordance with the ACDC Rules for Expert Determination (Rules) in force at the date of this Agreement. The Rules set out the procedures to be adopted, the process of selection of the expert and the costs involved, including the Parties' respective responsibilities for the payment of the expert's costs and other costs of the expert determination.
- (c) The expert determination will be final and binding on the Parties.
- (d) This clause 10.5 survives termination of this Agreement.

11.6 Urgent Relief

At any time, a Party may, without inconsistency with anything in this clause 10, seek urgent interlocutory relief in respect of a dispute under this Agreement from any Court having jurisdiction.

Page 9

101 Group Pty Ltd Voluntary Planning Agreement DRAFT V3 November 2015

ORDINARY MEETING

Meeting Date: 24 November 2015

12 Enforcement

- (a) Without limiting any other remedies available to the Parties, this Agreement may be enforced by any Party in any court of competent jurisdiction.
- (b) Nothing in this Agreement prevents:
 - (i) a Party from bringing proceedings in a court of competent jurisdiction to enforce any aspect of this Agreement or any matter to which this Agreement relates, subject to compliance with clause 10; and
 - (ii) the Council from exercising any function under the Act or any other Act or Law

13 Notices

- (a) Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
 - i. Delivered or posted to that Party at its address set out below.
 - ii. Faxed to that Party at its fax number set out below.

The Developer

Address:

Suite 138,
2-18 Buchanan Street, BALMAIN NSW 2757
PO Box 1176, ROZELLE NSW 2039
Facsimile: 1300 101 100

Council

Address:

Hawkesbury City Council:
General Manager
366 George Street,
WINDSOR NSW 2571

Telephone: 4560 4444
Facsimile: 4587 7740

- (b) If a Party gives the other Party 3 business day's notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.
- (c) Any notice, consent, information, application or request is to be treated as given or made at the following time:
 - i. If it is delivered, when it is left at the relevant address.
 - ii. If it is sent by post, 2 business days after it is posted.

Page 10

101 Group Pty Ltd Voluntary Planning Agreement DRAFT V3 November 2015

ORDINARY MEETING

Meeting Date: 24 November 2015

iii. If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.

(d) If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

14 Approvals and consent

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

15 Assignment and dealings

None of the parties to this Agreement may assign or otherwise deal with their rights, powers, obligations and remedies under this Agreement or allow any interest in them to arise or be varied, save and except as provided in clause 10.

16 Costs

Each party must bear and pay its own costs of and incidental to the preparation and execution of this Agreement.

17 Entire agreement

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

18 Further acts

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

19 Governing law and jurisdiction

This Agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

Page 11

101 Group Pty Ltd Voluntary Planning Agreement DRAFT V3 November 2015

20 Joint and individual liability and benefits

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

21 No fetter

Nothing in this Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

22 Release

When the Developer has satisfied all of the obligations imposed on it under this Agreement in respect of that part of the Development Land for which a Subdivision Certificate has been issued and for which the Developer's Contribution has been delivered then the Council must promptly at the request and at the reasonable expense of the Developer do all acts and things necessary to remove this Agreement from the title of that part of the Development Land.

23 Termination

Subject to clause 11 this Agreement may be terminated by the Council by written notice to the Developer if:

- (a) the Developer commits a breach of any of the terms and conditions of this Agreement and fails to remedy such a breach within fourteen (14) days of receipt of a written notice (which specifies the breach and requires the Developer to remedy the breach) whereupon the date of such termination will be effective on the 15th day from receipt of such written notice; or
- (b) an Event of Insolvency occurs.

24 Representations and warranties

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

25 Pooling of development contributions

The Developer's proposal provides a cash benefit to be utilised for public benefit under the terms of this VPA and Pooling the cash contribution with other monies paid under other VPAs may be an appropriate, fair and equitable way to apportion monies progressively for the different purposes under those VPAs to provide public benefits, particularly essential infrastructure.

26 Severability

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

27 Modification

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

28 Waiver

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

29 GST

- 29.1 Unless otherwise indicated, all amounts payable by one party to the other party in relation to a supply under this Agreement have been calculated exclusive of any GST which may be imposed on the supply.
- 29.2 If any supply made under this Agreement is, or becomes, subject to GST, the party to whom the supply is made ("Recipient") must pay to the party making the supply ("Supplier"), as consideration, in addition to any consideration payable or to be provided elsewhere in this Agreement, subject to issuing a Valid Tax Invoice, an additional amount on account of GST, such amount to be calculated by multiplying the consideration by the applicable rate of GST.

ORDINARY MEETING

Meeting Date: 24 November 2015

- 29.3 Any amount in respect of GST payable under clause 29.2 must be paid to the Supplier immediately on receipt of the Valid Tax Invoice.
- 29.4 If any party is required to reimburse or indemnify the other party for a cost or expense ("Cost") incurred by the other party, the amount of that Cost for the purpose of this Agreement is the amount of the Cost incurred, less the amount of any credit for, or refund of, GST, which the party incurring the Cost is entitled to claim in respect of the Cost.
- 29.5 If GST is linked with the abolition or reduction of other taxes and charges, all amounts payable by the Recipient to the Supplier under this Agreement (excluding GST) must be reduced by the same proportion as the actual total costs of the Supplier (excluding GST) are reduced either directly as a result of the abolition or reduction of other taxes and charges payable by the Supplier or indirectly by way of any reduction in prices (excluding GST) charged to the Supplier. Both parties must also comply with Part VB of the Trade Practices Act 1974 (Cth).

Page 14

101 Group Pty Ltd Voluntary Planning Agreement DRAFT V3 November 2015

ORDINARY MEETING

Meeting Date: 24 November 2015

Executed as an Agreement on

2015

Execution by Council

Signed by Hawkesbury City Council by
its authorised officer in the presence of:

Signature of witness

Signature of authorised officer

Name of witness

Authorised Officer's Name:
Signing on behalf of: Hawkesbury City Council
Power of Attorney Book:
No: _____

Address of witness

Execution by 101 GROUP PTY LTD

Signed by 101 GROUP PTY LTD
by:

Signature of director/company secretary

Signature of director

Print name

Print name

ORDINARY MEETING
Meeting Date: 24 November 2015

Schedule 1 –Proposed Contributions

Total Contributions

It is proposed to provide a total cash contribution to Council of \$960,000, subject to Clauses 6, 7 and 8, at a rate of \$30,000 per lot. The amount is based on the indicative public works shown in Appendix 1. However, it is ultimately a matter for Council as to the location and type of facilities to be provided.

Staging of Payments

The estimated development yield is 32 lots. Given the size of the development, no works in kind are proposed by this VPA. Therefore cash payments will be made in stages prior to release of final plan of subdivision at a rate of \$30,000 per lot, subject to Clauses 6, 7 and 8.

The number of lots released in each stage may vary depending on market demand and pre-commitments. Payments will be made based on the number of lots to be created in each stage. The following is the indicative staging and payment schedule for the development:

STAGE 1

Payable on release of subdivision certificate for first 10 lots: \$300,000

STAGE 2

Payable on release of subdivision certificate for lots 11-20: \$300,000

STAGE 3

Payable on release of subdivision certificate for lots 21-32: \$360,000

TOTAL CONTRIBUTIONS: \$960,000

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 November 2015

Item: 197

CP - LEP005/15 - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 18 James Street, South Windsor - (95498, 124414)

File Number: LEP005/15
Property Address: 18 James Street, South Windsor
Applicant: Urban City Consulting
Owner: Tony Scopelliti
Date Received: 4 September 2015
Current zone: SP2 Infrastructure (Community Facility)
Proposed zone: R3 Medium Density Residential

Recommendation: Council support the preparation of a planning proposal

REPORT:

Executive Summary

This report discusses a planning proposal from Urban City Consulting (the applicant) which seeks to amend Hawkesbury Local Environmental Plan 2012 (the LEP) to rezone Lot 4 DP 503048, 18 James Street, South Windsor from SP2 Infrastructure (Community Facility) to R3 Medium Density Residential under the LEP.

This report provides Council with an overview of the planning proposal and recommends that the preparation of a planning proposal be supported and submitted to the Department of Planning and Environment (DP&E) for a Gateway determination.

Consultation

The planning proposal has not yet been exhibited as Council has not resolved to prepare the proposal and the Department of Planning and Environment have not agreed to the exhibition via the issue of a 'Gateway' determination. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the Environmental Planning and Assessment Act, 1979 (the Act) and associated Regulations and as specified in the 'Gateway' determination.

Planning Proposal

The planning proposal seeks to rezone the subject site from SP2 Infrastructure (Community Facility) to R3 Medium Density Residential under the LEP to allow development of the site for residential purposes. The planning proposal aims to achieve this intended outcome by amending the Land Zoning Map of the LEP (Map Ref No - 3800_COM_LZN_008DA) to change the zoning of the site to R3 Medium Density Residential (see Attachment 1 to this Report).

Subject Site and Surrounds

The subject site is located on the north-western corner of James Street and Dickson Lane intersection and is in close proximity to the South Windsor Small Village Centre. It is located approximately 875m from the Windsor Railway Station and the Bus Interchange (see Figure 1 below).

ORDINARY MEETING

Meeting Date: 24 November 2015



Figure 1: Site Location Map

The site is legally described as Lot 4 DP 503048, 18 James Street, South Windsor. It is rectangular shape with an area of approximately 670m² and is bounded by James Street to the northeast, Dickson Lane to the southeast, an approximately 6m wide lane to the southwest and existing residential development to the northwest. The site has a main frontage to James Street of approximately 15.5m (see Figure 2 below).



Figure 2: Subject Site

ORDINARY MEETING

Meeting Date: 24 November 2015

The site is currently zoned SP2 Infrastructure (Community Facility) under the LEP.

The whole site is shown as being within Acid Sulfate Soil Classification 5.

The site is shown as being Agriculture Land Classification 9 Urban on maps prepared by the former NSW Department of Agriculture.

The site is not affected by aircraft noise from Richmond RAAF base and its flight paths.

The subject site is not shown as being bushfire prone on the NSW Rural Fire Service's Bushfire Prone Land Map. Also the site is not flood prone land.

According to Council mapping information the natural elevation at the north-western corner of the site is approximately 23m AHD and along the south-eastern boundary is approximately 23.5m AHD. The site is relatively flat with a very gently fall in the north-westerly direction.

The site falls within the Middle Nepean & Hawkesbury River Catchment Area of *Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997)*.

The site contains a large vacant building which has previously been used as a scouts hall. The existing land uses in the immediate vicinity of the site are low density and medium density residential development.

The surrounding area contains a mix of land uses including residential, retail and industrial development, public reserves/ open spaces, schools and community centres (see Figure 3 below).



Figure 3: The Site and Surrounds

Applicant's Justification of Proposal

The applicant has provided the following justification for the planning proposal:

- "a) The planning proposal will provide the opportunity for the site to be developed for a range of housing types located in a serviced area.*
- b) The site is suitable for medium density development as it is surrounded by R3 Medium Density Residential zone.*
- c) The planning proposal is consistent with both state and local planning framework.*
- d) The potential future development of the site for medium density housing will offer a choice of housing options that will be consistent with the existing urban area and residential development that surrounds the site.*
- e) The site has adequate access to utility and community services to accommodate a future residential development on the site.*
- f) The site is in close proximity to main transport routes linking Sydney and other regional areas*
- g) The future development of the site for residential purposes is unlikely to have any significant impact on the amenity of the current surrounding residential development."*

The site was used as a Scout hall for a number of years but that use has ceased and is no longer required. As a result the site was sold to the current owner, Mr Scopelliti.

Metropolitan Strategy, Draft North West Subregional Strategy and Hawkesbury Residential Land Strategy

The NSW Government's 'A Plan for Growing Sydney' December 2014 (the Sydney Metropolitan Strategy) and Draft North West Subregional Strategy establish the broad planning directions for the Sydney metropolitan area and north-western sector of Sydney respectively. These documents identify a number of strategies, objectives and actions relating to the economy and employment, centres and corridors, housing, transport, environment and resources, parks and public places, implementation and governance.

This state planning framework aims to provide more housing, with a greater choice of dwelling types in well serviced locations to help meet changing household needs, lifestyle choices, population growth and different household budgets and accelerate new housing in established urban areas in general.

The planning proposal seeking rezoning of the site which is located within an established urban area with easy access to required infrastructure services and the existing regional road network and in close proximity to both the South Windsor Small Village Centre, Windsor Railway Station and Bus Interchange to a residential zoning enabling increased housing choice and opportunities is considered generally consistent with this State planning framework.

Section 117 Directions

The Minister for Planning, under section 117(2) of the Act, issues directions that relevant planning authorities including councils must comply with when preparing planning proposals. The directions cover the following broad range categories:

- employment and resources
- environment and heritage
- housing, infrastructure and urban development
- hazard and risk
- regional planning

ORDINARY MEETING

Meeting Date: 24 November 2015

- local plan making
- implementation of a plan for growing Sydney.

Section 117 Directions are issued by the Minister for Planning and Infrastructure and apply to planning proposals. Typically, the Section 117 Directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal. However all these Directions permit variations subject to meeting certain criteria (see the last part of this section of the report). The principal criterion for variation to a 117 Direction is consistency with an adopted Local or Regional Strategy.

A summary of the key Section 117 Directions applying to the planning proposal follows:

Direction 1.3 Mining, Petroleum Production and Extractive Industries

The objective of this direction is to ensure that future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

Direction 1.3 (3) states that:

"This Direction applies when a relevant planning authority prepares a planning proposal that would have the effect of:

- (a) Prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or*
- (b) Restricting the potential development of resources of coal, other mineral, petroleum or extractive materials which are of State regional significance by permitting a land use that is likely to be incompatible with such development."*

The site is not located within the Identified Resource Area or the Potential Resource Area or the Transition Area - or adjacent to identified resource areas as defined by mineral resource mapping provided by the NSW Resource & Energy Division of NSW Trade & Investment. Also, the subject land is not located within or in the vicinity of land described in Schedule 1, 2 and 5 of the *Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995)* nor will the proposed development restrict the obtaining of deposits of extractive material from such land.

The planning proposal seeks amendments only to the Land Zoning Map of the LEP, and does not propose any provisions prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential development of resources of coal, other mineral, petroleum or extractive materials which are of State regional significance by permitting a land use that is likely to be incompatible with such development.

However, given mining and extractive industries are prohibited land uses in the proposed R3 Medium Density Residential zone, consultation is required with the NSW Trade and Investment (NSW T&I) should Council resolve to proceed with the planning proposal and receive a gateway determination advising to proceed with the planning proposal from DP&E in accordance with this Direction.

Direction 3.1 Residential Zones

Planning proposals must include provisions that encourage the provision of housing that will:

- broaden the choice of building types and locations available in the housing market
- make more efficient use of existing infrastructure and services
- reduce the consumption of land for housing and associated urban development on the urban fringe
- be of good design.

ORDINARY MEETING

Meeting Date: 24 November 2015

Furthermore a planning proposal must contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it).

The planning proposal will enable infill development of the site within an established urban residential area for residential purposes and provide the local community with increased housing choice and opportunities in close proximity to the South Windsor Small Village Centre. This will help reduce the consumption of land for housing and associated urban development on the urban fringe.

Clause 6.7 Essential services of the LEP, makes provisions for essential services. As this clause ensures that all essential services are in place to accommodate future development on the site the planning proposal does not propose a provision for essential services. Therefore, it is considered that the planning proposal is generally consistent with this Direction.

Direction 3.3 Home Occupations

The objective of this Direction is to encourage the carrying out of low-impact small businesses in dwelling houses. Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.

The planning proposal seeks to rezone the site to R3 Medium Density Residential which permits carrying out of home occupations in dwelling houses without development consent. The planning proposal is therefore consistent with this Direction.

Direction 3.4 Integrating Land Use and Transport

The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- "(a) improving access to housing, jobs and services by walking, cycling and public transport,*
- (b) increasing the choice of available transport and reducing dependence on cars,*
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car,*
- (d) supporting the efficient and viable operation of public transport services, and*
- (e) providing for the efficient movement of freight."*

The planning proposal seeks to rezone the site to R3 Medium Density Residential to enable development of the site in proximity to the South Windsor Small Village Centre and Windsor Railway Station and Bus Interchange for residential purposes. This would help increase viability of both rail and road transport networks, local business/retail activities and employment opportunities and thereby assist the growth and change of the existing Centre. It is therefore considered that the planning proposal is generally consistent with this Direction.

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of DP&E. The subject site is identified as containing "Class 5" (less constrained) on the Acid Sulfate Soils Planning Maps, and as such any future development on the site will be subject to Clause 6.1 Acid Sulfate Soils of the LEP which has been prepared in accordance with the Acid Sulfate Soils Model Local Environmental Plan provisions within the Acid Sulfate Soils Planning Guidelines adopted by the Director General.

ORDINARY MEETING

Meeting Date: 24 November 2015

This Direction requires that a relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.

The relevant planning authority must provide a copy of such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act.

An acid sulfate soils study has not been included in the planning proposal. The DP&E will consider this as part of their 'Gateway' determination and if required can request further information/consideration of this matter.

Direction 6.1 Approval and Referral Requirements

The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. This Direction requires that a planning proposal must:

- "(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and*
- (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:*
 - (i) the appropriate Minister or public authority, and*
 - (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act, and*
- (c) not identify development as designated development unless the relevant planning authority:*
 - (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and*
 - (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act."*

It is considered that the planning proposal is consistent with this Direction as it does not contain provisions requiring the concurrence, consultation or referral of development applications to a Minister or public authority, and does not identify development as designated development.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. The planning proposal proposes an amendment to the Land Zoning Map of the LEP only and does not include any restrictive site specific planning controls. It is therefore considered that the proposed amendment is consistent with this Direction.

Direction 7.1 Implementation of 'A Plan for Growing Sydney'

This Direction requires planning proposals to be consistent with the NSW Government's 'A Plan for Growing Sydney' (the Sydney Metropolitan Strategy) released in December 2014. 'A Plan for Growing Sydney' is the NSW Government's 20-year plan for the Sydney Metropolitan Area. It provides directions for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space. The early part of this report demonstrates that the planning proposal is consistent with this plan.

State Environmental Planning Policies

The State Environmental Planning Policies of most relevance are *State Environmental Planning Policy No. 55 Remediation of Land*, *Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995)* and *Sydney Regional Environmental Plan No. 20 Hawkesbury - Nepean River (No.2 - 1997)*.

SEPP 55 requires consideration as to whether or not land is contaminated, and if so, is it suitable for future permitted uses in its current state or does it require remediation. SEPP 55 may require Council to obtain, and have regard to, a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

The applicant does not provide a detailed history of the use of the site other than stating that the site has been used as a scout hall for a number of years. Council's records also do not indicate any other use of the site. Given there are no records showing that the site has been used for any other purposes it is considered that the land would not be contaminated.

If the planning proposal is to proceed further consideration of potential contamination can be dealt with after DP&E's 'Gateway' determination.

The primary aims of SREP No 9 (No.2 -1995) are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential. The site is not within the vicinity of land described in Schedule 1, 2 and 5 of the SREP nor will the proposal development restrict the obtaining of deposits of extractive material from such land.

The aim of SREP No 20 (No. 2 - 1997) is 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. This requires consideration of the strategies listed in the Action Plan of the Hawkesbury - Nepean Environmental Planning Strategy, impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as total catchment management, water quality, water quantity, flora and fauna, agriculture, rural residential development and the metropolitan strategy.

Specifically the SREP encourages Council to consider the following:

- *rural residential areas should not reduce agricultural viability, contribute to urban sprawl or have adverse environmental impact (particularly on the water cycle and flora and fauna)*
- *develop in accordance with the land capability of the site and do not cause land degradation*
- *the impact of the development and the cumulative environmental impact of other development proposals on the catchment*
- *quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters*

ORDINARY MEETING

Meeting Date: 24 November 2015

- *consider the need to ensure that water quality goals for aquatic ecosystem protection are achieved and monitored*
- *consider the ability of the land to accommodate on-site effluent disposal in the long term and do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site*
- *when considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of rural land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 20 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan*
- *minimise or eliminate point source and diffuse source pollution by the use of best management practices*
- *site and orientate development appropriately to ensure bank stability*
- *protect the habitat of native aquatic plants*
- *locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land*
- *consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms*
- *conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities and existing or potential fauna corridors*
- *minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices*
- *consider the impact on ecological processes, such as waste assimilation and nutrient cycling*
- *consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas*
- *consider the need to control access to flora and fauna habitat areas*
- *give priority to agricultural production in rural zones*
- *protect agricultural sustainability from the adverse impacts of other forms of proposed development*
- *consider the ability of the site to sustain over the long term the development concerned*
- *maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development*
- *consider any adverse environmental impacts of infrastructure associated with the development concerned.*

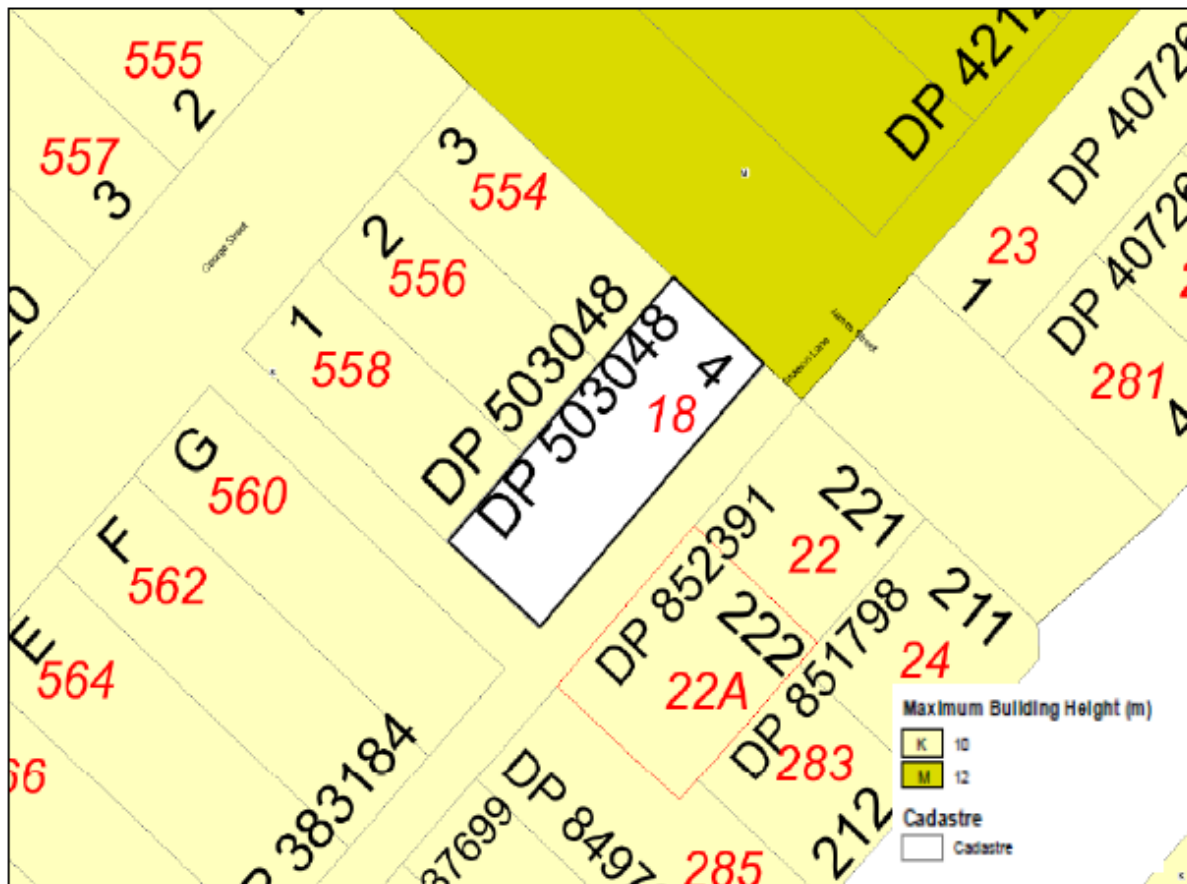


Figure 5: Current Height of Buildings Map Extract

In order to ensure consistency with the 450m² minimum lot size and 10m maximum height of buildings provisions applying to the properties within the immediate vicinity, it is proposed to amend the current Lot Size Map (Map Ref. 3800_COM_LSZ_008DA) and Height of Buildings Map (Map Ref. No 3800_COM_HOB_008DA) as shown in Attachments 2 and 3 respectively to this report.

Character of the Area

The land uses surrounding the site are predominantly characterised by residential and the properties immediately northwest, southeast and southwest of the site are zoned R3 Medium density Residential (see Figure 6 below). Therefore, the planning proposal seeking rezoning of the site to R3 Medium Density Residential enabling development of the site for medium density residential purpose is generally consistent with the character of the locality.

ORDINARY MEETING

Meeting Date: 24 November 2015



Figure 6: Surrounding Land Uses

Services

The applicant states that:

"The site has access currently to existing physical and community infrastructure which will be able to support the likely increase in population as a result of any future residential development on the land. The site has current access to public transport systems."

It is considered that the future development of the site would not create additional demand for infrastructure as the site has adequate access to electricity reticulated water and sewer, and telecommunication services to accommodate a suitable residential development on the site.

Public Transport, Accessibility and Traffic Generation

The planning proposal is not supported by a transport/traffic statement or traffic impact statement. However, given the site is located within a reasonable walking distance to both the Windsor Railway Station and the Bus Interchange the site has a reasonable access to public transport system.

The site has been accessed via James Street.

Given the site access arrangement from James Street which is a local road with no significant traffic movements, it is a matter for Council to consider any likely impacts of the future development of the land on the local road network or the residential amenity in the locality at the development application stage.

Ecology

The Terrestrial Biodiversity (TBV) Map of LEP 2012 does not identify the site contains significant vegetation. There are a few shrubs along the Dickson Lane frontage.

The planning proposal does not indicate the presence of any critical habitat on the site. Given the site's location, size, features and conditions it is considered that the presence of any critical habitat on the site is very unlikely.

ORDINARY MEETING

Meeting Date: 24 November 2015

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking after People and Place Directions statement.

- Offer residents a choice of housing options that meet their needs whilst being sympathetic to the qualities of the Hawkesbury.

Conclusion

The assessment of the planning proposal with regard to the matters considered in this report reveals that the land has the potential for some form of urban residential development and the planning proposal has some merit due to the following:

- the proposal's consistency with the relevant State and Local plan/policy framework
- its location in proximity to South Windsor Small Village Centre, Railway Station and Public Bus Interchange
- no significant development constraints to accommodate a residential development on the site.
- the planning proposal would enable orderly development and economic use and of the site
- easy access to community infrastructure and required services to accommodate a residential development.

It is recommended that Council support the planning proposal to allow the subject land to be developed for residential purposes.

Financial Implications

The applicant has paid the planning proposal application fees required by Council's Fees and Charges for the preparation of a local environmental plan.

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.

ORDINARY MEETING

Meeting Date: 24 November 2015

RECOMMENDATION:

That:

1. Council support the preparation of a planning proposal relating to Lot 4 DP 503048, 18 James Street, South Windsor to:
 - a) amend the Land Zoning Map of Hawkesbury Local Environmental Plan 2012 to change the current zoning of the site from SP2 Infrastructure to R3 Medium Density Residential as shown in Attachment 1 to this report
 - b) amend the Lot Size Map of the Hawkesbury Local Environmental Plan 2012 to specify 450m² minimum lot size for the site as shown in Attachment 2 to this report
 - c) amend the Height of Buildings Map of the Hawkesbury Local Environmental Plan 2012 to specify 10m maximum height of buildings for the site as shown in Attachment 3 to this report.
2. The planning proposal be forwarded to the Department of Planning and Environment with a request for a 'Gateway' determination.
3. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.

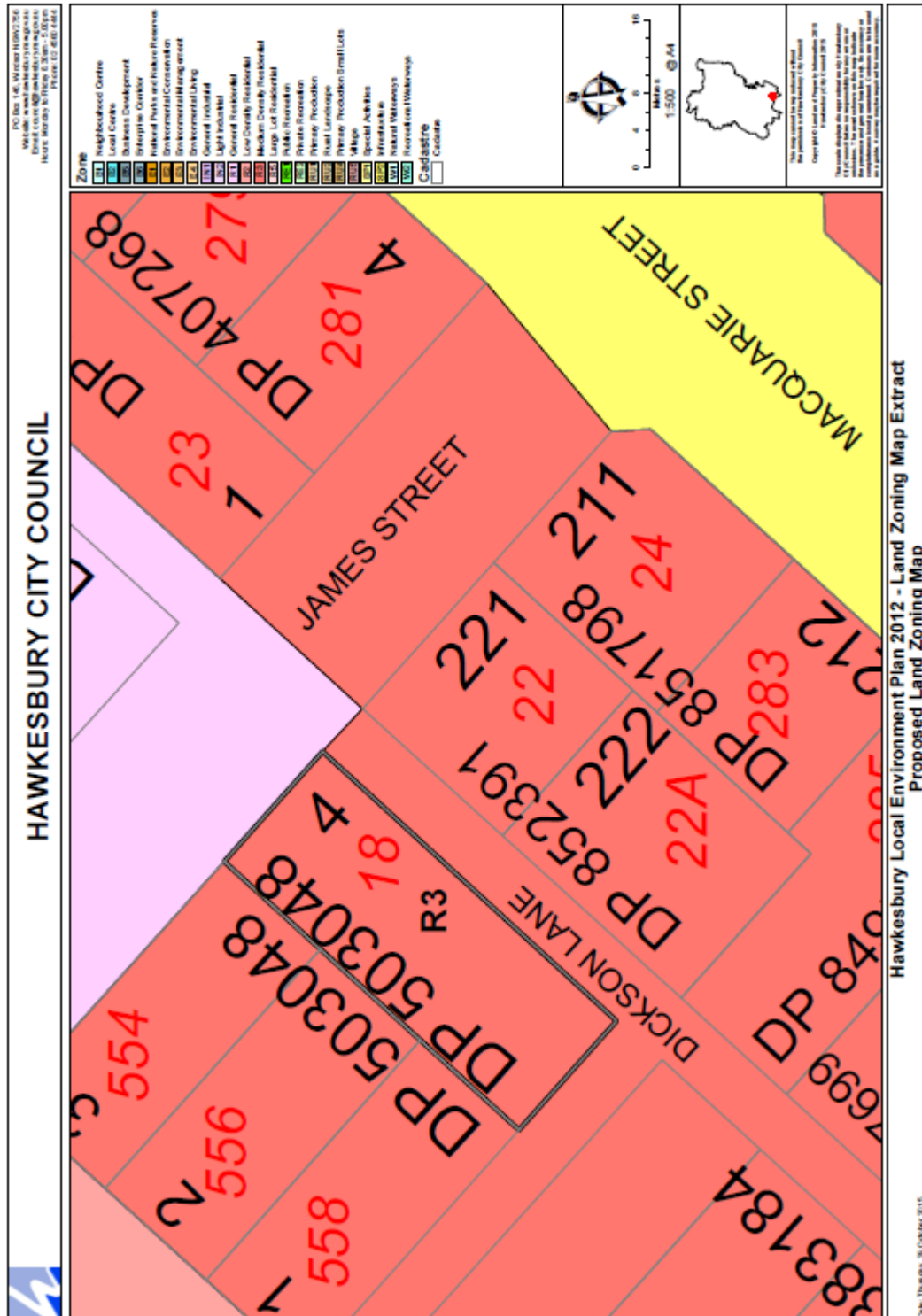
ATTACHMENTS:

- AT - 1** Proposed Land Zoning Map
- AT - 2** Proposed Minimum Lot Size Map
- AT - 3** Proposed Height of Buildings Map

ORDINARY MEETING

Meeting Date: 24 November 2015

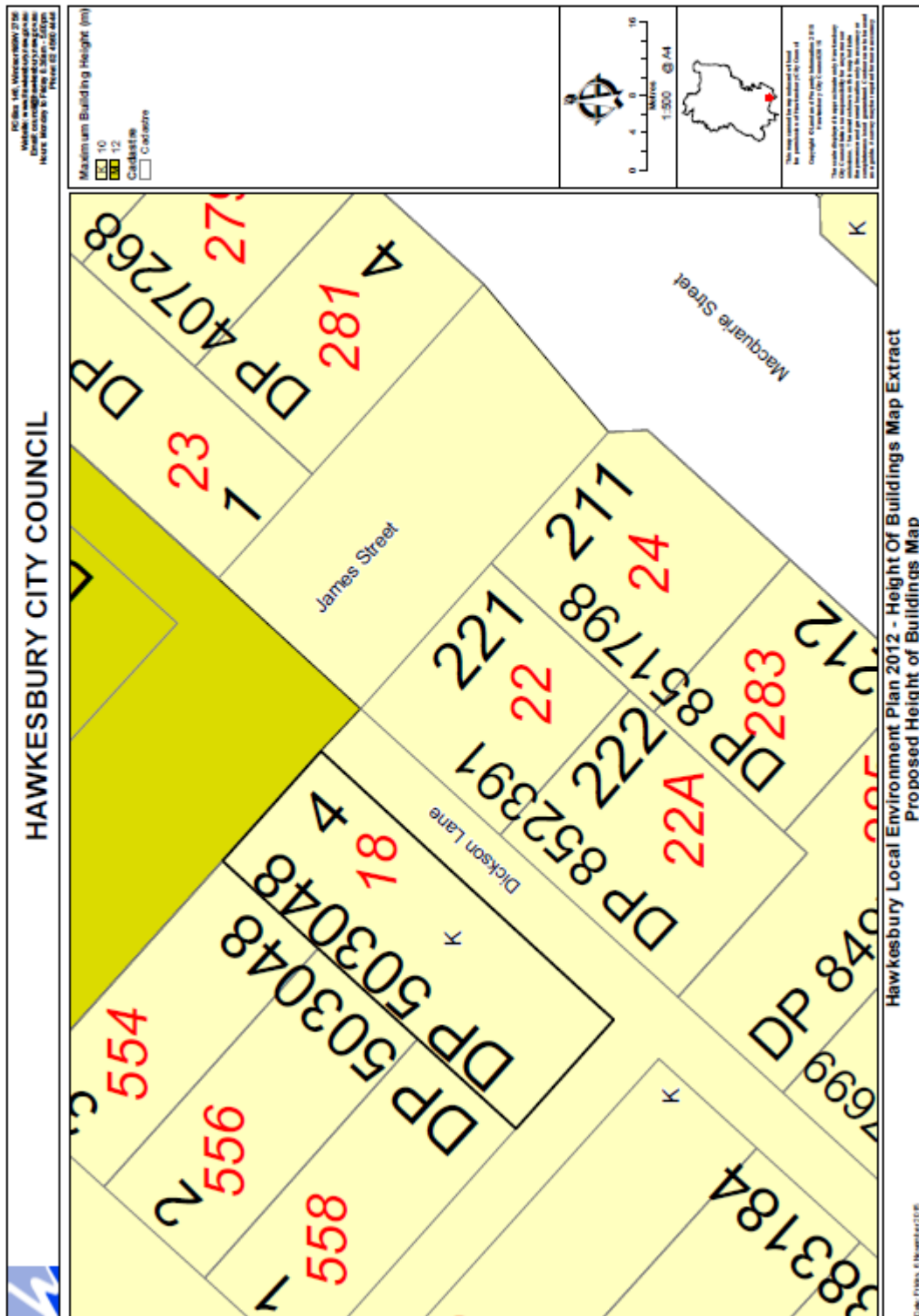
AT - 1 Proposed Land Zoning Map



ORDINARY MEETING

Meeting Date: 24 November 2015

AT - 3 Proposed Height of Buildings Map



ORDINARY MEETING

Meeting Date: 24 November 2015

Item: 198 **CP - Pitt Town Development Area - Draft Indicative Road Layout for "Precinct D" - (95498, 124414)**

REPORT:

Executive Summary

The purpose of this report is to discuss the outcome of consultation with relevant landowners regarding a draft indicative road layout for "Precinct D" of the Pitt Town Development Area.

This report recommends that the indicative road layout continue to be used as an Interim Policy of Council and that it be incorporated into the next available amendment to the Hawkesbury Development Control Plan 2002.

Background

On 3 February 2015, Council considered a report regarding a draft indicative road layout for "Precinct D" of the Pitt Town Development Area. Council was advised that a road layout for "Precinct D" of the Pitt Town Development Area was needed to give landowners, developers and Council staff direction in relation to road layouts associated with the subdivision of land in "Precinct D".

In response, Council resolved:

"That:

1. *The road layout attached to the report for Precinct D (Central Precinct) in the Pitt Town Development Area be used as an interim Policy of Council.*
2. *Council officers consult with the relevant landowners to discuss the preliminary road layout discussed in this report.*
3. *A further report be presented to Council, following consultation with landowners, to consider a DCP amendment for a road layout in Precinct D (Central Precinct) of the Pitt Town Development Area."*

The indicative road layout, as exhibited, is shown in Attachment 1 to this report. This report satisfies the requirement of part 3 in the above resolution.

Land Owner Consultation

On 14 May 2015, letters were sent to all affected landowners advising them of the draft indicative road layout, inviting them to attend a landowners meeting on 1 June 2015 and requesting submissions by 15 June 2015.

The landowners meeting of 1 June 2015 was held at the Pitt Town Anglican Church Hall and was attended by approximately 14 people. A presentation was given by Council staff followed by a question and answer session.

Following requests on behalf of some landowners, an additional letter was sent to all affected land owners on 11 June 2015 extending the deadline for the receipt of submissions to 29 June 2015.

ORDINARY MEETING

Meeting Date: 24 November 2015

Submissions

Four submissions were received as a result of the land owner consultation. A summary of each submission and a staff response is provided below. The first three submissions relate to neighbouring properties 102, 116 and 122 Hall Street, Pitt Town. These properties and the proposed road layout, as exhibited, are shown in Figure 1 below.



Figure 1: 102, 116 and 122 Hall Street, Pitt Town

Edwards Planning on behalf of owners of 102 Hall Street, Pitt Town

Submission

Following discussions with Council staff in November 2014 a development application was prepared (however not lodged) for an 11 lot submission relying on a single road access from Hall Street. See Figure 2 below.

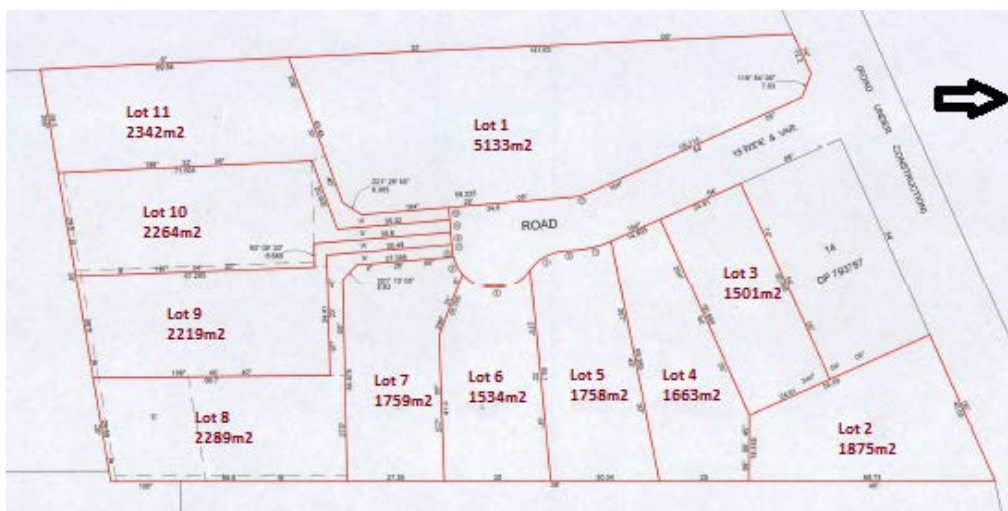


Figure 2: Proposed subdivision of 102 Hall Street, Pitt Town

ORDINARY MEETING

Meeting Date: 24 November 2015

Land owners are concerned that the indicative road layout will unreasonably sterilise part of the land and reduce the potential lot yield from 11 lots to seven lots.

The 11 lot proposal provides for the orderly subdivision and development of the site and does not result in the fragmentation of adjoining land, nor impede the ability for adjoining land to be developed.

Council needs to consider the impacts on the rear of the heritage listed dwelling and how that will be treated if the draft road layout is to proceed, i.e. fencing, landscaping etc.

Staff Response

Edwards Planning was requested to provide further information demonstrating how the proposed road layout would reduce the lot yield from 11 to seven lots. Edwards Planning was also advised that key objectives in preparing the indicative road layout were to provide lots with direct vehicular access to a public road and for through or connecting roads. Accordingly, Edwards Planning was also requested to advise how the proposed subdivision would impact on Council achieving these objectives and comment on what the impact their amendment would have on the proposed roads through adjoining properties 94 and 116 Hall Street, Pitt Town.

Edwards Planning responded by stating that the proposed east-west road would sterilise a substantial portion of the site and would therefore reduce the number of lots achievable. Whilst Edwards Planning did note that the proposed lots at the rear property were oversized and that it was possible to reduce the size of these lots to achieve a similar lot yield, the owner's preference is for larger lots to provide a variety of lot sizes and meet the current demands in the Pitt Town development area.

The minimum lot size provision for this property under the Hawkesbury Local Environmental Plan 2012 is 1,500m². As can be seen in Figure 2, proposed lots eight to 11 are at least 700m² larger than the minimum lot size requirement. To achieve the road layout as exhibited it is estimated that approximately 550m² - 650m² of land from each lot would be required for road purposes (this comprises the proposed east-west road and part of the proposed north-south road). Given the size of proposed lots 8 to 11 it is considered that there is sufficient land area to cater for the proposed roads through these lots in a manner that would and still achieve the minimum lot size standard and achieve a yield of 11 lots.

The proposed layout shown in Figure 2 above would result in a poor planning outcome at the rear of the site, i.e. four battle axe allotments, lack of street frontage for waste collection, etc., and would also severely limit the ability of surrounding allotments to develop to their full potential, i.e., would not have through roads, irregular shaped allotments and inefficient servicing and layout. It is considered that the original proposed road layout from 3 February 2015 would result in a more efficient development of the site whilst retaining the desired development yield.

On the subject property is a heritage listed cottage, known as "Wilbow's Stone Cottage". This cottage is approximately 30 m from the proposed road and the private open space behind this cottage is substantially shielded from the proposed road by two outbuildings. These outbuildings are approximately 16 m from the proposed road. Such separation allows for the provision of additional landscaping and fencing if required in the future.

Urban City Consulting on behalf of owners of 116 Hall Street, Pitt Town

Submission

The proposed future road traverses the property in an east-west direction.

A substantial home is on the land which is proposed to remain in the long term. The proposed road would abut the rear private open space of this dwelling and the owner is concerned with the resultant loss of amenity and privacy.

ORDINARY MEETING

Meeting Date: 24 November 2015

The location of the road would result in the existing dwelling backing onto a public road resulting in a less than desirable street presentation of the dwelling and subsequent high boundary fencing to afford privacy to the private open space. Council would normally not favour this outcome if it were dealing with a new dwelling proposed and accordingly should not design a road proposal which encourages that result with the existing dwelling.

The proposed road location does not facilitate the optimum lot yield for the land as it prevents the creation of lots on the immediate northern side of the proposed road.

It is requested that the proposed road be moved south of its current location so as to allow creation of lots on both the northern and southern side of the road. See Figure 3 below.

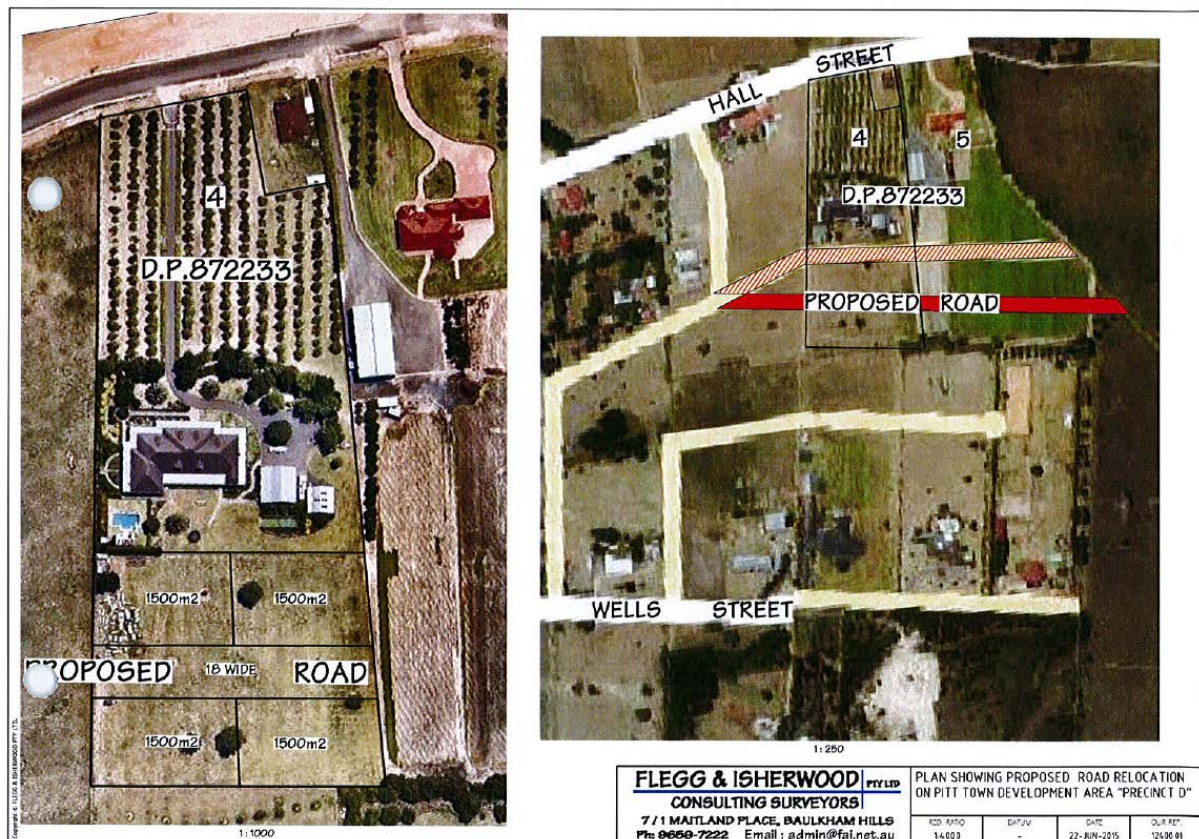


Figure 3: Urban City Consulting proposed amendment to road layout
(Note: the solid red road represents the proposed amended road location)

Staff Response

It is agreed that under normal circumstances having a new dwelling and its associated private open space directly backing onto a public road is not desirable. However, in this circumstance, Council is seeking to retrofit a new road amongst existing dwellings. In determining the location of the proposed roads throughout "Precinct D" effort was made to avoid this situation, however in limited circumstances this does occur. It is difficult to resolve this issue without reducing lot yields on the land affected or adjacent lands and/or compromising the above mentioned key objectives of providing lots with direct vehicular access to a public road and maximising through or connecting roads in the precinct.

The amendment to the road layout proposed by Urban City Consulting (UCC) would provide greater privacy and amenity for the occupants of the existing dwelling and allow for subsequent new properties to directly front onto the amended road. These benefits are however not without disadvantages.

ORDINARY MEETING

Meeting Date: 24 November 2015

Firstly, the amended road produces east-west orientated lots on the subject land (as shown in Figure 3) and on the adjacent 122 Hall Street which will have their longer side facing the road. With the likely dimensions of these lots it is anticipated that the private open space for the subsequent dwellings will be to the side of the dwelling and adjacent to the road rather than to the rear of the dwelling. This would affect the four lots proposed on 116 Hall Street and possibly up to six lots on the adjacent 122 Hall Street.

Secondly, at present the proposed road through 122 Hall Street is located towards the centre of the property allowing for new lots to be created either side of the new road and for other land on the property suitable for subdivision to gain direct access from Hall Street or a proposed south-east extension of Hall Street. By moving the proposed road to the south as suggested by UCC this somewhat ideal centre location is lost and it is anticipated that an additional road will need to be constructed between the amended road and Hall Street in order for other lots to be provided with direct access to a public road. Accordingly, the amendment suggested by UCC is considered to be a less orderly and efficient use of land.

Finally, UCC's suggested amendment was discussed with the owners of 122 Hall Street and they expressed concern about a possible reduction in lot yield and additional road construction as described above.

Owners of 122 Hall Street, Pitt Town

Submission

No objection to proposed road layout subject to owners being able to subdivide evenly both sides of the road and that the rear of new lots would be 10m - 15m away from the back of the existing shed.

Staff Response

In order to achieve the owner's request the proposed road would need to be moved approximately 15 m south. So as to avoid unnecessary bends and deviations, the road would also need to be moved approximately 15 m to the south on 116 Hall Street. The effect of this would be to reduce the possible number of lots to the south of the road on 116 Hall Street from four lots to three lots.

This was discussed with the owners as well as options to achieve suitable separation of new lots from their existing shed, e.g. as reducing the depth of lots between the proposed road and existing shed. As a result, the owners advised that they did not object to the road remaining were proposed.

Owner of 39 Wells Street, Pitt Town

Submission

Supports proposed layout within vicinity of 39 Wells Street.

Requests that Council ensures Wells Street is sealed and existing properties will be able to have access to all services that will be on offer to new properties.

39 Wells Street will not be further developed hence it is requested that there will be no cost to landowner concerning any development.

Council should ensure we do not end up in a "rabbit warren" of development and Council should maintain the character of Pitt Town by giving thought to people's living environment.

Staff Response

It is proposed that all of Wells Street will be upgraded as a result of the expected development within "Precinct D". This will be achieved by way of works undertaken by developers when land is subdivided and, in the case of land not to be developed, by way of section 94 contributions and budget allocations.

ORDINARY MEETING

Meeting Date: 24 November 2015

Obtaining access to new services, such as sewer and NBN, to be provided in the area is a matter for individual owners to take up with the relevant service providers.

If land is not further subdivided then relevant land owners will not incur any development costs.

It is assumed the author's reference to "rabbit warren" is in respect to the density of development. The density of the development is primarily governed by the minimum lot size and density controls contained within the Hawkesbury Local Environmental Plan 2012 and the building setback provisions of the Hawkesbury Development Control Plan 2002. The proposed road layout does not alter these provisions.

Conclusion

Council staff have consulted with relevant landowners with respect to an indicative road layout for "Precinct D" of the Pitt Town Development Area. Four submissions were received and for the reasons outlined in this report it is recommended that no amendments be made to the indicative road layout as a result of these submissions. It is therefore recommended that the indicative road layout continue to be used as an interim policy of Council, to guide development in "Precinct D".

At the Ordinary Meeting of 3 February 2015, Council resolved that a further report be presented to Council, following consultation with landowners, to consider an amendment to the Hawkesbury Development Control Plan 2002 (DCP) for the indicative road layout. Given the existence of the interim policy it is considered that any associated amendment to the DCP is not sufficiently urgent so as to require a standalone amendment. Rather, a more efficient use of Council resources would be to bundle this amendment with other appropriate future amendments. It is therefore recommended that the indicative road layout be included in the next available amendment to the DCP.

Conformance to the Hawkesbury Community Strategic Plan

The following provisions of the CSP are of most relevance to the draft indicative road layout.

Looking After People and Place

Direction

- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.

Strategy

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

Caring for Our Environment

Direction

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

Strategy

- Manage growth with ecologically sustainable principles.

Financial Implications

The costs associated with the matter can be covered in Council's existing budget.

ORDINARY MEETING

Meeting Date: 24 November 2015

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 the:

1. Indicative Road Layout for Pitt Town Development Area "Precinct D" as attached to this report continue to be used as an Interim Policy of Council.
2. Indicative Road Layout for Pitt Town Development Area "Precinct D" as attached to this report be incorporated into the next available amendment to the Hawkesbury Development Control Plan 2002.

ATTACHMENTS:

AT -1 Indicative Road Layout for Pitt Town Development Area "Precinct D"

Meeting Date: 24 November 2015

[illegible]

oooO END OF REPORT Oooo

Item: 199 CP - Kurmond and Kurrajong Investigation Area - Progress Report - (95498, 124414)

REPORT:

Executive Summary

The purpose of this report is to provide Council with a progress report regarding a local planning approach for the Kurmond and Kurrajong investigation area and inform Council of the status of other planning proposals.

This report recommends that the information be received.

Consultation

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

Background

At Council's meeting of 28 July 2015, it was resolved as follows:

"That:

1. *The draft development principles and local planning approach outlined in this report be adopted as an Interim Policy for the purposes of structure planning within the Kurmond and Kurrajong Investigation area.*
2. *Council officers initiate discussions with the Kurmond and Kurrajong landowners and community about the Interim Policy and local planning approach, in September 2015.*
3. *Council's resolution of 3 February 2015 in relation to lodgement of any NEW residential planning proposal applications:*
 - a) *Be temporarily maintained for mapped investigation areas shown in the Residential Land Strategy around Richmond/Hobartville, North Richmond, Wilberforce, Glossodia and Windsor/South Windsor/Bligh Park pending the submission of a report regarding those areas to the second Council meeting in August 2015*
 - b) *Be maintained for the Kurmond and Kurrajong investigation area and all other unmapped, non-urban investigation areas around rural villages as identified in the Residential Land Strategy until 30 November 2015.*
4. *Those current planning proposals within the Kurmond and Kurrajong Investigation area (see Attachment 2) only proceed to Gateway if the 'fundamental' development constraints have been addressed (see Attachment 1).*
5. *Site specific planning proposals for any areas to be kept to a minimum and any additional amendments to LEP 2012 outside the local planning approach be kept to correcting minor drafting errors or strategic amendments instigated by Council.*
6. *Any other proposed residential amendments resulting from the Residential Land Strategy or the local planning approach for Kurmond and Kurrajong Investigation Area which are supported, be combined into a single Planning Proposal to amend LEP 2012 in 2016/17.*

ORDINARY MEETING

Meeting Date: 24 November 2015

7. *A report be submitted to Council no later than November 2015 regarding the progress of the local planning approach for the Kurmond and Kurrajong investigation areas and the status of other planning proposals.*
8. *A separate report be submitted to Council early in 2016 on the progress of the review of the Residential Land Strategy including the progress in implementing Council's resolution under Item 4 of 9 December 2014 for the Residential Land Strategy to include 'Second Dwellings'.*

This report relates to parts 2 and 7 of the above resolution as well as other related matters.

A progress report was presented to the Council meeting of 25 August 2015 where the following, in part, was resolved in relation to part 3(a) of the 28 July 2015 resolution:

"Council's resolutions of 3 February 2015 and 28 July 2015 in relation to lodgement of any NEW residential planning proposal applications for the mapped investigation areas shown in the Residential Land Strategy around Richmond/Hobartville, North Richmond, Wilberforce, Glossodia and Windsor/South Windsor be lifted immediately."

Consultation with Kurmond and Kurrajong landowners and community about the Interim Policy and local planning approach

Consultation with landowners and the community has been delayed due to staff vacancies and competing project priorities. Following consideration of a range of consultation options, it is proposed that Council write to all land owners and occupiers in the investigation area and the village centres of Kurmond and Kurrajong inviting them to take part in an online survey via Council's community engagement tool Your Hawkesbury Your Say. It is proposed that the survey will be a closed group survey commencing late November/early December 2015.

The survey will seek to obtain the land owners and occupiers views regarding where development should occur, lot sizes, development constraints (i.e. the Interim Policy adopted by Council on 28 July 2105), general interest and timeframe for development.

It is anticipated that the results of the survey will be reported to Council in early 2016.

Progress of the Local Planning Approach

The report to Council on 28 July 2015 outlined a local planning approach to guide consideration of any future planning proposal applications for rezoning and/or changes to lot sizes or other amendments within the Kurmond and Kurrajong investigation area and all other unmapped, non-urban investigation areas around rural villages as identified in the Residential Land Strategy (RLS).

The main thrust of the local planning approach was that, based on consideration of agreed development constraints, Council should undertake structure planning and development contribution planning prior to amending the Hawkesbury Local Environmental Plan 2012 to allow further large lot residential or rural-residential development within the City. Specifically the recommended local planning approach was that:

1. *The suspension for accepting new residential planning proposals in the Kurmond and Kurrajong investigation area be continued.*
2. *A local planning approach be taken for all areas with a location outside of the RLS mapped investigation areas of Richmond/Hobartville, North Richmond, Wilberforce, Glossodia, Windsor/South Windsor/Bligh Park.*
3. *Those current Planning Proposals within the Kurmond and Kurrajong Investigation area only proceed to Gateway if the fundamental development constraints have been addressed.*

ORDINARY MEETING

Meeting Date: 24 November 2015

4. *Site specific planning proposals be kept to a minimum and any additional amendments to LEP 2012 outside the local planning approach be limited to correcting drafting errors or strategic amendments instigated by Council.*
5. *Any other proposed residential amendments resulting from the RLS or the local planning approach which are supported, be combined into a single Planning Proposal to amend LEP 2012 in 2016/17.*

Council adopted all of these recommendations with the exception of recommendation 1 whereby Council resolved that the suspension be continued until 30 November 2015.

The main focus of Council staff since 28 July 2015 has been to progress structure planning for the investigation area and continuing the processing of existing planning proposals. These matters are discussed in the following sections of this report.

Progress of Structure Planning

The report to Council of 28 July 2015 identified the following benefits of structure planning:

1. Enables community input at an early phase of planning, providing certainty for the community, Council and development industry.
2. Council and the community can collectively determine the future development character rather than individual landowners.
3. Provides certainty for landowners about financial obligations (e.g. development contributions), land protection requirements (e.g. vegetation), lot yield constraints and road layout.
4. Maximise opportunities for large lot residential and rural-residential land.

Since the meeting of 28 July 2015 structure planning for the investigation area has progressed as follows:

A progress report was presented to the Council meeting of 25 August 2015 where the following was resolved in relation to part 3(a) of the 28 July 2015 resolution:

"Council's resolutions of 3 February 2015 and 28 July 2015 in relation to lodgement of any NEW residential planning proposal applications for the mapped investigation areas shown in the Residential Land Strategy around Richmond/Hobartville, North Richmond, Wilberforce, Glossodia and Windsor/South Windsor be lifted immediately."

Preparation of the land owner and occupier survey has commenced. This survey will assist in achieving items 1 and 2 of the above list. As previously stated, the results of the survey will be the subject of a further report to Council in early 2016.

Item 3 of the above list has been achieved, in part, by the adoption of interim development principles and the resolution of Council from 10 November 2015 regarding a direction to deal with Voluntary Planning Agreements (VPA) in this locality. The results of the above mentioned survey will also assist in the progress this matter.

In order to address item 4 of the above list further investigation of the effect of land constraints and refinement of associated mapping has been undertaken. In the report of 28 July 2015 Council was advised of the primary physical constraints within the investigation area and the following composite constraints map based on the slope of land, location of watercourses, and presence of significant vegetation was provided.

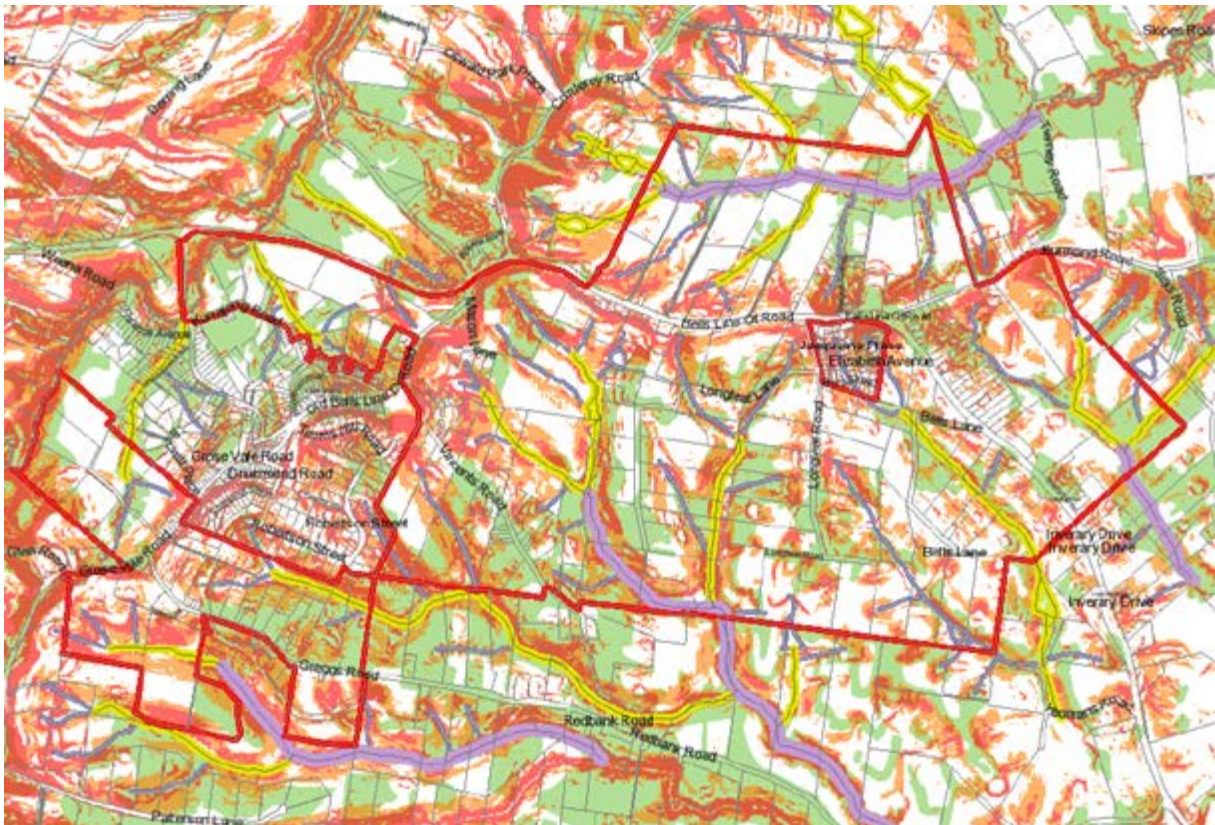


Figure 1: Composite Constraints Map

Figure 2 below is a simplified version of Figure 1 showing, indicatively, the highly constrained land (pink) and the less constrained land (cream)



Figure 2: Indicative highly constrained land (pink) and less constrained land (cream)

ORDINARY MEETING

Meeting Date: 24 November 2015

Further investigation and refinement of both these maps has been undertaken in order to identify land that may be suitable for development to determine the area of such land. Typically this has been done by eliminating the less constrained land that has already been developed to its likely full potential, is insufficient in size to enable further development, or is inaccessible and unlikely to be developed due to surrounding highly constrained land.

As a result, it is estimated that approximately 145ha of land may be suitable for large lot residential development/rural residential development.

In order to determine the likely number of lots that may be produced from such land a number of scenarios were modelled. Each scenario is based on new lots *not* being serviced by a reticulated sewerage system. The scenarios and the estimated lot yields are shown in the table below.

Scenario	Estimated Lot Yield	Comment
Restricting new lots to the less constrained land only with a minimum lot size of 1ha	116	Includes nominal 20% of land area for roads and services This scenario may underestimate possible yield because it does not allow for parts of new lots to be within constrained land This scenario may overestimate possible yield because it assumes all land will be developed and does not take into account that most lots will be, to varying degrees, in excess of 1ha
Restricting new lots to the less constrained land only with a minimum lot size of 4,000m ²	290	Includes nominal 20% of land area for roads and services This scenario may underestimate possible yield because it does not allow for part of new lots to be within constrained land This scenario may overestimate possible yield because it assumes all land will be developed and does not take into account that most lots will be, to varying degrees, in excess of 4,000m ²
Allowing part of new lots to be located within some of the constrained land (i.e. within land with a slope in excess of 15%, however not within significant vegetation or watercourses/riparian area)	446	This scenario allows for greater flexibility in the use of constrained land This scenario may overestimate possible yield because it assumes all land will be developed and no planning proposal in the representative sample has proceeded to gazettal.

The possible lot area of 4,000m² was modelled as a possible minimum lot size as it is considered to be the absolute minimum land area that could accommodate onsite effluent disposal. The area of 4,000m² is also a common minimum lot size proposed in planning proposals currently before Council

The possible lot area of 1ha was modelled as a possible minimum lot size as it is also a common minimum lot size proposed in planning proposals currently before Council and is towards the upper size limit in terms of being able to achieve a reasonable yield of lots throughout the investigation area.

In order to model the third scenario a representative sample of current planning proposals with respect to their ratio of number of lots proposed to less constrained land was undertaken. This analysis produced a ratio of approximately 1 lot per 3,250m² of less constrained land inclusive of proposed roads.

Note, however, that the proposed community survey seeks respondents feedback on preferred minimum lot sizes and further modelling may be undertake once the results of the survey are known.

ORDINARY MEETING

Meeting Date: 24 November 2015

As can be seen in the table above the number of estimated lots varies significantly. However, if a mix of minimum lot sizes were proposed; the previously mentioned development constraints were adopted to guide development; allowance was made for parts of new lots to be located on land with a slope in excess of 15%, and most of the developable land was developed it is considered that approximately 250 - 300 lots would be the maximum yield for this locality. However, this estimate still needs to be tested via the survey and other work mentioned above.

Status of other Planning Proposals

The following table shows the residential and rural-residential related planning proposals Council has received since 2010 and their status at the time of preparing this report.

Application No.	Date Received	Description of Proposal	Property Description		Status
			Lot & DP No	Street Address	
LEP005/15	4/9/2015	Rezone land to R3 Medium Density Residential	Lot 4 DP 503048	18 James Street, South Windsor	Initial report to Council on 24 November 2015.
LEP002/15	30/1/2015	Amend Lot Size Map to permit rural residential subdivision	Lots 28, 31 and 50 DP7565 Lot 12 DP 711049	79, 95 & 100 Bells Lane, Kurmond 457 Bells Line of Road, Kurmond	Addition information received from applicant. Initial report to Council required.
LEP001/15	17/12/2014 (fees paid 19/1/2015)	Amend Lot Size Map to permit two lot subdivision	Lot 87 DP 1040092	219 Bells Line of Road, North Richmond	Gateway determination received 2 September 2015.
LEP007/14	24/12/2014	Amend Lot Size Map to permit rural residential subdivision	Lot 33 DP 75665	3 Bells Lane, Kurmond	Addition information received from applicant. Initial report to Council required.
LEP006/14	18/8/2014 (fees paid 23/12/2014)	Amend Lot Size Map to permit rural residential subdivision	Lot 1 DP 120436	631 Bells Line of Road, Kurrajong	Forwarded to DP&E for a Gateway determination on 18 September 2015.
LEP005/14	23/12/2014	Amend Lot Size Map to permit rural residential subdivision	Lot 2 DP 600414	2 Inverary Drive, Kurmond	Applicant requested to provide a flora and fauna assessment.
LEP003/14	9/9/2014	Amend Lot Size Map to permit rural residential subdivision	Lot 431 and 432 DP 1189536	431 and 431A Greggs Road, Kurrajong	Planning proposal exhibited. Applicant requested to provide a draft Voluntary Planning Agreement.
LEP002/14	30/5/2014	Amend Lot Size Map to permit rural residential subdivision	Lot 2 DP 805023	1420 Kurmond Road, Kurmond	Planning proposal exhibited. Applicant requested to provide a draft Voluntary Planning Agreement.
LEP009/13	14/11/2013	Amend Lot Size Map to permit rural residential subdivision	Lot 11 DP 633630	373 Bells Line of Road, Kurmond	On exhibition 6 – 23 November 2015.

ORDINARY MEETING

Meeting Date: 24 November 2015

Application No.	Date Received	Description of Proposal	Property Description		Status
			Lot & DP No	Street Address	
LEP008/13	12/11/2013	Rezone part of land to R1 General Residential	Lot 5 DP 237575	35 Chapel Street, Richmond	Forwarded to DP&E for a Gateway determination on 7 October 2015.
LEP007/13	28/10/2013	Amend Lot Size Map to permit rural residential subdivision	Lot 8 DP 7565	136 Longleat Lane, Kurmond	Planning proposal exhibited. Applicant requested to provide a draft Voluntary Planning Agreement.
LEP005/13	9/8/2013	Amend Lot Size Map or Schedule 1 to permit subdivision of the land to a minimum lot size of 1,500m2	Various allotments	Mitchell Road, Pitt Town	Forwarded to DP&E for a Gateway determination on 18 September 2015
LEP004/13	25/3/2013	Amend Lot Size Map or Schedule 1 to permit rural residential subdivision	Lot 2 DP 270237	1059A Grose Vale Road, Kurrajong	Council resolved not to proceed with the planning proposal. Pre-gateway review lodged with DP&E. JRPP reviewed and sent to DP&E for Gateway.
LEP003/13	20/2/2013 (fees paid 18/9/2013)	Rezone land to RU4 Primary Production Small Lots	Lot 2 DP 617404	1026 Grose Vale Road, Kurrajong	Gazetted on 16 October 2015
LEP003/12	14/12/2012	Rezone Lot 181 DP 701978, 278 Hermitage Road, Kurrajong Hills to R5 Large Lot Residential	Lot 181 DP 701978	278 Hermitage Road, Kurrajong Hills	Council resolved not to proceed with the planning proposal. Pre-gateway review lodged with DP&E. No progress due to lack of response from applicant.
LEP001/12	25/10/2012	Amend Lot Size Map to permit rural residential subdivision	Lot 2 DP 607906	396 Bells Line of Road, Kurmond	Planning proposal exhibited. Applicant has provided a draft Voluntary Planning Agreement and reporting to Council 24 November 2015.
LEP11-001/12	1/8/2012	Amend Lot Size Map to permit rural residential subdivision	Lots 104 & 105 DP 1051618	1442 and 1442A Kurmond Road, Kurmond	Planning proposal exhibited. Applicant requested to provide a draft Voluntary Planning Agreement.

ORDINARY MEETING

Meeting Date: 24 November 2015

Application No.	Date Received	Description of Proposal	Property Description		Status
			Lot & DP No	Street Address	
LEP11-002/11	13/03/2012	Rezone the land for predominantly residential purposes.	Lots 271 - 274 DP 1156792	96 and 98 Grose Vale Road and 26 and 28 Arthur Phillip Drive, North Richmond	Gazetted on 11 April 2014
LEP89005/10	15/12/2010	Amend Lot Size Map to permit rural residential subdivision	Lot 1 DP 880684	1411 Kurmond Road, Kurmond	Gazetted on 16 January 2015
LEP89002/10	8/6/2010	Rezone approximately 103ha of the subject land to allow for approximately 700 residential allotments and some retail/commercial and recreational purposes.	Various allotments	Woods Road, Berger Road, Fairey Road, Collith Avenue and Rifle Range Road, North Bligh Park	Gateway Determination advised not to proceed with the proposal until completion of Hawkesbury Flood Risk Management Study and Plan.
LEP89001/10	12/4/2010	To rezone the subject land for primarily large lot residential and/or residential development to enable approximately 580 allotments.	Lot 2 DP 533402 and Lot 52 DP 1104504 Lot 20 DP 214753 Lot 75 DP 214752 Lot 3 DP 230943 Lot 44 DP 214755 Lot 50 DP 751637 Lots 1, 2 and 3 DP 784300	103 Spinks Road, Glossodia 213 Spinks Road, Glossodia 361 Spinks Road, Glossodia James Street, Glossodia 3 Derby Place, Glossodia 746A Kurmond Road, Freemans Reach 780A – 780C Kurmond Road, North Richmond	Gazetted on 19 December 2014

Within the Kurmond and Kurrajong investigation area there are two planning proposals that have been gazetted and 11 planning proposals are currently being processed. The two planning proposals gazetted have the potential to create five additional lots. The 11 planning proposals being processed collectively seek approximately 140 additional lots. Note, however, that of the 11 planning proposals, two planning proposals make up 65 of the 140 additional lots and propose a minimum lot size of 2,000m² due to the developer's intention to connect the lots to Sydney Water's sewerage system.

The location of the properties subject to planning proposals within the Kurmond and Kurrajong investigation area is shown in Figure 3 below.

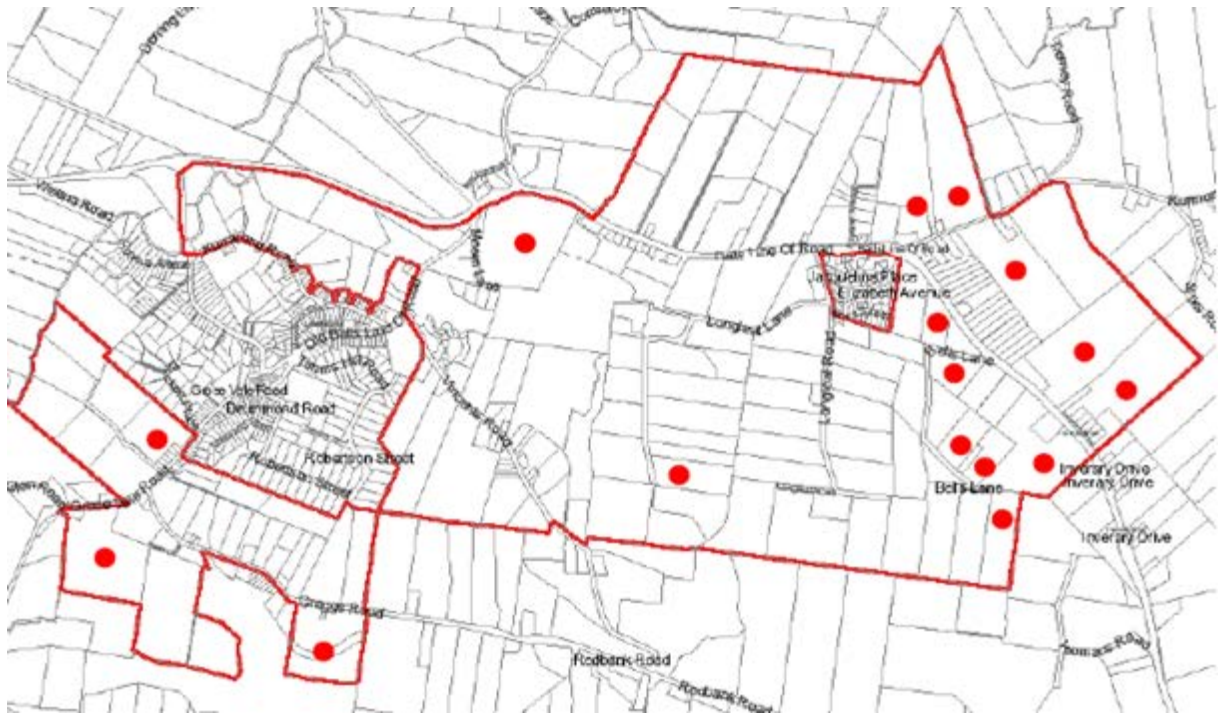


Figure 3: Location of planning proposals within the Kurmond and Kurrajong Investigation Area

Suspension in relation to the lodgement of new planning proposals in the Kurmond and Kurrajong investigation area

Council's resolution of 28 July 2015, part 3(b), states that the current suspension in relation to lodging NEW planning proposals "*Be maintained for the Kurmond and Kurrajong investigation area and all other unmapped, non-urban investigation areas around rural villages as identified in the Residential Land Strategy until 30 November 2015*".

This resolution will result in the suspension automatically lifting on 30 November 2015, i.e., there is no need for Council to resolve that it be lifted. It is considered that there is no need to prevent this suspension automatically lifting as the Local Planning approach, relating to constraints and contribution responsibilities can, in the interim, be utilised. This will allow Council to gain further understanding of developer interest in the area.

This lifting of the suspension would still allow Council to continue, albeit at a slower pace due to resourcing constraints, to undertake structure planning and prepare the s94 plan, or suitable alternative.

However, it is still recommended that the approach as adopted in parts 1, 5 and 6 of Council's resolution of 28 July 2015, be followed for this process, i.e. utilise the planning principles and, if necessary, amend and combine planning proposals as a result of future structure planning outcomes or to reduce the number of individual amendments to the LEP.

ORDINARY MEETING

Meeting Date: 24 November 2015

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After People and Place Directions statement;

- 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 provisions 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.

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

- Identify community needs, establish benchmarks, plan to deliver and advocate for required services and facilities

Financial Implications

No additional costs are proposed based on the recommendations in this report.

Conclusion

This report has provided Council with a progress report regarding a local planning approach for the Kurmond and Kurrajong investigation area and informed Council of the status of other planning proposals.

In terms of the Kurmond and Kurrajong investigation area, with the previously mentioned additional investigations, refinement of constraints mapping and an estimated lot yield Council is now in a good position to have detailed discussions with relevant State government agencies regarding structure planning, development contribution planning, and possible amendments to the HLEP 2012. Council staff will pursue these discussions as a matter of high priority.

Meanwhile existing planning proposals have and will continue to be processed.

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 the information contained in this report be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 November 2015

GENERAL MANAGER

Item: 200 **GM - Tourism Strategy - Establishment of a Tourism Working Group - (79351)**

Previous Item: 136, Ordinary (25 August, 2015)

REPORT:

Executive Summary

Council at its meeting on 25 August 2015 adopted the Hawkesbury Tourism Strategy (Tourism Strategy). The Tourism Strategy aligns with the strategic process for addressing Supporting Business and Local Jobs, one of the five themes that guide the Hawkesbury Community Strategic Plan 2013-2032 (CSP). In adopting the Tourism Strategy, Council decided to establish a Tourism Working Group (TWG) to support the implementation of the Tourism Strategy, to enable Council, the community and the tourism sector to work together to develop tourism in the local economy.

With this in mind, it is proposed that Council now set up the TWG, as a priority action of the Tourism Strategy.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. The TWG would be a communication mechanism with the local tourism sector and community positions on the working group are proposed to be representatives of community interest of tourism in the Hawkesbury.

Background

Supporting Business and Local Jobs is one of the five themes that guide the CSP. The success of the theme is in part linked to developing and supporting key industries and sectors of the local economy. It is acknowledged that the tourism sector is a key part of the local economy, and as such the Tourism Strategy outlines the way in which Council should take a more active role in leading tourism activities to support the local economy.

Council adopted the Tourism Strategy at its meeting on 25 August 2015, and resolved:

"That:

- 1. The information regarding the development of a Hawkesbury Tourism Strategy be received and noted and that the Hawkesbury Tourism Strategy as attached to the report be adopted.*
- 2. Council progress the priority actions of the Hawkesbury Tourism Strategy subject to availability of funding.*
- 3. Council consider an annual report on the progress of the Hawkesbury Tourism Strategy at the appropriate time.*
- 4. Council establish a Hawkesbury Tourism Working Group to specifically inform and support the progression of the Hawkesbury Tourism Strategy and a further report be submitted to Council regarding the membership and activities of the Group. "*

ORDINARY MEETING

Meeting Date: 24 November 2015

In regard to part 2 of the resolution, the seven priority actions of the Tourism Strategy are shown in Table 1.

Table 1: Hawkesbury Tourism Strategy – Priority Tasks (actions)

Task	Who involved	Why TWG involved	Funding
1. Establish a Tourism Working Group, as a leadership group of the local tourism sector.	Council and TWG	Champions of area and business acumen to progress tourism development in local economy. Communication channels between community/tourism sector and Council.	Capacity in program budgets (operations).
2. Assess the tourism development resources within Council.	Council	NA	Capacity in program budgets (operations).
3. Develop a digital promotional platform, to market the LGA as a tourism destination.	Council and TWG	Support and buy-in to a place-based platform (website, app etc.) for the common good. Help get content right that is visitor focused.	Assessing capacity to start in 2015/2016 budget. Seek funding 2016/2017 budget.
4. TWG and Council determine the Hawkesbury tourism vision and mission statements, to guide tourism in the LGA.	Council and TWG	Statements have been developed in the Tourism Strategy that need to be endorsed by the tourism sector, so we are all working together on goal and market positioning for the area.	Address with Priority (1).
5. Review Visitor Services, to best respond to tourist needs.	Council and TWG	Assist in understanding how tourists use visitor services (including VICs) now and in the future.	Capacity in program budgets (operations).
6. Create a tourism investment MOU, to facilitate new tourism investment.	Council and TWG	Assist in producing document, which is responsive to area's marketing positioning (and identified gaps).	Assess capacity in program budgets; and/or seek in 2016/2017 budget.
7. Develop a tourism brand, which could also be part of a Hawkesbury place brand, to support investment and visitor attraction.	Council and TWG	Support and buy-in to broader promotion and market positioning of the area.	Capacity in program budgets (operations). Hawkesbury Brand funds allocated.

Establishing a TWG is important to allow other priorities to be actioned. While Council is to take a more active role in local tourism development, it needs to work with the tourism sector so there is unity and support of tourism activities and projects of the Tourism Strategy. The TWG will allow tourism sector leaders to inform Council about matters of interest and conversely allow leaders to engage with the tourism sector on council raised matters. The TWG is the best way to engage the local tourism sector, through a group of tourism sector leaders.

ORDINARY MEETING

Meeting Date: 24 November 2015

In terms of funding for the Tourism Strategy priorities, commentary is provided in Table 1, as to how it is intended to approach resourcing the priority actions. Items that are projects, such as Priority 3 and Priority 6, will require funding which will be sought in the Draft 2016/2017 Operational Plan. In regard to Priority 3, it is important a new website is created that caters for visitor expectations and provides a portal for local tourism operators to be part of the area-wide Hawkesbury message or brand. A new website is fundamental to Council implementing the Tourism Strategy, and one which is desired by tourism operators.

With regard to part 4 of the resolution, the details below outline the proposed structure and scope of the TWG.

- a) Purpose A forum of Council and leaders of the local tourism sector to strategically inform, guide and participate in key tourism activities lead by Council or the group that support tourism development in the local economy.
- b) Objective Communication channel between Council and the local tourism sector and the community on local tourism development
- Value, own and endorse a Hawkesbury Tourism Vision on behalf of the local tourism sector.
- Assist Council undertake strategic tourism activities and projects identified in the Tourism Strategy (and hence Council's Integrated Planning documents). This includes the new website and Hawkesbury Brand.
- Identify strategic tourism activities that support the local tourism sector (regulatory, investment and merit-evaluated) that could be funded by non- Council sources. This may include lead events and product development.
- Progress support of Hawkesbury VIC and the local tourism sector.
- Engage the local tourism sector in conjunction with Hawkesbury VIC, through activities that could include workshops on tourism development topics to build trust and support.
- Progress the local tourism sectors' interest and participation in area-wide and regional promotional and marketing opportunities that showcase the Hawkesbury to tourism target markets.
- Monitor tourism data and trends, and visitor behaviour to build a time series picture of visitors, visitor activities, tourism operators, accommodation/nights stayed, tripper trends, spending habits etc.
- Identify tourism infrastructure and place presentation enhancements that could assist the tourism sector grow in the economy.
- c) Membership Up to eight tourism sector leaders. Skills desired including financial management/investment decision-making, digital/technology content development/marketing, and innovation/forward thinking, business success/training, brand development/marketing, product development, philanthropic etc.
- Tourism sector leaders could be individuals who live in the area or run a business in the area or represent an association who has tourism member businesses in the area.
- Up to two Councillors.
- Council staff from relevant program areas as required and as considered appropriate by the General Manager.

ORDINARY MEETING

Meeting Date: 24 November 2015

The TWG is to be a group that works on projects. Therefore members will need to have the time to devote to the TWG. Members must show leadership and strategic decision making skills and be passionate about living, running a business in the area and working in the area.

- d) Activities The Tourism Strategy indicates the activities or tasks the TWG could be involved in; and they would be the basis for the TWG as it starts up. It could include programmed activities of Council, such as the new website, endorsing the tourism vision, audit infrastructure, working with the VIC on area-wide marketing opportunities and/or other strategic projects that are informed by the local tourism sector for which there is a business case.

The TWG is intended to sit below Council's formal meeting structures, where it will be most effective in assisting Council to implement the adopted Tourism Strategy. The Tourism Strategy indicates the best way to seek members for the TWG is via an Expression of Interest (EOI) process, which is Council's normal way of seeking participants on committees, working groups and the like. It also recommends that an external representative be on the EOI selection panel so that the right skill sets are selected for the TWG. This is important, as the TWG needs to be a leadership group to help implement the Tourism Strategy and facilitate tourism activities on behalf of the local tourism sector.

EIOs would be sought from the community and a report on the nominations would be submitted to Council at a meeting early in 2016. At that time, nominations for Councillor representation would also be sought. The Tourism Strategy suggests the TWG would meet on a quarterly basis to discuss working group business. However, if the members wish to meet more regularly, and doing so is productive, then it should be at the TWG discretion. The meeting cycle would be discussed at the first meeting of the TWG, in conjunction with the TWG terms of reference.

In terms of constitution and operating procedures, the terms of reference for the TWG would be based on Council's standard document for meeting groups. Aims and objectives to be tailored to account for the details outlined above and in a similar format to the recently established Economic Development Working Group.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Directions statement:

- Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region
- Offer an increased choice and number of jobs and training opportunities to meet the needs of Hawkesbury residents and reduce their travel times
- Help create thriving towns centres, each with its own character that attracts residents, visitors and business

and is also consistent with the nominated goals in the CSP, being:

- Increase level of GDP from tourism
- Have expanded, sustainable and growing industry base
- Stronger broader range of sustainable businesses
- Skills development and training opportunities are available locally.

Financial Implications

There are no funding implications associated directly with this report at this stage. The TWG can be set up within Council administrative resource the current budget. Council will need to consider funding some priorities of the adopted Tourism Strategy, such as the development of a new website that can compete in the market place, in the Draft 2016/2017 Operational Plan to give effect to the strategy and support growth of tourism in the local economy.

ORDINARY MEETING

Meeting Date: 24 November 2015

RECOMMENDATION:

That:

1. A Tourism Working Group be established based on the details outlined in the report.
2. Expressions of Interest for membership of the Tourism Working Group be undertaken and a further report be submitted to Council in early 2016 on the evaluation of nominations received for the working group.
3. An external representative be used in evaluating the nominations for the Tourism Working Group and Council approach the Tourism Strategy consultant to undertake this role in the first instance and in the event that the consultant is not available the Mayor and General Manager be authorised to select an appropriate external representative.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 November 2015

Item: 201 **GM - Use of Boats Designed to Create an Extra-Large Wave on the Hawkesbury River - (79351)**

Previous Item: NM Ordinary (28 July 2015)
 NM Ordinary (25 August 2015)

REPORT:

Executive Summary

At the meeting of Council held on 28 July 2015 Council considered a Notice of Motion in connection with the use of boats that are designed to create an extra-large wave on the Hawkesbury River and resolved to make certain representations and take actions in this regard.

Subsequently, at the meeting of Council held on 25 August 2015 Council also resolved to undertake consultation with property owners adjoining the Hawkesbury River below Windsor Bridge regarding the use of boats that are designed to create an extra-large wave on the River.

The purpose of this report is to advise Council of the results of actions taken in accordance with the abovementioned resolutions.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. Consultation has been undertaken as a result of Council's resolution of 25 August 2015 detailed in this report.

Background

At the meeting of Council held on 28 July 2015 Council considered a Notice of Motion in connection with the use of boats that are designed to create an extra-large wave on the Hawkesbury River and resolved, in part, that:

- "2. *In view of the damage to the banks of the Hawkesbury River due to the use of this type of watercraft Council make representations to the Minister for Roads, Maritime and Freight to urgently ban this type of watercraft from operating in areas of the Hawkesbury River with alluvial soil banks in an endeavour to prevent further ongoing erosion caused by them.*
3. *The Minister for Roads, Maritime and Freight also be requested to ensure that the RMS takes appropriate action to appropriately enforce the current regulations and restrictions applying to the use of watercraft on the Hawkesbury River.*
4. *Council also request the local State Member of Parliament, the State Member for Castle Hill, The Hills Shire Council and WSROC to support Council's representations.*
5. *Council forward a motion to the Local Government NSW Annual Conference in regard to the matter."*

Appropriate actions were taken in respect of parts 2, 3, 4 and 5 of Council's resolution and the following results are detailed for Council's information:

- The Member for Hawkesbury, The Hon D Perrottet MP has forwarded a letter from the Minister for Roads, Maritime and Freight, The Hon D Gay MLC received as a result of Council's representations. A copy of these letters, dated 29 September 2015 and 16 September 2015, respectively, are included as Attachment 1 to this report.

ORDINARY MEETING

Meeting Date: 24 November 2015

- Council's request for support from WSROC was considered at the meeting of the Board of that organisation held on 20 August 2015 when it was resolved to support Council's position.
- Council's motion to the Local Government NSW Annual Conference was adopted at the Conference that was held from 11 to 13 October 2015.

Shortly following Council's resolution of 28 July 2015, three submissions were received in relation to the decision. In essence, these objected to the decision on the basis of suggested lack of scientific evidence to support the suggestion of the cause of riverbank damage; the financial impacts any ban on this type of boat usage would have on the area; and the context and the wording of the resolution.

In addition, at the meeting of Council held on 25 August 2015 as a result of a motion of urgency Council resolved:

"That:

1. *Further to Council's resolution of 28 July 2015 in relation to the use of wakeboards on the Hawkesbury River, Council write to the owners of all properties adjoining the River below Windsor Bridge, seeking advice in relation to the effects that may have occurred to the river banks of their properties that appear to be associated with the use of boats that are designed to create an extra-large wave that is used for wakeboarding and surfing.*
2. *A report be brought to Council regarding the findings of the community consultation."*

Appropriate correspondence was subsequently forwarded to the owners of properties adjoining the River below Windsor Bridge in accordance with Council's resolution. In addition, an online response facility was also provided on Council's "Your Hawkesbury – Your Say" website.

As a result of this action a total of 79 responses have been received. Of these responses 57 were received via Council's "Your Hawkesbury – Your Say" website with the balance being received via direct email or mail.

The following is a summary of the responses received:

- 43 submissions indicated that they considered that the use of boats that are designed to create an extra-large wave had caused an increase in erosion to the river banks and in a majority of these submissions support was indicated for restrictions on the use of these types of boats on the River. A number of submissions also made comments in relation to the manner in which boats are utilised on the river; how the regulation of the use of boats on the river was undertaken; actions relating to addressing erosion issues and the prevention/repair of damage to the river banks.
- 33 submissions indicated that they did not consider that the use of boats that are designed to create an extra-large wave had caused an increase in erosion to the river banks and did not support restrictions on the use of these types of boats on the River. Comments also made referred to the importance of boating on the River to the community; that erosion was more the result of recent small floods and other natural causes rather than boat usage and actions relating to addressing erosion issues.
- 3 submissions did not make comment on experiences regarding erosion and referenced the need for an analysis to be undertaken and commented on the manner of use and type of boats on the River.

ORDINARY MEETING

Meeting Date: 24 November 2015

It is noted that in his response the Minister for Roads, Maritime and Freight has indicated:

"I am advised Roads and Maritime will do a comprehensive study of the Hawkesbury River to ensure sustainability of the Hawkesbury River for all users. This will include extensive consultation with affected Councils, the boating industry, representatives from water skiing and wakeboarding associations, and passive craft users.

.....

.....

Transport for NSW and Roads and Maritime are currently piloting erosion management plans on the Tweed, Clarence and Williams rivers. Pending the outcome of the pilot plans, this approach will be used to inform similar plans on other waterways across NSW.

In the meantime, Roads and Maritime Boating Safety Officers continue to identify vessels causing unacceptable wash on the Hawkesbury River and act to educate boaters about being responsible for their wash."

Accordingly the information regarding the results of representations undertaken following Council's resolution of 28 July 2015 and the result of the consultation with property owners following Council's resolution of 25 August 2015 are submitted for Council's information.

Conformance to the Hawkesbury Community Strategic Plan

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

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

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

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

Financial Implications

There are no financial implications applicable to this report.

RECOMMENDATION:

That the information regarding the results of actions taken by Council concerning the use of boats that are designed to create an extra-large wave on the Hawkesbury River as outlined in the report be received and noted.

ATTACHMENTS:

- AT - 1** Letters from the Member for Hawkesbury, The Hon D Perrottet MP and the Minister for Roads, Maritime and Freight, The Hon D Gay MLC dated 28 September 2015 and 16 September 2015, respectively

ORDINARY MEETING

Meeting Date: 24 November 2015

AT - 1 Letters form the Member for Hawkesbury, The Hon D Perrottet MP and
the Minister for Roads, Maritime and Freight, The Hon D Gay MLC
dated 28 September 2015 and 16 September 2015, respectively

Mr Peter Jackson
General Manager
Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756

Records

Dear Mr Jackson

Please find attached a response to the representations I made on your behalf to The Hon. Duncan Gay MLC, Minister for Roads, Maritime and Freight, regarding wakeboarding on the Hawkesbury River.

I am advised Roads and Maritime will do a comprehensive study of the Hawkesbury River to ensure sustainability of the Hawkesbury River for all users. This will include extensive consultation with affected Councils, the boating industry, representatives from water skiing and wakeboarding associations, and passive craft users.

A key action arising from Transport for NSW's 2014 Regional Boating Plan process was the need to develop a State-wide evidence-based approach for managing and mitigating erosion caused by boating.

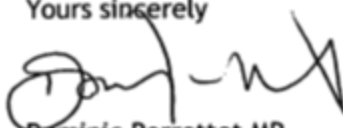
Transport for NSW and Roads and Maritime are currently piloting erosion management plans on the Tweed, Clarence and Williams rivers. Pending the outcome of the pilot plans, this approach will be used to inform similar plans on other waterways across NSW.

In the meantime, Roads and Maritime Boating Safety Officers continue to identify vessels causing unacceptable wash on the Hawkesbury River and act to educate boaters about being responsible for their wash.

If you have any further questions, Mr Alex Barrell, Principal manager Sydney, Boating Operations at Roads and Maritime, would be pleased to take your call on (02) 9563 8501.

Thank you for taking the time to contact me regarding this matter. If there is anything further which I can assist you with, please do not hesitate to contact my office.

Yours sincerely


Dominic Perrottet MP
Member for Hawkesbury
28/9/15



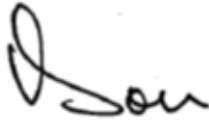
SCANNED

ORDINARY MEETING

Meeting Date: 24 November 2015

The Hon Dominic Perrottet MP
Minister for Finance, Services and Property
Member for Hawkesbury
PO Box 298
CASTLE HILL NSW 1765

Dear Minister



Thank you for your correspondence on behalf of Mr Peter Jackson, General Manager, Hawkesbury City Council, about wakeboarding on the Hawkesbury River.

I appreciate the reasons which have prompted Mr Jackson to write and asked Roads and Maritime Services to look into the matter.

I am advised Roads and Maritime will do a comprehensive study of the Hawkesbury River to ensure sustainability of the Hawkesbury River for all users. This will include extensive consultation with affected Councils, the boating industry, representatives from water skiing and wakeboarding associations, and passive craft users.

I understand Roads and Maritime has already engaged the services of the Hawkesbury River County Council, and conducted a site inspection between Wisemans Ferry and Windsor on 2 September 2015.

I am also advised a key action arising from Transport for NSW's 2014 Regional Boating Plan process was the need to develop a State-wide evidence-based approach for managing and mitigating erosion caused by boating.

Transport for NSW and Roads and Maritime are currently piloting erosion management plans on the Tweed, Clarence and Williams rivers. Pending the outcome of the pilot plans, this approach will be used to inform similar plans on other waterways across NSW.

In the meantime, Roads and Maritime Boating Safety Officers continue to identify vessels causing unacceptable wash on the Hawkesbury River and act to educate boaters about being responsible for their wash.

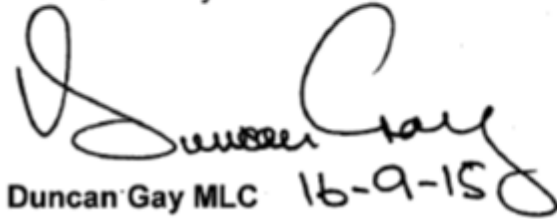
Mr Jackson also wrote to me directly on this matter and I trust he will accept this as a response to both approaches.

ORDINARY MEETING

Meeting Date: 24 November 2015

If Mr Jackson has any further questions, Mr Alex Barrell, Principal Manager Sydney, Boating Operations at Roads and Maritime, would be pleased to take his call on (02) 9563 8501. I hope this has been of assistance.

Yours sincerely


Duncan Gay MLC 16-9-15

oooO END OF REPORT Oooo

CITY PLANNING

Item: 202 CP - Amendment to the Stormwater Management Strategy for the Pitt Town Development Area - (95498, 124414)

REPORT:

Executive Summary

This report has been prepared to allow for an additional stormwater treatment option for the southern portion of the Central Precinct within the Pitt Town Development area. Following assessment of development applications and discussion with the applicants and landowners a more cost effective stormwater treatment option has been identified.

It is recommended that Council consider this additional option presented in the final report and adopt the amended stormwater management strategy. This would enable the preparation of contribution plans under the provisions of Section 64 of the Local Government Act 1993. If this revision to the strategy is not adopted the determination of the current development applications could be delayed and Council will forgo the levying of developer contributions for stormwater infrastructure provision.

Consultation

The issues raised in this report do not require further community consultation under Council's Community Engagement Policy. The original adopted Strategy was the subject of community consultation prior to adoption by Council. The changes proposed in this report were instigated through discussions and consultation with relevant landowners and developers that would be affected with the changes proposed as a result of those discussions.

Background

Council engaged consultants WorleyParsons in September 2014 to undertake a review of the Pitt Town Stormwater Management Plan, November 2005. The review covered the Central, Thornton, Thornton East and Cattai precinct of the Pitt Town Development area. The WorleyParsons Final Draft review report was presented at Council's Ordinary meeting held on 3 February 2015. At that meeting Council resolved to defer the matter for further discussion and accordingly a Councillor Briefing Session was held on 10 February 2015.

Following the Councillor Briefing Session a supplementary report to Council was prepared. At the Ordinary Council meeting held on 24 February 2015 Council resolved:

"That:

1. *The information regarding the Review of the Stormwater Management Strategy for the Pitt Town Development Area and the Supplementary report be received.*
2. *Council adopt the Pitt Town Development - Updated Stormwater Management Strategy - Final Draft, prepared by Worley Parsons, dated 20 November 2014, as an update to the technical provisions referred to in the Hawkesbury Development Control Plan."*

Determination of a number of development applications is on hold/delayed pending finalisation of the stormwater strategy and preparation of the stormwater contributions plan. (The first stage of the contributions plan is the subject of a separate report on the agenda for this meeting.)

ORDINARY MEETING

Meeting Date: 24 November 2015

Subsequent to Council's adoption of the Draft Final Stormwater Strategy, meetings were held with relevant applicants and other landowners affected by the strategy to discuss matters concerning land reservation and potential acquisition for provision of stormwater infrastructure. These discussions have resulted in an amendment to the Stormwater Strategy for the Central Precinct.

The November 2014 Strategy proposed two stormwater basins in the Central Precinct. One located at 44 Mitchell Road and the other in the southern portion of the Central Precinct. Assessment of development applications received for the southern portion of the Central Precinct revealed that the stormwater discharge from the area could not be connected to the 'Bona Vista' subdivision stage, as envisaged in the strategy, as the infrastructure constructed for the existing development at 'Bona Vista' could not cater for discharge from the southern portion of the Central Precinct.

Based on this information WorleyParsons were instructed to reassess the stormwater strategy option for the southern portion of the Central Precinct with a view to redirecting stormwater from the southern portion of the Central Precinct to the proposed facility in the property at 44 Mitchell Road. This option also eliminated the need for a proposed second basin since the augmented basin at 44 Mitchell Road could cater for the additional discharge.

In response, WorleyParsons have prepared an amended Strategy titled Pitt Town Development Updated Stormwater Management Strategy, Final Report, dated 9 November 2015. This updated document added an option (Option 4) for the Central Precinct which incorporated the option discussed above. The proposed change to the strategy for the Central Precinct results in a more efficient stormwater treatment infrastructure with the lowest life cycle costs to Council.

The amended Strategy provides an overall guide for the provision of the stormwater treatment infrastructure and will form the basis for development contributions under Section 64 for stormwater infrastructure to be levied.

Detailed design (stormwater modelling and sizing) of the infrastructure would occur at the development application stage. The strategy does not change the existing stormwater specifications required by the DCP.

Conclusion

The amended Pitt Town Development Stormwater Management Strategy 2015 (Final) is a technical update to the Stormwater Strategy option for the Central Precinct. The reassessment for the Central Precinct was to consider an alternative, more practical and efficient stormwater treatment infrastructure with lowest life cycle costs to Council and the community.

The Pitt Town Stormwater Management Strategy provides an overall guide for the provision of the stormwater treatment infrastructure and forms the basis for Development Contributions under Section 64 of the Local Government Act 1993 for stormwater infrastructure to be levied.

The Pitt Town Stormwater Strategy provides a concept plan within the Development Control Plan (DCP). Detailed design (stormwater modelling and sizing) of the infrastructure would occur at the development application stage. The strategy does not change the existing stormwater specifications required by the DCP.

Based on the previous report and this additional information it is appropriate to adopt the revised strategy as a technical update to the existing DCP provisions relevant to the Central precinct of the Pitt Town Development area. This will provide a clear guide to landowners from the Central Precinct so they can prepare development applications accordingly. In addition, the strategy will provide a basis for Council to plan for and prepare appropriate contributions plans for this infrastructure.

ORDINARY MEETING

Meeting Date: 24 November 2015

RECOMMENDATION:

That Council adopt the *Pitt Town Development - Updated Stormwater Management Strategy - Final Report*, prepared by Worley Parsons, dated 9 November 2015, as an update to the technical provisions referred to in the Hawkesbury Development Control Plan.

ATTACHMENTS:

- AT - 1 Copy of Report to Council Meeting of 24 February 2015
- AT - 2 Copy of Report to Council Meeting of 3 February 2015
- AT - 3 Pitt Town Development - Updated Stormwater Management Strategy - Final, prepared by Worley Parsons, dated 9 November 2015 - (*Distributed Under Separate Cover*)

ORDINARY MEETING

Meeting Date: 24 November 2015

AT - 1 Copy of Report to Council Meeting of 24 February 2015

Item: CP - Amendment to the Stormwater Management Strategy for the Pitt Town Development Area - (95498, 124414)

REPORT:

Executive Summary

This supplementary report has been prepared following the Council Briefing Session held on 10 February 2015. The report provides additional information in regards to the review of the stormwater management strategy for the Pitt Town Development Area (PTDA) to the report provided to Council's meeting of 3 February 2015. As explained at the Briefing, the goal is to merely update the management plan referred to in the Development Control Plan (DCP) to refer to a modernised and improved stormwater treatment approach. It would not otherwise change the DCP requirements or the potential lot yield.

It is recommended that Council consider this supplementary information and adopt the revised stormwater management strategy. This would enable discussions to be held with landowners ahead of a further report to Council. If this revision is not adopted the existing 2005 concept plan would apply and the less efficient and more expensive treatment systems would be required to be constructed by the developer and then maintained by Council.

Background

Council engaged WorleyParsons Consultants in September 2014 to undertake a review of the Pitt Town Stormwater Management Plan prepared in November 2005. The WorleyParsons review report was presented at Council's Ordinary meeting held on 3 February 2015. At that meeting Council resolved to defer the matter for further discussion and accordingly a Councillor briefing session was held on 10 February 2015.

The information presented at the Councillor Briefing Session is summarised in this further report. Figure 1 below provides a comparison and summary of changes between the 2005 and 2015 stormwater management plan. The key changes are outlined below:

- The location of the proposed stormwater treatment infrastructure at four precincts under review remains substantially unchanged between 2005 and 2015. One new stormwater treatment infrastructure in the Central precinct (shown in the Figure 1 as "New") has been identified as required to capture and treat stormwater due to it having a separate sub-catchment;
- The 2015 review looked at alternative Water Sensitive Urban Design (WSUD) options for more cost effective and efficient stormwater treatment infrastructure, whereas in 2005 Council only considered a wetlands option;
- The reason for selecting alternative WSUD treatment options is based on the lower overall cost to Council of maintenance, life cycle costs, cost of monitoring and the risk to public;
- The WSUD treatment infrastructure has a smaller footprint when compared to wetlands options which minimises the overall impact on adjoining land owners.

It should be noted that the reduced footprint option for stormwater treatment infrastructure does not translate into an increase in lot yield.

The other Pitt Town Development precincts, which are currently under development, have been excluded from the 2015 review as these precincts are under a single developer who is required (by way of an approval and existing agreement) to build the necessary stormwater management infrastructure as part of

ORDINARY MEETING

Meeting Date: 24 November 2015

Conclusion

The revised Pitt Town Stormwater Management Strategy 2015 is merely a technical update to the 2005 plan for the Thornton, Thornton East, Central and Cattai precincts. The review purpose was to consider alternative more efficient stormwater treatment infrastructure with lowest life cycle costs. If this revision is not adopted the existing 2005 concept plan would apply and the less efficient and more expensive treatment systems would be required to be constructed by the developer and then maintained by Council.

The Pitt Town Stormwater Management Strategy provides an overall guide for the provision of the stormwater treatment infrastructure and forms the basis for Development Contributions under Section 64 for stormwater infrastructure to be levied.

The Pitt Town Stormwater Strategy provides a concept plan within the DCP. Detailed design (stormwater modelling and sizing) of the infrastructure would occur at the Development Application stage. The strategy does not change the existing stormwater specifications required by the DCP.

Based on the initial report and this supplementary information it is appropriate to adopt the revised strategy as a technical update to the existing DCP provisions relevant to Thornton, Thornton East, Central and Cattai precincts. This will provide a clear guide to landowners so they can prepare development applications accordingly. In addition the strategy will provide a basis for Council to prepare appropriate contributions plans for this infrastructure.

RECOMMENDATION:

That:

1. The information regarding the Review of the Stormwater Management Strategy for the Pitt Town Development Area and the Supplementary report be received.
2. Council adopt the *Pitt Town Development - Updated Stormwater Management Strategy - Final Draft*, prepared by Worley Parsons, dated 20 November 2014, as an update to the technical provisions referred to in the Hawkesbury Development Control Plan.

ATTACHMENTS:

AT - 1 Copy of Report to Council Meeting of 3 February 2015

AT - 2 Pitt Town Development - Updated Stormwater Management Strategy - Final Draft, prepared by Worley Parsons, dated 20 November 2014 - (*Distributed Under Separate Cover*)

ORDINARY MEETING

Meeting Date: 24 November 2015

AT - 2 Copy of Report to Council Meeting of 3 February 2015

Item: CP - Review of the Stormwater Management Strategy for the Pitt Town Development Area - (95498, 124414)

REPORT:

Executive Summary

This report discusses the review of the stormwater management strategy for the Pitt Town Development Area (PTDA). The review is required to update the 2005 Water Management Plan to cater for the additional development yield from the previous Part 3A approval in 2008 and to update the controls to deal with contemporary environmental standards.

The review, prepared by Worley Parsons on behalf of Council, has resulted in a revised strategy for the following, yet to be developed, precincts:

- Thornton;
- Thornton East;
- Central; and
- Cattai.

The revised stormwater management strategy was prepared in light of the development potential for the PTDA and to be consistent with the current provisions of the Hawkesbury Development Control Plan 2002.

It is recommended that Council adopt the revised stormwater management strategy.

Consultation

It is considered that, at present, community consultation under Council's Community Engagement Policy is not required. However, consultation with affected land owners is anticipated as part of subsequent implementation of the stormwater management strategy via either contribution plans or development consent conditions. This will be the subject of a separate report to Council.

Background

The provision of stormwater infrastructure within the PTDA is required in order to service the future subdivision of land. In response to this need, in November 2005 Connell Wagner, on behalf of Council, prepared the Pitt Town Development Water Management Plan (WMP).

The WMP outlined measures for water, wastewater and stormwater management infrastructure for the rezoning of land at Pitt Town (known at the time as Amendment 145 Local Environmental Plan 1989 (LEP)) for residential and rural purposes. The land that was to be rezoned covered a total area of 212 hectares.

ORDINARY MEETING**Meeting Date:** 24 November 2015

The water management infrastructure was planned with a view to it servicing a yield of 690 lots. A series of wetlands and associated drainage works were proposed to capture and treat stormwater from the development area. The wetlands were conceptually sized using guidelines detailed in The Constructed Wetlands Manual - Volume 2 (1998). The indicative size and location of the wetlands, proposed as part of the original plan, are shown in the table and figure below.

Proposed Wetlands*	Catchment area in hectares	Wetland size in m ²
A & D	78.1	22,600
B	60.2	20,300
E	32.1	8,200
F	11.0	2,200
G	11.4	3,000
H ₁	10.3	2,100
H ₂	8.3	1,700

Table 1: Wetland Catchments, Connell Wagner, 2005

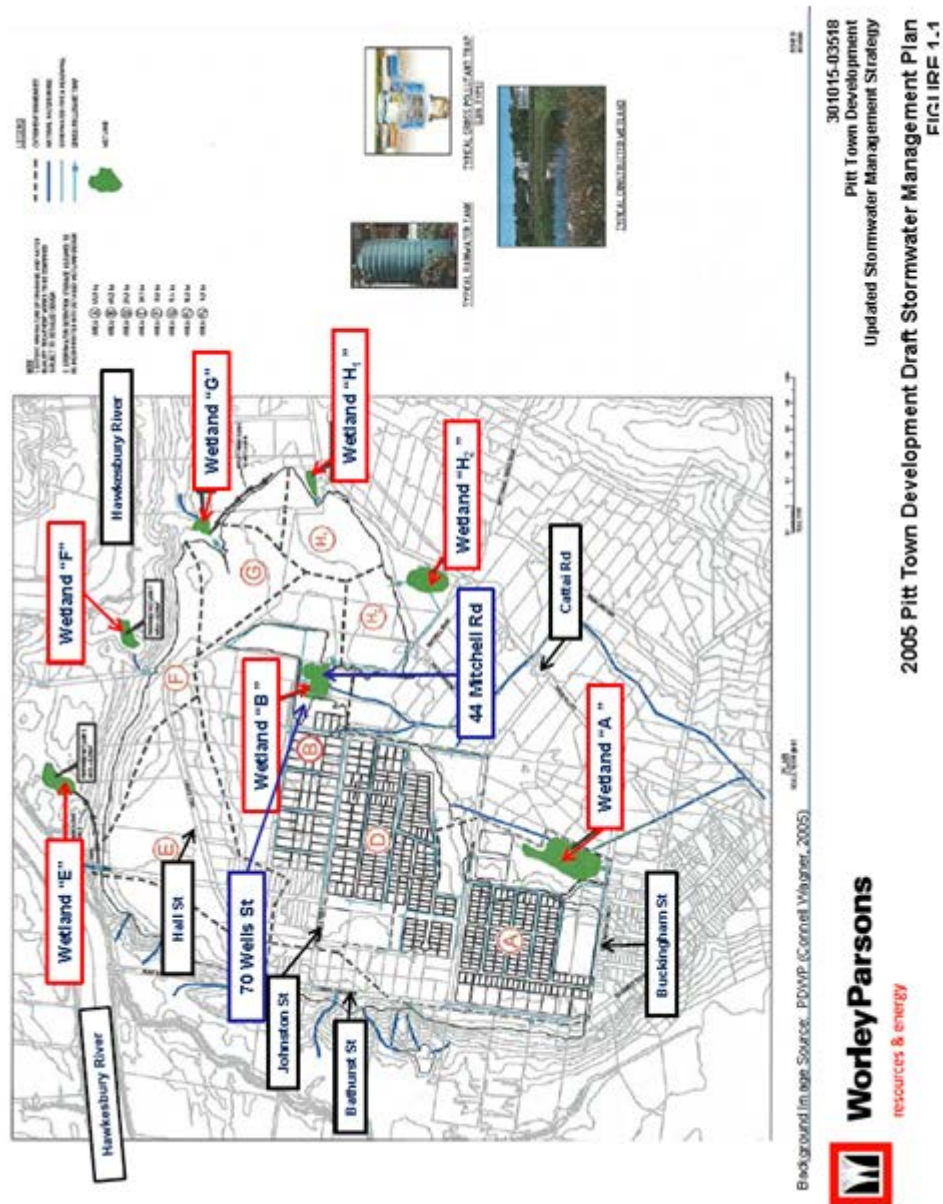


Figure 1: Proposed Wetlands, Connell Wagner 2005

Amendment 145 was gazetted on 18 August 2006 and resulted in amendments to the Hawkesbury Local Environmental Plan 1989 (LEP) and the Hawkesbury Development Control Plan 2002 (DCP).

On 18 July 2008, the PTDA, which incorporated land subject to Amendment 145, was further rezoned for residential and rural residential purposes. This was done via the Part 3A provisions of the *Environmental Planning and Assessment Act 1979* and State Environmental Planning Policy (Major Projects) 2008. The resulting lot yield increased to 943 lots. This resulted in further amendment to the LEP and DCP.

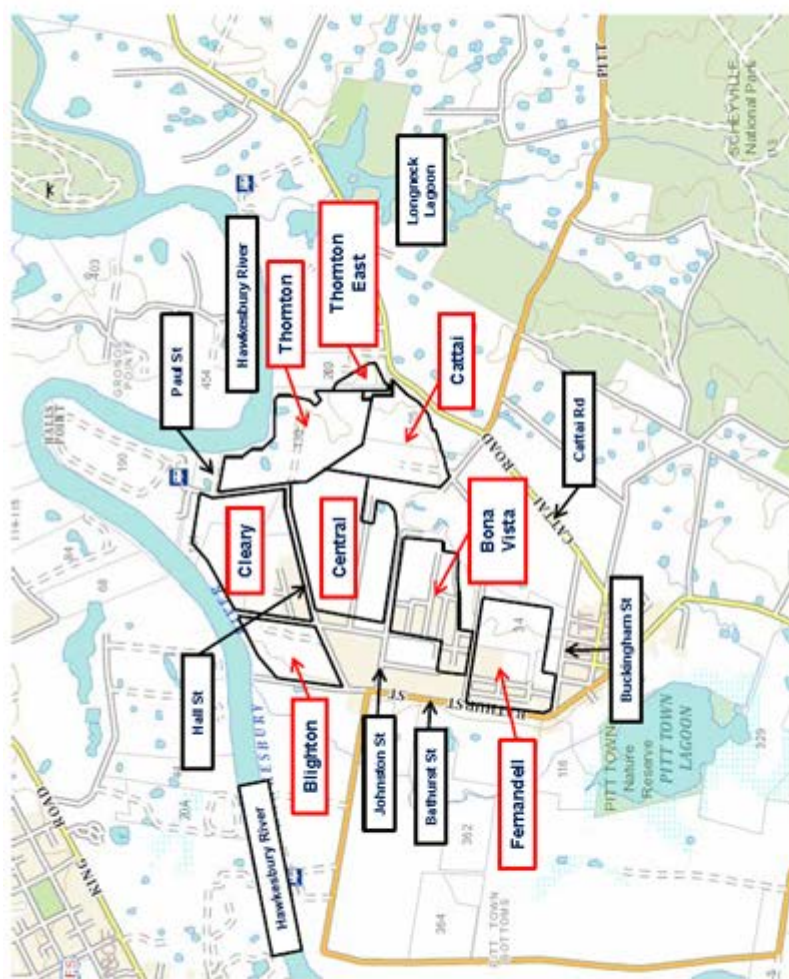
In both series of amendments to the DCP relevant outcomes of the WMP were incorporated into Part E Chapter 4 Pitt Town of the DCP.

The PTDA is divided into a number of development precincts with various minimum lot size and building coverage provisions. The precincts names and location are shown below and also marked on Figure 2 below:

ORDINARY MEETING

Meeting Date: 24 November 2015

- Blighton
- Cleary
- Thornton
- Thornton East
- Central
- Cattai
- Bona Vista
- Fernadell



Background Image Source: <https://maps.aix.nsw.gov.au/>



WorleyParsons
resources & energy

301015.03518

Pitt Town Development
Updated Stormwater Management Strategy

Site Map with PTRP Boundary
ENCLOSURE 4

Figure 2: Pitt Town Development Area Precinct Map

The results of the WMP (2005) have been used to ensure the provision of stormwater infrastructure associated with subsequent subdivision within the Bona Vista, Fernadell and Cleary development precincts. These subdivisions have been undertaken by a single developer (JPG).

More recently Council staff have received enquiries and a small number of development applications for subdivision within other precincts. In response to the passage of time since the adoption of the WMP, the increase in lot yield as a result of the Part 3A rezoning of the land, and these recent enquiries Council staff engaged Worley Parsons (WP) to undertake a review of the stormwater management plan contained within the WMP.

Stormwater Management Strategy & Review of Pitt Town Water Management Plan

The primary objectives of the review undertaken by Worley Parsons were as follows:

- 1) Prepare a revised stormwater management plan for the following precincts in Pitt Town:
 - Thornton;
 - Thornton East;
 - Central; and
 - Cattai.
- 2) Identify suitable options for water treatment, determine indicative construction and life cycle cost estimates for identified stormwater treatment options to enable costs to be incorporated into the existing developer contributions plan.

Whilst the initial stormwater management measures proposed in the WMP (2005) only included constructed wetlands, the current review, considers a number of alternative treatment options to meet contemporary water quality standards. The sizing of these alternate treatment measures has been undertaken using the Model for Urban Stormwater Improvement Conceptualisation, or MUSIC as it is commonly known. MUSIC is regarded as the current best practice tool for the sizing of water sensitive urban design infrastructure.

The key objectives and outcomes of the review and revised strategy are as follows. (The full strategy is attached to this report.)

Design Criteria for the Stormwater Quality Management Strategy

The objectives of the updated stormwater quality management strategy are:

- to preserve the state of existing watercourses; and,
- to ensure that post-development pollutant loads are consistent with Council's stormwater pollutant load reduction targets set in the DCP.

Water Quality Targets

The DCP contains specific water quality targets and those targets have been incorporated into the strategy.

- Total Suspended Solids (TSS) 80% reduction in the average annual load.
- Total Phosphorus (TP) 45% reduction in the average annual load.
- Total Nitrogen (TN) 45% reduction in the average annual load.

The recommendations for a revised strategy have been developed such that the quality objectives are achieved within each Pitt Town development precinct, independently of the other precincts.

Stormwater Management Treatment Options

Stormwater quality improvement devices of varying types and sizes were modelled and those that resulted in the achievement of the stormwater pollutant reduction targets were identified. A minimum of two options per precinct have been developed.

The treatment measures investigated include gross pollutant traps (GPT), bioretention systems, swales, constructed wetlands and sedimentation basins and a combination of these measures.

ORDINARY MEETING

Meeting Date: 24 November 2015

The following table provides a summary of the treatment options considered for each of the development precincts and the preferred option. The preferred options identified in Table 2 below were chosen based on assessment merits and water quality targets, taking into account consideration for maintenance frequency, costs, and land area required for infrastructure construction including access for maintenance.

Development Precinct	Stormwater Treatment Measure				
	GPT	Swale	Wetland	Bioretention system	Preferred Option
Thornton					
Option 1	√		√		
Option 2	√	√		√	√
Thornton East					
Option 1	√		√		
Option 2	√			√	√
Cattai					
Option 1	√		√		√
Option 2	√			√	
Central					
Option 1 (Catchment 1 and 2)	√	√	√		
Option 2 (Catchment 1)	√	√	√		√
Option 2 (Catchment 2)	√			√	√
Option 3	√			√	

Table 2: Stormwater Treatment Options and Preferred Measures

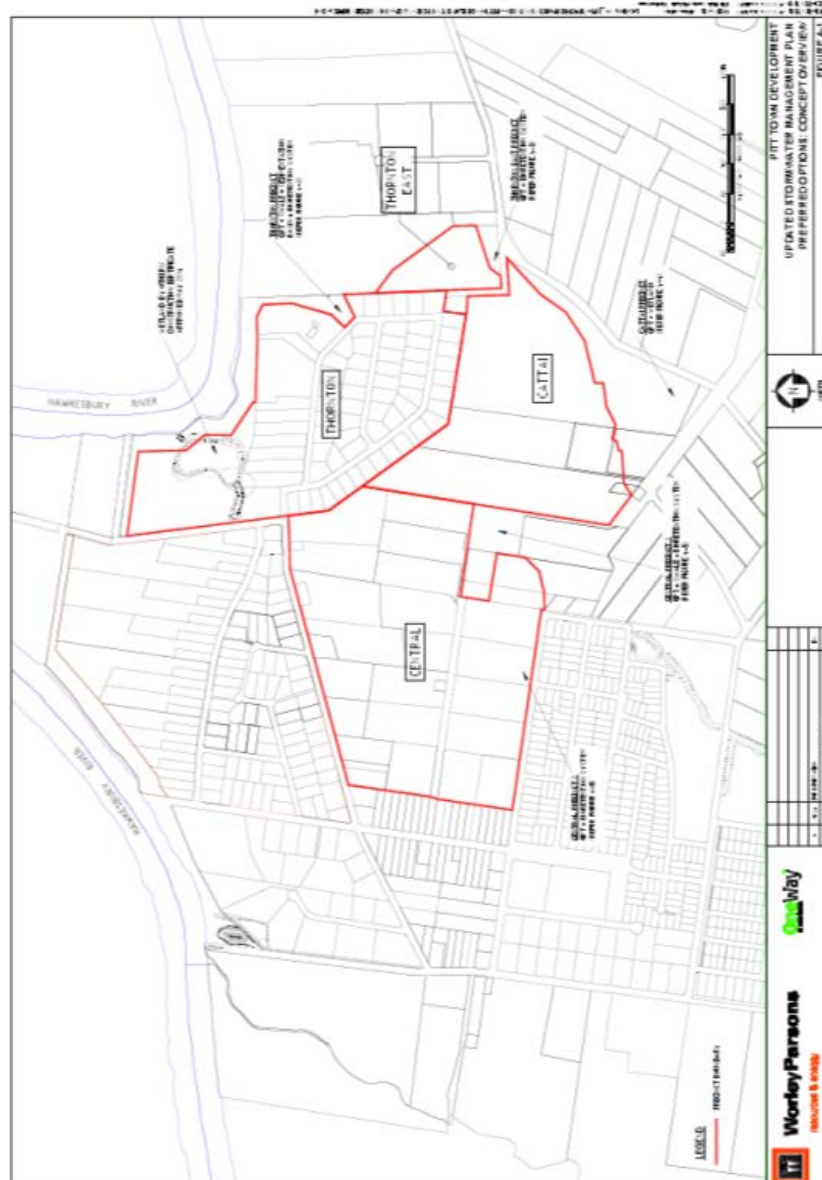


Figure 3: Diagram Showing Location of Four Development Precincts

Current Stormwater Management Provisions of DCP Part E Chapter 4 Pitt Town

For the purposes of stormwater management, the following current provisions of the DCP Chapter 4 Pitt Town are of most relevance:

"4.3 General Principles

The general principles of the subdivision and development controls for Pitt Town set out within this chapter are to:

- to provide a clear planning document that outlines requirements for development which meets community expectations and addresses the key environmental planning issues of the city;
- provide a clear framework for subdivision and development;
- ensure development adopts sound urban design and environmental planning practices;
- ensure the orderly and proper development of the area;

- ensure that new development embraces water-sensitive urban design principles;
- conserve and manage areas of environmental significance;
- provide adequate physical and community infrastructure;
- protect the health and safety of existing and future residents; and,
- ensure development is consistent with Council's adopted sustainability principles.

4.12 Stormwater Management

4.12.1 Aims

- The amount of stormwater generated within Pitt Town up to the 100 ARI events, and discharged to the Hawkesbury-Nepean River System is reduced or not increased.
- The water quality of stormwater discharged up to the 100 ARI event to the Hawkesbury-Nepean River System is improved or not worsened.
- The risk of localised flooding within Pitt Town is minimised and not increased.

4.12.2 Rules

- The sites shown as stormwater basins on the Pitt Town Development Plan Figure E4.2, **or as shown on a subsequent Council approved/adopted stormwater management plan**, are to be set aside for stormwater management purposes. The land will be acquired when required by Council by using funds from the Water Management fees.
- The water quality of stormwater discharged to the Hawkesbury-Nepean River System must comply with the standards set out in Table E4. 3 below.
- A stormwater management plan must accompany development applications for subdivision and must be substantially consistent with the Pitt Town Development Plan. The plan must be consistent with water-sensitive urban design principles.
- ...
- The stormwater system shall be generally in accordance with the **adopted Water Management Plan for Pitt Town.**"

Comment:

Rule a) makes reference to the location of stormwater basins being in accordance with the Pitt Town Development Plan Figure E4.2 "or as shown on **a subsequent Council approved/adopted stormwater management plan**".

Rule e) makes reference to the stormwater system being generally in accordance with an "**adopted water management plan**".

In relation to these two Rules (a & e) the *adopted stormwater/water management plan* is referenced in the DCP and does not form part of the DCP. In this regard this plan can be updated to keep pace with the contemporary development standards and requirements without the need to formally amend the DCP.

One of the main purposes of the Worley Parsons review was to provide Council with a *subsequent Council approved/adopted stormwater management plan*. Accordingly it is recommended that the revised stormwater management strategy be adopted by Council and be used to assess relevant development applications with respect to the above mentioned rules a) and e) of the DCP chapter for Pitt Town.

Conformance to the Hawkesbury Community Strategic Plan

The following provisions of the HCSP are of most relevance.

ORDINARY MEETING

Meeting Date: 24 November 2015

Looking After People and Place

Directions

- 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

Strategy

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

Caring for Our Environment

Direction

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

Strategy

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

Financial Implications

The initial capital cost for stormwater infrastructure and associated land acquisition/dedication can be partly recouped through developer contributions (e.g. s94 or s64 Contribution Plans) or required by way of development consent conditions.

Upon adoption of the revised stormwater management plan for the Pitt Town Development Area, it would be appropriate for Council officers to commence discussions with affect land owners regarding their development intentions, timeframes and likely costs for land acquisition or dedication. These discussions would also assist Council officers in determining whether or not a revised contributions plan needs to be prepared and/or requires the provision of stormwater infrastructure via development consent conditions. It is anticipated that these discussions will commence shortly after adoption of the revised stormwater management plan with the outcome of those discussions to be reported back to Council for consideration (Anticipated mid 2015).

In addition to the capital costs and land costs, Council will also have responsibility to undertake ongoing operations, maintenance and asset renewal of the stormwater infrastructure upon commissioning. The level of funding required over time will vary as the stormwater management infrastructure is likely to be commissioned over a period of time.

ORDINARY MEETING**Meeting Date: 24 November 2015**

Estimates of construction and maintenance cost of preferred options are presented in Table 3 below. (The maintenance costs in the third column will be the sole responsibility of Council. The other costs may be partially recouped via developer contributions plan and/or development consent conditions.)

Development Precinct	Construction	Construction Establishment (first two years of system's life)	Maintenance per year Ongoing (third year of system's life onwards)
Thornton Precinct	\$842,100	\$84,200	\$31,240
Thornton East Precinct	\$156,580	\$10,800	\$16,460
Cattai Precinct	\$1,110,500	\$30,000	\$20,400
Central Precinct	\$1,019,800	\$94,300	\$47,660
Subtotal	\$3,128,980	\$219,300	\$115,760
Add contingency @10% of subtotal for construction to allow for site condition variation i.e. extra earthworks, service relocation etc.	\$312,898		
Total	\$3,441,878	\$219,300	\$115,760

Note: the above cost estimate does not include renewal expenditure, which generally is required at a 20-25 year depreciation interval.

Table 3 Estimate of Construction and Maintenance Costs of Water Quality Infrastructure

Conclusion

A revised stormwater strategy is necessary to facilitate development of the remaining Pitt Town Development area and the recommendations from the Worsley Parsons report are in keeping with contemporary Water Sensitive Design (WSUD) principles.

It is appropriate to adopt the revised strategy as a technical update to the existing DCP provisions and to signal Council's technical requirements to landowners so they can prepare development applications accordingly and to assist Council with the review/preparation of appropriate contributions plans. Discussions with landowners will be related to the implementation aspects of the strategy (development contributions and precise locations and design).

RECOMMENDATION:

That:

1. The information regarding the Review of the Stormwater Management Strategy for the Pitt Town Development Area be received.
2. Council adopt the *Pitt Town Development - Updated Stormwater Management Strategy - Final Draft*, prepared by Worley Parsons, dated 20 November 2014, as an update to the technical provisions referred to in the Hawkesbury Development Control Plan.

ATTACHMENTS:

AT - 1 *Pitt Town Development - Updated Stormwater Management Strategy - Final Draft*, prepared by Worley Parsons, dated 20 November 2014 - *(Distributed Under Separate Cover)*.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 November 2015

INFRASTRUCTURE SERVICES

Item: 203 **IS - Extension of Contract No. 00917 - Provision of a Septic Tank and Collection Well Effluent Removal Service - (95495, 112179)**

Previous Item: 203, Ordinary (13 November 2012)

REPORT:

Executive Summary

The current contract for the "Provision of Septic Tank and Collection Well Effluent Removal Service" between Council and Staples Bros (Nowra) Pty Ltd commenced on 1 February 2013 and is due to expire at midnight on 31 January 2016. The contract also includes an option for a two year extension.

Staples have performed the service contract satisfactorily and as the continuation of the contract is mutually agreeable by both parties, this report recommends that the contract be extended until 31 January 2018.

Consultation

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

Background

The current contract for the "Provision of Septic Tank and Collection Well Effluent Removal Service" between Council and Staples Bros (Nowra) Pty Ltd commenced on 1 February 2013 and is due to expire on 31 January 2016.

Extension provisions detailed in Clause 3.2 of the contract states that:

"The Council may offer to extend the term of the contract for a period of up to two years by notice in writing to the contractor given not less than three months prior to the expiration date. The contractor may, if it chooses so to do, accept the offer which acceptance must be notified in writing to the Council within one month after the receipt of the offer.

Any extension of this contract is to be on the same terms and conditions as this contract and otherwise varied or amended as agreed between the parties."

Correspondence was forwarded to the contractor, with a favourable reply received from the contractor wishing to extend the contract for the maximum period of two years.

Staples Bros (Nowra) Pty Ltd have met all requirements of the current contract, and are a co-operative and reliable contractor.

As the continuation of the contract is mutually agreeable by both parties, it is recommended that the contract be extended until 31 January 2018.

ORDINARY MEETING

Meeting Date: 24 November 2015

Conformance to the Hawkesbury Community Strategic Plan

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

- Work with our communities and businesses to use our resources in a sustainable way and employ best practices and technologies that are in harmony with our natural environment
- To look after our cultural and environmental assets for future generations so that they too can enjoy, and benefit from, a clean river and natural eco-systems, rural and cultural landscape

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

- Reduce our environmental footprint through resource and waste management.

Financial Implications

No financial implications applicable to this report. Funds are available in current and projected budgets.

RECOMMENDATION:

That:

1. The contract for the "Provision of Septic Tank and Collection Well Effluent Removal Service" Staples Bros (Nowra) Pty Ltd be extended until midnight on 31 January, 2018.
2. The Seal of Council be affixed to any necessary documentation.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 November 2015

SUPPORT SERVICES

Item: 204 **SS - September 2015 - Quarterly Budget Review Statement - (95496, 96332)**

Previous Item: 84, Extraordinary (23 June 2015)

REPORT:

Executive Summary

Within two months of the end of each quarter, Council is required to review its progress in achieving the financial objectives set out in its Operational Plan. This report and the relevant attachment provide information on Council's financial performance and financial position for the first quarter of the 2015/2016 financial year, and the resulting financial position including the Budget variations proposed.

The September 2015 - Quarterly Budget Review Statement (QBRS) recommends a number of variations that result in a balanced budgeted position being maintained.

Consultation

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

Background

Council adopted its Operational Plan for 2015/2016 on 23 June 2015.

Clause 203 of the Local Government (General) Regulation 2005 stipulates that the Responsible Accounting Officer of a council must prepare and submit to the Council a Budget Review Statement within two months after the end of each quarter (except the June quarter).

The QBRS has been prepared in accordance with the Division of Local Government Circular 10/32 dated 10 December 2010 and is attached as Attachment 1 to this report.

Financial Position

Clause 203 of the Local Government (General) Regulation 2005 requires a revised estimate of income and expenditure for the year to be prepared, by reference to the estimate of income and expenditure set out in the Operational Plan for the year.

The QBRS recommends Budget adjustments that result in a balanced adjustment for the quarter, and in the opinion of the Responsible Accounting Officer, maintains a satisfactory short term financial position for Council. The Responsible Accounting Officer Statement is included in the attachment to this report.

The report and attachment provide details on the major Budget variations proposed in this QBRS and provide a list of variations requested.

The more significant items of the September 2015 QBRS include:

ORDINARY MEETING

Meeting Date: 24 November 2015

Favourable Adjustments

- **General Rates Income – Net Favourable Variance \$162K**

The amount budgeted for rates income for 2015/2016 was based on the number of properties and associated land values at the time the Original Budget was being formulated. A favourable adjustment of \$162K has been included in this QBRs in relation to general rates income. This variance has resulted from the generation of additional rateable assessments as a result of subdivisions and new development since that time.

- **Sale of Plant – Favourable Variance \$149K**

Adjustments have been made in line with income received to reflect a timing difference between the sale and purchase of plant being replaced.

- **Release of Retentions and Forfeited Deposits – Net Favourable Variance \$72K**

An analysis was undertaken on retentions and deposits held by Council as restricted amounts. An amount of \$72K was released to General Funds, as it has been established that either the works were not conducted in line with the requirements, or payments of retentions were funded from other funds. Consequently, these funds are no longer required to be restricted.

- **Aged and Disability Worker Subsidy – Favourable Variance \$50K**

In line with advice received from the Department of Social Services, an additional \$50K has been added to the Budget for the subsidy received for the Aged and Disability Worker. The expenditure relating to this position was already budgeted in full.

- **New Development Control Fees – Favourable Variance \$23K**

New fees introduced as part of the 2015/2016 Budget for written advice, design compliance and pre-lodgment meetings, have resulted in \$23K of additional income. This income was not budgeted, as the amount likely to be generated was unknown. Further adjustments will be made in future reviews, in line with income received each quarter.

The establishment of the Duty Planner position has facilitated the capacity to provide such advice.

Unfavourable Adjustments

- **Financial Assistance Grant (FAG) – Unfavourable Variance \$132K**

In line with advice received from the NSW Local Government Grants Commission, Council is to receive \$4.2M as its FAG allocation for 2015/2016. The 2015/2016 Budget, which was based on the 2014/2015 FAG amount received less one percent to reflect the expected reduction in Council's allocation, is \$4.3M, resulting in the inclusion of an unfavourable variance of the shortfall, being \$132K, in this QBRs.

- **Sealed Roads Maintenance – Unfavourable Variance \$117K**

Based on the expenditure trend as at the end of the reporting period, expenditure on sealed road maintenance is forecast to reach \$1.9M by the end of the financial year, which is greater than the Budget of \$1.7M. This trend has been addressed in this QBRs.

- **Residual Current Devices (RCD) Project – Unfavourable Variance \$66K**

In line with unspent Budget allocated during 2014/2015, an unfavourable variance of \$66K has been included for the RCD Project. This project relates to Council owned buildings and is necessary in accordance with industry requirements.

ORDINARY MEETING

Meeting Date: 24 November 2015

Other Adjustments

- ***Wilberforce Carpark / Various Kerb, Gutter and Drainage Works***

An amount of \$45K is proposed to be transferred from the allocation for Kerb, Gutter and Drainage works at various locations to works at Wilberforce Shopping Centre Carpark. Upon assessing the full requirements for the appropriate completion of works, an additional \$45K is required to fund these works. The works include additional foot paving and renewal works.

- ***Bowen Mountain Bush Fire Mitigation Works / Governor Phillip Reserve Works***

The Bush Fire Mitigation Works at Bowen Mountain, included in the 2015/2016 Budget, have been able to be sourced for less than budgeted. In order to maximise on the suite of works, which are mostly grant funded, at Governor Phillip Reserve, \$16K has been transferred from the Bush Fire Mitigation Works to the Reserve project.

- ***Grants – Additional works and programs totalling \$4.4M***

A number of adjustments relating to grant funding successfully secured by Council, are included in this QBRS. These adjustments have a nil effect on the Budget position, as amounts included for income have a corresponding amount for expenditure. The securing of grant funding assists Council to undertake works otherwise not funded through Council's available funds.

The major adjustments relating to grant funding are outlined below:

- *Natural Disaster Funding* – Council has received advice from the Roads and Maritime Services (RMS) that \$2.7M of road restorations in relation to storm events over April 2015 has been approved under the Natural Disaster Funding Program.
- *Roads to Recovery Program 2015/2016* – Roads to Recovery funding has been allocated by the Department of Infrastructure and Regional Development for the rehabilitation of failed road sections within the Hawkesbury Local Government Area. Funding for works in addition to those programmed for 2015/2016, in the amount of \$665K, is included in the QBRS.
- *Governor Phillip Reserve Parking and Access* – Grant funding for \$300K was allocated by the RMS as part of the NSW Boating Now Program.
- *Macquarie Park Kayak Launch* – Council has accepted an offer of a grant for \$300K from the RMS as part of the NSW Boating Now Program.
- *Better Waste and Recycling Fund* – Council has received grant funding for the implementation of programs to reduce waste and increase recycling from the New South Wales Environmental Protection Authority in the amount of \$170K. Major projects within this Program include: Community Waste Service Guide and Educational Materials, and the provision of a Business Waste Education Officer and Program.
- *Safer Roads Program (Kurmond Road)* – Council has received grant funding from the RMS for works to improve the safety of Kurmond Road from Meadows Road to Wire Lane, North Richmond, for the amount of \$135K.
- *Colo Park Kayak Launch* – An adjustment for \$80K is included in this QBRS for the installation of a kayak launch at Colo Park, as part of the NSW Boating Now Program from the RMS.
- *Through the Door and Beyond Grant* – An amount of \$64K has been received from Wentworth Healthcare Limited to support Council with funding a program of the education of health and mental health professionals to assist residents with issues of squalor and hoarding.

ORDINARY MEETING

Meeting Date: 24 November 2015

- *Safer Roads Program (Grose Vale Road)* – Council has received grant funding from the RMS for works to improve the safety of Grose Vale Road, Kurrajong for the amount of \$23K.
- *Recreational Fishing Table* – An adjustment for \$15K is included in this QBRS for the installation of a recreational fishing table at Governor Phillip Reserve from the Department of Primary Industries.
- *Hawkesbury Implementation Local Heritage Places Grant* – Council has received \$10K from the Office of Environment and Heritage (OEH) for the minor maintenance of cemeteries, as part of the State Government's Heritage Incentive Fund.
- *Thompson Square Conservation Management Plan (CMP)* – Council has received \$10K from the OEH for the development of a CMP for Thompson Square, and is included in this QBRS.

- **Reserve Funded Adjustments**

The following adjustments are within internally or externally restricted funds, and consequently have nil impact on Council's overall position:

- *Section 94 Reserve* – In line with the Section 94 Plan adopted in June 2015, capital works totalling \$1.1M have been included in this QBRS.
- *Section 94A and Section 64 Reserves* – In line with contributions received, adjustments in this QBRS include \$233K for Section 94A and \$78K for Section 64.
- *Information Technology Reserve* – As a result of the discontinuation of the Geographical Information System module by the provider, an amount of \$45K is included in this QBRS to fund its replacement from the Reserve.
- *Heritage Reserve* – In order to match approved grants outlined earlier in this report, \$35K to be funded from the Heritage Reserve has been included in this QBRS.
- *Domestic Waste Management Program* – Included in this QBRS, is a favourable variance of \$79K in line with observed income received.
- *Hawkesbury Waste Management Facility* – A favourable variance for commercial services income of \$44K has been included, in line with income received.
- *Sewerage Reserves* – Unfavourable variances are included in this QBRS for emergency, or unforeseen works, with \$375K relating to costs associated with a sewerage sludge spill from South Windsor Sewer Treatment Plant (STP) in July 2015. The remaining \$196K was in relation to the removal of sludge accumulated over several years in the storm by-pass pond, and the servicing of centrifuges at South Windsor STP.

The QBRS includes a number of minor adjustments and reallocation of funds that have not been detailed above. Further details can be found in the attachment to this report.

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.

Funding

Funding and budget impacts have been specified within this report and attachment.

ORDINARY MEETING

Meeting Date: 24 November 2015

RECOMMENDATION:

That:

1. The information contained in the report be received.
2. The September 2015 - Quarterly Budget Review Statement be adopted.

ATTACHMENTS:

AT - 1 The September 2015 - Quarterly Budget Review Statement — *(Distributed under separate cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date:** 24 November 2015**Item: 205****SS - Monthly Investments Report - October 2015 - (95496, 96332)****REPORT:****Executive Summary**

According to Clause 212 of the Local Government (General) Regulation 2005, the Responsible Accounting Officer must provide the Council with a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must include a certificate as to whether or not investments have been made in accordance with the Act, the Regulation and the Council's Investment Policy.

This report indicates that Council held \$44.30 million in investments at 31 October 2015.

It is recommended that this report be received and noted.

Consultation

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

Background

The following table indicates that Council held \$44.30 million in investments as at 31 October 2015. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
On Call								
CBA	A1+	AA-			1.75%	3,500,000	7.90%	
Total On-call Investments								3,500,000
Term Investments								
ANZ	A1+	AA-	06-Aug-15	04-Nov-15	3.00%	1,500,000	3.39%	
ANZ	A1+	AA-	19-Aug-15	18-Nov-15	2.90%	3,000,000	6.77%	
ANZ	A1+	AA-	26-Aug-15	16-Dec-15	2.90%	1,000,000	2.26%	
ANZ	A1+	AA-	26-Aug-15	13-Jan-16	2.90%	1,000,000	2.26%	
ANZ	A1+	AA-	02-Sep-15	27-Jan-16	2.95%	1,500,000	3.39%	
ANZ	A1+	AA-	26-Aug-15	17-Feb-16	2.90%	1,000,000	2.26%	
ANZ	A1+	AA-	02-Sep-15	27-Apr-16	2.90%	1,000,000	2.26%	
ANZ	A1+	AA-	02-Sep-15	27-Apr-16	2.90%	1,000,000	2.26%	
ANZ	A1+	AA-	19-Aug-15	15-Jun-16	2.95%	2,000,000	4.51%	
ANZ	A1+	AA-	19-Aug-15	17-Aug-16	2.95%	2,000,000	4.51%	
Bankwest	A1+	AA-	08-Jul-15	04-Nov-15	2.90%	1,000,000	2.26%	
NAB	A1+	AA-	06-May-15	13-Jan-16	2.93%	1,000,000	2.26%	
NAB	A1+	AA-	06-May-15	13-Jan-16	2.93%	1,000,000	2.26%	
NAB	A1+	AA-	24-Feb-15	24-Feb-16	3.15%	1,000,000	2.26%	
NAB	A1+	AA-	24-Feb-15	24-Feb-16	3.15%	1,000,000	2.26%	
NAB	A1+	AA-	27-Feb-15	02-Dec-15	3.14%	2,000,000	4.51%	
NAB	A1+	AA-	04-Mar-15	02-Mar-16	3.13%	2,000,000	4.51%	

ORDINARY MEETING

Meeting Date: 24 November 2015

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
NAB	A1+	AA-	06-May-15	04-May-16	2.93%	2,000,000	4.51%	
NAB	A1+	AA-	08-Jul-15	06-Jul-16	3.00%	2,000,000	4.51%	
Westpac	A1+	AA-	04-Feb-15	04-Feb-16	3.40%	1,000,000	2.26%	
Westpac	A1+	AA-	27-May-15	02-Mar-16	3.05%	1,300,000	2.93%	
Westpac	A1+	AA-	20-May-15	16-Mar-16	3.05%	2,000,000	4.51%	
Westpac	A1+	AA-	02-Jun-15	30-Mar-16	3.05%	2,000,000	4.51%	
Westpac	A1+	AA-	10-Jun-15	06-Apr-16	3.05%	2,000,000	4.51%	
Westpac	A1+	AA-	02-Oct-15	05-Oct-16	3.00%	1,000,000	2.26%	
Westpac	A1+	AA-	02-Oct-15	05-Oct-16	3.00%	1,000,000	2.26%	
Westpac	A1+	AA-	07-Oct-15	19-Oct-16	3.00%	1,000,000	2.26%	
Westpac	A1+	AA-	07-Oct-15	19-Oct-16	3.00%	1,500,000	3.39%	
Total Term Investments								40,800,000
TOTAL INVESTMENT AS AT 31 October 2015								44,300,000

Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	3,500,000	1.75%	Reserve Bank Cash Reference Rate	2.00%	-0.25%
Term Deposit	40,800,000	3.00%	UBS 90 Day Bank Bill Rate	2.15%	0.85%
Total	44,300,000	2.90%			

Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions - S94	7,073,338
External Restrictions - Other	2,531,741
Internal Restrictions	21,310,601
Unrestricted	13,384,320
Total	44,300,000

Unrestricted funds, whilst not subject to a restriction for a specific purpose, are fully committed to fund operational and capital expenditure in line with Council's adopted Operational Plan. As there are timing differences between the accounting for income and expenditure in line with the Plan, and the corresponding impact on Council's cash funds, a sufficient level of funds is required to be kept at all times to ensure Council's commitments are met in a timely manner. Council's cash management processes are based on maintaining sufficient cash levels to enable commitments to be met when due, while at the same time ensuring investment returns are maximised through term investments where possible.

In addition to funds being fully allocated to fund the Operational Plan activities, funds relating to closed self-funded programs and that are subject to legislative restrictions cannot be utilised for any purpose other than that specified. Externally restricted funds include funds relating to Section 94 Contributions, Domestic Waste Management, Sewerage Management, Stormwater Management and Grants.

ORDINARY MEETING

Meeting Date: 24 November 2015

Funds subject to an internal restriction refer to funds kept aside for specific purposes, or to meet future known expenses. This allows for significant expenditures to be met in the applicable year without having a significant impact on that year. Internally restricted funds include funds relating to Tip Remediation, Workers Compensation, and Election.

Investment Commentary

The investment portfolio decreased by \$3.4 million for the month of October 2015. During October 2015, income was received totalling \$3.28 million, including rate payments amounting to \$1.34 million, while payments to suppliers and staff costs amounted to \$6.83 million.

The investment portfolio currently involves a number of term deposits and on-call accounts. Council's current investment portfolio is not subject to share market volatility.

Council has a loan agreement for an amount of \$5.26 million under the Local Government Infrastructure Renewal Scheme (LIRS). The full amount was drawn down upon signing the agreement in March 2013, with funds gradually being expended over the period during which the program of works is being delivered. The loan funds have been placed in term deposits, with interest earned on unexpended invested loan funds being restricted to be used for works relating to the LIRS Program projects.

As at 31 October 2015, Council's investment portfolio is all invested with major Australian trading banks or wholly owned subsidiaries of major Australian trading banks, and in line with Council's Investment Policy.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Independent advice is sought on new investment opportunities, and Council's investment portfolio is independently reviewed by Council's investment advisor each calendar quarter.

Council's investment portfolio complies with Council's Investment Policy, adopted on 30 June 2015.

Investment Certification

I, Emma Galea (Responsible Accounting Officer), hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

Conformance to 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.

Financial Implications

Funds have been invested with the aim of achieving budgeted income in Service 121 – Investments within the 2015/2016 Adopted Operational Plan.

RECOMMENDATION:

The report regarding the monthly investments for October 2015 be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 November 2015

Item: 206 **SS - Policy for Payment of Expenses and Provision of Facilities to Councillors - Review - (95496, 96333)**

Previous Item: 166, Ordinary (29 September 2015)

REPORT:

Executive Summary

The Local Government Act 1993 provides for councils to adopt a Policy on the Payment of Expenses and the Provision of Facilities to Councillors. The Act requires that the Policy be reviewed annually and be publicly exhibited prior to any changes to the Policy being adopted.

A review of the Policy was undertaken and there were minor amendments proposed. These were considered by Council at its meeting on 29 September 2015, following which Council resolved to place its revised Policy on public exhibition. The period to lodge submissions closed at 5pm on Thursday, 12 November 2015. No submissions have been received.

The report recommends adoption of the exhibited Policy.

Consultation

The public were provided with the opportunity to review and comment on the Policy, through a statutory 28 day public exhibition process from 15 October 2015 to 12 November 2015, with no submissions being received.

Background

Section 252 of the Act, requires a council, within five months after the end of each financial year, to adopt a policy for the payment of expenses and the provision of facilities to Councillors. Section 253 of the Act also details requirements to be complied with prior to such a policy being adopted or amended in the following terms:

- "(1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submission and make any appropriate changes to the draft policy or amendment.*
- (3) Despite subsection (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:*
 - (a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
 - (b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
 - (c) a copy of the notice given under subsection (1).*

ORDINARY MEETING

Meeting Date: 24 November 2015

- (5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252(1) even if the council proposes to adopt a policy that is the same as its existing policy."*

At the meeting of Council held on 29 September 2015, Council considered a report regarding the Policy on the Payment of Expenses and the Provision of Facilities to Councillors, and resolved as follows:

"That the Policy for Payment of Expenses and Provision of Facilities to Councillors, included as Attachment 1 to the report, be placed on public exhibition for a period of at least 28 days, and that the matter be reported back to Council at the conclusion of the exhibition period, along with any submissions received."

The following minor amendments to the Policy were proposed:

- All references to the Division of Local Government or DLG, be amended to Office of Local Government or OLG;
- Under the heading of 'Mayor', clause 2(a)(vi), reference to Bluetooth capability has been worded more accurately;
- Under the heading 'Part 2 – Payment of Expenses' point 1(d), an additional clause is added: "vi Upon business of Council inside the HLGA (such as functions, ceremonies, school presentations, etc)".

In accordance with the above resolution, the amended Policy was placed on public exhibition. The period to lodge submissions closed on Thursday, 12 November 2015. No submissions have been received.

As no submissions were received during the exhibition period, it is now appropriate for the Council to adopt the Policy which is attached to this report, as Attachment 1.

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;

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

- Have ongoing engagement and communication with our community, governments and industries.

Financial Implications

The cost of providing expenses and facilities in accordance with the Policy would be met from the 2015/2016 Adopted Operational Plan.

RECOMMENDATION:

That:

1. The Policy for Payment of Expenses and Provision of Facilities for Councillors, attached as Attachment 1 to the report, be adopted.
2. As required by Section 253(4) of the Local Government Act 1993, a copy of the adopted Policy be forwarded to the Office of Local Government, together with a copy of the public notice placing the draft Policy on public exhibition, and advice that during the required exhibition period, the Council received no submissions in respect of the draft Policy.

ORDINARY MEETING

Meeting Date: 24 November 2015

ATTACHMENTS:

- AT - 1** Policy for Payment of Expenses and Provision of Facilities to Councillors - (*Distributed Under Separate Cover*).

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 24 November 2015

Item: 207 **SS - Rates Applicable to Commonwealth and State Government Owned Properties - (95496, 96332)**

Previous Item: NM3, Ordinary (11 August 2015)

REPORT:

Executive Summary

At the Ordinary Meeting of Council held on 11 August 2015, Council resolved, in part, to investigate the feasibility of obtaining rates from properties within the Hawkesbury Local Government Area owned by the Commonwealth and State Governments.

The purpose of this report is to provide an overview of Council's legislative obligations under the Local Government Act 1993 (the Act) in regard to exemptions from rates, and Council's options within the context of these obligations.

Consultation

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

Background

At the Ordinary Meeting of Council held on 11 August 2015, Council considered a Notice of Motion in regard to rates from Commonwealth and State Government owned properties and resolved as follows:

"That Council:

- 1. Investigate the feasibility of obtaining rates from properties within the LGA owned by the Commonwealth and State Governments (for example, University of Western Sydney, Hawkesbury Campus, RAAF Richmond Air Base, Department of Education properties, emergency service facilities etc.)*
- 2. Submit a Notice of Motion to the 2015 LG NSW Conference seeking support for this for all LGAs with similar establishments in their area."*

In accordance with Part 2 of the abovementioned resolution, an appropriate motion was forwarded to the 2015 LGNSW Conference. A broad based motion proposed by the Board covering a number of similar motions by councils, was adopted at the Conference.

Part 1 of the abovementioned resolution is addressed in this report.

The Act provides for exemptions from rates for specified properties, and where use of specified properties meets the criteria set out in the relevant provisions. Council is required to comply with the Act in regard to determining the application of rates to properties in its area.

By virtue of Section 554 of the Act, all land in a local government area is "rateable" unless it is "exempt from rating". Sections 555 and 556 of the Act state what land is exempt from rates, as follows:

Section 555 - What land is exempt from all rates?

- (1) The following land is exempt from all rates:*
 - (a) land owned by the Crown, not being land held under a lease for private purposes,*

ORDINARY MEETING

Meeting Date: 24 November 2015

- (b) *land within a national park, historic site, nature reserve, state game reserve or karst conservation reserve (within the meaning of the National Parks and Wildlife Act 1974), whether or not the land is affected by a lease, licence, occupancy or use,*
 - (b1) *subject to subsection (3), land that is the subject of a conservation agreement (within the meaning of the National Parks and Wildlife Act 1974),*
 - (b2) *land that is vested in, owned by, held on trust by or leased by the Nature Conservation Trust of New South Wales constituted by the Nature Conservation Trust Act 2001,*
- (c) *land that is within a special area or controlled area (within the meaning of the Water Board (Corporatisation) Act 1994) for Sydney Water Corporation referred to in that Act and is Crown land or land vested in the Corporation,*
 - (c1) *land that is within a special area (within the meaning of the Hunter Water Board (Corporatisation) Act 1991) for the Hunter Water Corporation and is Crown land or land vested in that company,*
 - (c2) *land that is vested in or owned by Water NSW and in, on or over which water supply works (within the meaning of the Water Management Act 2000) are installed,*
- (d) *land that is within a special area (as declared by an order under section 302 of the Water Management Act 2000) for a water supply authority and is Crown land or land vested in the authority,*
- (e) *land that belongs to a religious body and is occupied and used in connection with:*
 - (i) *a church or other building used or occupied for public worship, or*
 - (ii) *a building used or occupied solely as the residence of a minister of religion in connection with any such church or building, or*
 - (iii) *a building used or occupied for the purpose of religious teaching or training, or*
 - (iv) *a building used or occupied solely as the residence of the official head or the assistant official head (or both) of any religious body in the State or in any diocese within the State,*
- (f) *land that belongs to and is occupied and used in connection with a school (being a government school or non-government school within the meaning of the Education Reform Act 1990 or a school in respect of which a certificate of exemption under section 78 of that Act is in force), including:*
 - (i) *a playground that belongs to and is used in connection with the school, and*
 - (ii) *a building occupied as a residence by a teacher, employee or caretaker of the school that belongs to and is used in connection with the school,*
- (g) *land that is vested in the New South Wales Aboriginal Land Council or a Local Aboriginal Land Council and is declared under Division 5 of Part 2 of the Aboriginal Land Rights Act 1983 to be exempt from payment of rates,*
 - (g1) *land that is vested in or owned by a public transport agency (within the meaning of section 3C of the Transport Administration Act 1988) and in, on or over which rail infrastructure facilities (within the meaning of that Act) are installed,*

ORDINARY MEETING

Meeting Date: 24 November 2015

- (h) land that is below high water mark and is used for any aquaculture (within the meaning of the Fisheries Management Act 1994) relating to the cultivation of oysters.*
- (2) Land is not rateable under subsection (1) (a) only because the land is leased by the Crown to a caretaker at a nominal rent.*
- (3) If part of a single parcel of land is the subject of a conservation agreement within the meaning of the National Parks and Wildlife Act 1974 (as referred to in subsection (1) (b1)), any rate levied on that whole parcel (for any period on or after 1 July 2008) is to be reduced by the specified percentage.*
- (4) Land that is a lot in a strata plan registered under the Strata Schemes (Leasehold Development) Act 1986 is taken, for the purposes of subsection (1) (e), (f), (g) and (g1), to belong to or be vested in the lessee (within the meaning of that Act) of the lot and not the lessor (within the meaning of that Act), unless the lessor is the lessee for the purposes of that Act.*
- (5) A parcel of rateable land belonging to a religious body that is partly occupied and used in a manner described in subsection (1) (e), and partly in a manner that would result in part of the parcel not being exempt from rates under this section, is to be valued in accordance with section 28A of the Valuation of Land Act 1916 to enable those rates to be levied on the part that is not exempt.*
- (6) Any such valuation is to be made at the request of the council that proposes to levy rates on the parcel concerned.*
- (7) For the avoidance of doubt, sections 7B and 28A of the Valuation of Land Act 1916 extend to a stratum for the purpose of carrying out a valuation in accordance with subsection (5) and so extend whether or not the stratum is a lot in a strata plan that is registered under the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986.*

Section 556 - What land is exempt from all rates, other than water supply special rates and sewerage special rates?

- (1) The following land is exempt from all rates, other than water supply special rates and sewerage special rates:*
 - (a) land that is a public place,*
 - (b) land used for a public reserve and vested in the Crown, a public body or trustees,*
 - (c) land used for a common and vested in the Crown, a public body or trustees,*
 - (d) land used for a public cemetery and vested in the Crown, a public body or trustees,*
 - (e) land used solely for a free public library and vested in the Crown, a public body or trustees,*
 - (f) land acquired under an environmental planning instrument for the public purpose specified in the instrument and not leased for private purposes,*
 - (g) land that is held under a lease from the Crown for private purposes and is the subject of a mineral claim granted under Division 4 of Part 9 of the Mining Act 1992 and that the council has declared is not rateable,*
 - (h) land that belongs to a public benevolent institution or public charity and is used or occupied by the institution or charity for the purposes of the institution or charity,*

ORDINARY MEETING

Meeting Date: 24 November 2015

- (i) land that belongs to a public hospital,*
 - (j) land that is vested in the Minister for Health, the Health Administration Corporation or the New South Wales Health Foundation,*
 - (k) land that is vested in a local health district constituted under the Health Services Act 1997*
 - (l) land that is vested in a university, or a university college, and is used or occupied by the university or college solely for its purposes,*
 - (m) land that is vested in the Crown or the Sydney Cricket and Sports Ground Trust and is used or occupied for the purposes of or in accordance with the Sydney Cricket and Sports Ground Act 1978 ,*
 - (n) land that is vested in the Crown or the Zoological Parks Board and is used or occupied by the Board for its purposes,*
 - (o) land that:*
 - (i) is vested in the mines rescue company, within the meaning of the Coal Industry Act 2001, and*
 - (ii) is used for the purposes of a mine rescue station controlled by that company,*
 - (p) land that is managed by the Teacher Housing Authority and on which a house is erected,*
 - (q) land that is leased to the Crown for the purpose of cattle dipping,*
 - (r) land that is specified or described in the regulations as being exempt from all rates, other than water supply special rates and sewerage special rates,*
 - (s) land that is vested in an Aboriginal Land Council and that is reserved under Part 4A of the National Parks and Wildlife Act 1974.*
- (2) Land that consists of a lot in a strata plan registered under the Strata Schemes (Leasehold Development) Act 1986 is taken, for the purposes of subsection (1) (h)-(o), to belong to or be vested in the lessee (within the meaning of that Act) of the lot and not the lessor (within the meaning of that Act), unless the lessor is the lessee for the purposes of that Act.*
- (3) A parcel of rateable land belonging to a public benevolent institution or public charity that is partly used or occupied by the institution or charity for its own purposes, and partly for a purpose that would result in part of the parcel not being exempt from rates under this section, is to be valued in accordance with section 28A of the Valuation of Land Act 1916 to enable those rates to be levied on the part that is not exempt.*
- (4) Any such valuation is to be made at the request of the council that proposes to levy rates on the parcel concerned.*
- (5) For the avoidance of doubt, sections 7B and 28A of the Valuation of Land Act 1916 extend to a stratum for the purpose of carrying out a valuation in accordance with subsection (3) and so extend whether or not the stratum is a lot in a strata plan that is registered under the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986.*

ORDINARY MEETING

Meeting Date: 24 November 2015

As detailed above, the Act provides for exemption from rates for properties owned by the Western Sydney University, Hawkesbury Campus; RAAF Base, Richmond; Department of Education properties and emergency service facilities (if land they are on meets the criteria within the Act), unless they are held for lease under private purposes. Any properties held for lease under private purposes are not exempted and are therefore rated by Council.

Council currently has approximately 370 properties owned by Commonwealth and State Governments with the LGA, and consequently are not rated. The 2015/2016 rates that would have otherwise applied to these properties are in the vicinity of \$800,000. A further 45 properties, totalling in the vicinity of \$130,000 in rates, meet other criteria within the relevant sections of the Act and are also exempt from rates.

Council regularly reviews properties that are exempt from rating to ensure conformance with Sections 554, 555 and 556 of the Act, and to capture any change in ownership or use within the scope of the relevant sections of the Act, and adjusts the application of rates accordingly.

Council from time to time, receives applications from relevant bodies claiming exemptions in accordance with the Act. These applications are rigorously assessed to ensure the claim is supported and that the provisions of the Act apply, before any exemption is granted.

As detailed above, councils in NSW are currently prevented from rating properties that meet the criteria specified in the relevant sections of the Act. As such, while the current Act is in place, Council does not currently have any options in regard to the application of rates to properties referred to in the Council resolution of 11 August 2015.

The Local Government Acts Taskforce (Taskforce) was appointed by the then Minister for Local Government, then The Hon Don Page, to re-write the Local Government Act 1993.

The Taskforce released its "Preliminary Ideas" paper in October 2012. Written submissions were invited in response to a number of questions. Additionally, the Taskforce conducted workshops for councillors and relevant council staff (including county councils) to discuss the questions posed in the paper. Summaries of the outcomes of the workshops and copies of the submissions received by the Taskforce can be found on the Taskforce webpage: www.dlg.nsw.gov.au

Relevant to this report, submissions to the relevant question were received from charitable institutions supporting the retention of Sections 555 to 558 of the Act, which provide for relief from rates for their organisations. A contrary view was also expressed that these provisions are too broad and being "at times vague and difficult to understand which leaves the councils open to legal challenges". (Submission 91 – NSW Revenue Professionals Society Inc.). The paper stated that it would seem that these concerns are particularly relevant to the growth in public benevolent institutions and private schools, some of which make considerable use of council resources. Concern was raised that as a consequence of this growth, the community is increasingly required to pay additional rates in order that Councils' revenue base does not increase.

In its discussion paper dated April 2013, the Taskforce presents its proposed changes to the Act and invited submissions. Submissions on this paper closed on 28 June 2013.

Specifically in relation to rating issues, it was proposed *"to await the Independent Panel work on many of the issues associated with fiscal responsibility including; rating issues; asset and financial planning; rates and charges; management of expenditure; and audit practices before recommending legislative positions on these matters"*.

The final report on the Local Government Act 1993 review has not been issued to date. As such, at this stage, it is not known whether there will be any change to Sections 555 and 556 of the Act.

As referred to earlier in the report, in accordance with Council's resolution of the 11 August 2015, an appropriate motion was submitted to the 2015 LG NSW Conference in relation to the rating exemptions issue. A broad based motion proposed by the Board covering a number of similar motions by councils, was adopted at the Conference.

ORDINARY MEETING

Meeting Date: 24 November 2015

In light of the feasibility of receiving rates from Commonwealth and State organisations being limited by the legislative provisions within the Act; the review of the Act currently in progress; and the submissions already made in regard to the relevant sections of the Act, it is considered that there is limited scope for any action by Council at this stage. It is unknown whether there will be further consultation in regard to the reviewed Act. Should this opportunity become available, Council will be advised accordingly, and if required, an appropriate submission in regard to exemption from rates would be presented to Council for consideration.

Conformance to 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.

Financial Implications

This is an information only report, and there are therefore no funding implications arising.

RECOMMENDATION:

The information regarding the feasibility of receiving rates from Commonwealth and State owned properties included in this report be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ordinary

section 4

reports
of committees

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 4 - Reports of Committees

ROC Audit Committee Minutes - 26 August 2015 - (95496, 91369)

The meeting commenced at 4pm.

Present: Harry Khouri
Ellen Hegarty (Chair)
Councillor Patrick Conolly

Apologies: Nisha Maheshwari
Councillor Paul Rasmussen
Laurie Mifsud - Director Support Services

In Attendance: Peter Jackson - General Manager
Steven Kelly - Internal Auditor
Emma Galea - Chief Financial Officer
Dennis Banicevic - Council's External Auditor
Jan Readford - Minute Secretary

REPORT:

RESOLVED on the motion of Councillor Patrick Conolly and seconded by Mr Harry Khouri that the apology be accepted.

Attendance Register of Audit Committee

Member	8/10/2014	26/11/2014	25/2/2015	27/5/2015	26/8/2015
Councillor Patrick Conolly	A	✓	A	A	✓
Councillor Paul Rasmussen	✓	✓	✓	✓	A
Councillor Bob Porter (Alternate)	N/A	N/A	N/A	N/A	N/A
Ms Ellen Hegarty	✓	✓	✓	✓	✓
Mr Harry Khouri	A	✓	A	✓	✓
Ms Nisha Maheshwari (Chair)	✓	✓	✓	A	A

Key: **A** = Formal Apology **✓** = Present **x** = Absent - no apology

In the absence of the Chairperson, Ms Maheshwari, the Deputy Chairperson, Ms Hegarty, assumed the Chair for this meeting.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr Harry Khouri and seconded by Ms Ellen Hegarty that the Minutes of the Audit Committee held on the 27 August 2015, be confirmed.

SECTION 3 - Reports for Determination

Item: 1 AC - Status Report - Management Responses to Audit Recommendations - July 2015 - (91369, 79351, 121470)

DISCUSSION:

- Mr Kelly referred to Delegations and advised that the Information Services Manager is liaising with Council's current service provider, TechnologyOne, regarding the potential development of a new platform that would enable the Delegations Register to be publicly accessible on Council's website.
- Mr Kelly referred to the recommendations under the Governance Health Check and advised that the Corporate Services and Governance Manager will commence maternity leave in October and is hopeful the work will be completed within the timeframe.
- Mr Kelly referred to Procurement and advised that the individual appointed to the position of Tendering and Contracts Officer, did not remain in the role, having been reoffered their previous position. Council will now appoint someone else into the role.

Ms Galea advised the delay did not affect the process, as Council's Procurement Manager has now developed procedures and templates which will enable training to be conducted. The valuation process has been delayed, however overall it is progressing.

- Mr Kelly referred to Records Management and advised that the Records Coordinator has indicated that the work on Position Descriptions will be completed in October 2015.
- Mr Kelly referred to Business Continuity Management and advised that the development of the training program is in progress and expected to be completed in October 2015.
- Mr Kelly advised that work in relation to Development Contributions is continuing with administrative processes now to be finalised.
- Mr Kelly referred to the WorkCover Audit and advised that specific high risk training requirements have been identified, and that the relevant training has been scheduled to be conducted during September and October 2015. Mr Jackson advised that this training is in addition to other training conducted throughout the year.

RECOMMENDATION TO COMMITTEE:

That the attached Status Report on Management Responses regarding Audit recommendations be noted.

MOTION:

RESOLVED on the motion of Councillor Patrick Conolly, seconded by Mr Harry Khouri.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the attached Status Report on Management Responses regarding Audit recommendations be noted.

Item: 2 AC - Investments - (91369, 79351, 121470)

DISCUSSION:

- Mr Khouri enquired if the investment funds included S94 funding. Ms Galea advised that the investment funds do include \$7million in S94 funding, and that Council's investments are reported to Council each month.
- Ms Galea advised there has been a focus on project delivery with a large quantity of work currently in progress.
- Mr Khouri requested an explanation why Council was not spending the \$45 million held in investments. Mr Banicevic advised that approximately \$22 million is held as Internal Restrictions relating to staff, with External Restrictions funds to be spent on specific areas.
- Mr Banicevic enquired if Council had any Works-in-Kind agreements. Mr Jackson advised that Council has a number of agreements in place, in particular the VPA Agreement for Redbank, totalling \$50 million.
- Ms Maheshwari enquired if the funds are shared across the banks or is Council seeking the highest return. Ms Galea advised that Council does invest with the various banks up to a maximum of 40% investment funds to secure the best rates that can be achieved, usually for a maximum term of two years, and this ensures funding is available for the delivery of works.

RECOMMENDATION TO COMMITTEE:

That the Internal Audit Report – Investments be received and noted.

MOTION:

RESOLVED on the motion of Councillor Paul Rasmussen, seconded by Ms Nisha Maheshwari.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the Internal Audit Report – Investments be received and noted.

Item: 3 AC - Payroll - (91369, 79351, 121470)

DISCUSSION:

- Cllr Conolly noted that a number of staff do not lodge timesheets electronically. Mr Kelly indicated that these are external staff without electronic access.
- Ms Galea indicated that the controls for delegations have been improved preventing anyone without delegations from accessing information.
- Mr Kelly advised the previous issues relating to lost leave forms are now eliminated. Ms Galea indicated that the long term plan is for all staff to have access, pending the available budget. In terms of Council works, some external field staff have been issued with electronic tablets enabling documentary evidence, including data, to be uploaded in the field, which will assist down the track with further expansion of the electronic system.

ORDINARY MEETING
Reports of Committees

- Ms Maheshwari noted that access to allow changes to data is restricted to certain personnel. Ms Galea advised that any changes are recorded in an exemption report. The Financial Accountant does the final payroll check prior to payment.
- Mr Jackson advised that annual leave in excess of eight weeks is reported monthly, and this provides the opportunity for managers to encourage staff to take additional leave, when taking their four weeks annual leave.
- Mr Kelly indicated the implementation of the electronic system has been an overall success and no areas of concern were found during the audit.
- Ms Maheshwari commended Mr Kelly for the detail provided in the report.

RECOMMENDATION TO COMMITTEE:

That the Internal Audit Report – Payroll be received and noted

MOTION:

RESOLVED on the motion of Councillor Patrick Conolly, seconded by Ms Ellen Hegarty.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the Internal Audit Report – Payroll be received and noted

Item: 4 AC - NSW Government's Fit for the Future Program - (91369, 79351, 121470)

DISCUSISON:

- Mr Kelly referred to Council's submission to IPART and advised that the Committee will now be able to see where Council is heading.
- Mr Jackson advised that the outcome of Council's submission is expected on 16 October 2015.
- Ms Hegarty enquired what Council is hoping to achieve with the Regional Strategic Alliance. Mr Jackson indicated there will be numerous benefits and would include strategic planning, shared services and collaboration with projects.
- Ms Galea advised that the Regional Strategic Alliance has sourced the expertise of a consultant to provide guidance and a framework.

RECOMMENDATION TO COMMITTEE:

That the information be noted.

MOTION:

RESOLVED on the motion of Mr Harry Khouri, seconded by Councillor Patrick Conolly.

Refer to COMMITTEE RECOMMENDATION

ORDINARY MEETING
Reports of Committees

COMMITTEE RECOMMENDATION:

That the information be noted.

Item: 5 AC - Meeting Dates - (91369, 79351, 121470)

DISCUSSION:

- Mr Kelly advised that a copy of the Financial Statements for 2014/2015 would be hand delivered to each of the Committee members.

RECOMMENDATION TO COMMITTEE:

That the Special meeting of the Audit Committee be held on Wednesday, 23 September 2015 commencing at 4:00pm.

MOTION:

RESOLVED on the motion of Ms Ellen Hegarty, seconded by Councillor Patrick Conolly.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the Special meeting of the Audit Committee be held on Wednesday, 23 September 2015 commencing at 4:00pm.

SECTION 4 - General Business

There were no matters raised.

The meeting terminated at 5pm.

Submitted to and confirmed at the meeting of the Audit Committee held on 25 November 2015.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC Audit Committee Minutes - 23 September 2015 - (95496, 91369)

The meeting commenced at 4pm.

Present: Harry Khouri
Nisha Maheshwari (Chair)

Apologies: Ellen Hegarty (Deputy Chair)
Councillor Patrick Conolly
Councillor Paul Rasmussen
Laurie Mifsud - Director Support Services

In Attendance: Peter Jackson - General Manager
Steven Kelly - Internal Auditor
Emma Galea - Chief Financial Officer
Dennis Banicevic - Council's External Auditor
Vanessa Browning - Deputy Chief Financial Officer
Jan Readford - Minute Secretary

REPORT:

RESOLVED on the motion of Ms Nisha Maheshwari and seconded by Mr Harry Khouri that the apologies be accepted.

Attendance Register of Audit Committee

Member	23/9/2015			
Councillor Patrick Conolly	A			
Councillor Paul Rasmussen	A			
Councillor Bob Porter (Alternate)	N/A			
Ms Ellen Hegarty	A			
Mr Harry Khouri	✓			
Ms Nisha Maheshwari (Chair)	✓			

Key: A = Formal Apology ✓ = Present x = Absent - no apology

SECTION 3 - Reports for Determination

Item: 1 AC - Unaudited Annual Financial Statements for the Year Ended 30 June 2015 - (95496, 91369, 79351)

RECOMMENDATION:

That the information concerning the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2015 be received.

ORDINARY MEETING
Reports of Committees

In the absence of a quorum, the Committee discussed the Unaudited General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2015.

The meeting terminated at 4:55pm.

Submitted to and confirmed at the meeting of the Audit Committee held on 25 November 2015.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC Waste Management Advisory Committee Minutes - 8 October 2015 - (95249)

The meeting commenced at 4:06pm in Council Chambers.

Present:	Councillor Kim Ford, Chairperson Councillor Jill Reardon, Deputy Chairperson Councillor Bob Porter, Hawkesbury City Council Ms Robin Woods, Community Member
Apologies:	Councillor Leigh Williams, Hawkesbury City Council Professor Basant Maheshwari, University of Western Sydney Mr Geoff Bessell, Community Member Mr Matthew Owens, Hawkesbury City Council
In Attendance:	Mr Jeff Organ, Hawkesbury City Council Mr Ramiz Younan, Hawkesbury City Council Ms Suzanne Stuart, Hawkesbury City Council Mr Oliver Bradshaw, Hawkesbury City Council Ms Sophie Barrett, Hawkesbury City Council Ms Robyn Kozjak - Minute Taker, Hawkesbury City Council

REPORT:

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Porter that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Reardon and seconded by Councillor Porter that the Minutes of the Waste Management Advisory Committee held on 11 March 2015, be confirmed.

Attendance Register of Waste Management Advisory Committee

Member	08/10/14	11/03/15	08/10/15		
Councillor Kim Ford	✓	✓	✓		
Councillor Bob Porter	✓	✓	✓		
Councillor Jill Reardon	✓	✓	✓		
Councillor Leigh Williams	✓	A	A		
Mr Geoffrey Bessell	✓	A	A		
Ms Robin Woods	A	✓	✓		
Prof. Basant Maheshwari	A	✓	A		

Key: A = Formal Apology ✓ = Present x = Absent - no apology

SECTION 4 - Reports for Information

ORDINARY MEETING
Reports of Committees

Item: 1 **WMAC - Progress Report - Waste Education Officer - Community Consultation on Waste Education 2015 - (95249)**

RECOMMENDATION TO COMMITTEE:

That the key findings within the final report (as above), are provided to focus group participants, following enquiries that participants be informed of the outcomes of the focus groups.

MOTION:

RESOLVED on the motion of Councillor Reardon, seconded by Ms Woods.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the key findings within the final report are provided to focus group participants, following enquiries that participants be informed of the outcomes of the focus groups.

Item: 2 **WMAC - Progress Report - Waste Education Officer - Household Waste Guide 2015/2016 - (95249)**

DISCUSSION:

Ms Barrett advised the Household Waste Guides reached 97% of households and added it was not possible to reach 100% (JJ Richards database identified not all households had waste bins).

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Councillor Porter, seconded by Councillor Reardon.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

Item: 3 **WMAC - Progress Report - Hey Tosser Litter Prevention Program - (95249)**

DISCUSSION:

- Ms Barrett reported unfortunately the 'hotspot' identified at McGraths Hill McDonalds/KFC carpark did not show any reduction in waste. Ms Barrett reported she had suggested more bins be installed in that area, however that did not occur. Ms Barrett added McDonalds did however implement a cleaning roster in an attempt to keep the area clean.

ORDINARY MEETING
Reports of Committees

- The Chair asked how many cigarette butt pouches were given out and how many follow-up emails were sent to recipients of the pouches.

Ms Barrett responded she would bring that information back to the next meeting.

- The Chair referred to the new bins installed at Richmond and North Richmond and advised the bins seem to have a dirty appearance. The Chair suggested an alternative top (such as bronze) be looked at in future.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Councillor Reardon, seconded by Councillor Porter.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

Item: 4 **WMAC - Chemical CleanOut and e-waste recycling events 2015 - (95249)**

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Councillor Reardon, seconded by Ms Woods.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

SECTION 5 - General Business

- Ms Woods asked if grants were available to protect the river from dumped waste eg cars.

The Chair responded he had previously raised the matter of dumped cars (in the river) with the police at a Local Traffic Committee meeting. The police advised it was difficult to procure divers and without appropriate intelligence information, it would not be feasible.

Council staff advised they were not aware of incidents which would signify car dumping in the Hawkesbury River was a significant issue.

- Ms Woods asked if Council was proposing to re-join the RID squad due to the rise in incidents of dumped asbestos.

ORDINARY MEETING
Reports of Committees

Mr Bradshaw advised he was awaiting the outcome of the government-run Householders' Asbestos Disposal Scheme which was a trial program designed to explore the impact of cheaper and easier asbestos disposal for householders on rates of illegal dumping of asbestos waste.

- Ms Woods asked what the legacy was of the Blacktown Waste Facility being closed, in regard to buried asbestos.

Mr Bradshaw responded the Blacktown Waste Facility continues to operate as a land fill facility, however had ceased taking asbestos waste. Mr Bradshaw advised the responsibility lies with the owner of the facility (Blacktown Waste Services) in regard to long term remediation of the site. Mr Bradshaw advised the buried asbestos would pose no risk provided the asbestos was buried in plastic wrap and capped to two metres.

- Ms Woods asked if Council proposed to apply for grant funding under the Local Government Organics Collection Systems program.

Mr Organ responded applications for Round 3 of the Organics Collection grants were currently open, however, it was not proposed to apply as there were no suitable projects at this stage to fit the (50/50) funding criteria.

It was added that consideration would be given to future grants.

The meeting closed 4:45pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC Local Traffic Committee - 9 November 2015 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on 9 November 2015, commencing at 3pm.

Present:	Councillor Kim Ford (Chairman) Snr Constable Rob Wright, NSW Police Force Snr Constable Debbie Byrnes, NSW Police Force Mr James Suprain, Roads and Maritime Services Mr Steve Grady, Busways
Apologies:	Mr Dominic Perrottet, MP (Hawkesbury) Ms Jill Lewis, NSW Taxi Council Inspector Ian Woodward, NSW Police Force
In Attendance:	Mr Chris Amit, Manager, Design & Mapping Services Ms Judy Wong, Community Safety Coordinator Ms Jillian Bentham, Events Coordinator Ms Cathy Mills, Personal Assistant, Infrastructure Services Mr Ralph Harlander, Taxi Driver, Local Taxi Companies Representative

RESOLVED on the motion of Mr James Suprain, seconded by Snr Constable Debbie Byrnes that the apologies be accepted.

SECTION 1 - Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the motion of Snr Constable Debbie Byrnes, seconded by Councillor Kim Ford that the minutes from the previous meeting held on Monday, 12 October 2015 be confirmed.

Item 1.2 Business Arising

There was no Business Arising.

SECTION 2 - Reports for Determination

Item: 2.1 LTC - USA v Australia B.A.D. Boat Challenge 2016 - Upper Hawkesbury Power Boat Club - (Hawkesbury) - (80245, 73829)

REPORT:

Introduction

An application has been received from the Upper Hawkesbury Power Boat Club (UHPBC) seeking approval (in traffic management terms) to conduct the USA v Australia B.A.D. Boat Challenge 2016 event on Saturday, 16 and Sunday, 17 January 2016.

The event organiser has advised;

- This event is in a similar format to the Powerboat Spectacular undertaken by the Upper Hawkesbury Power Boat Club for over 30 years.
- The event is a circuit power boat race (oval shape) on the Hawkesbury River, adjacent to Governor Phillip Park with various categories of boats.
- The event will see competitors with their boats travelling from all over Australia as well as from the United States of America (USA).
- The circuit is generally along the straight section of the River between the Windsor Bridge and South Creek.
- Start and finish time for the event is 9am to 5pm.
- The number of competitors expected is approximately 120 for the event.
- There will be six boats per group competing, per race, in various categories, with the number of groups competing unknown at this stage.
- As with previous events, there will be three rescue boats with six divers, two on-water paramedics and safety crew strategically positioned at each end of the course. There is also a jet ski on the course to be used as a towing craft.
- Approximately 500 to 1,000 spectators are expected for the event.
- Parking will be at Governor Phillip Park with additional parking available off street utilising vacant land adjacent to Governor Phillip Park.
- There will be an increase to traffic flow on roads surrounding Governor Phillip Park; however the effect on traffic is not expected to be significant. The affected streets are;
 - George Street, Windsor: between Bridge Street and Palmer Street,
 - Arndell Street, Windsor: the full length,
 - Palmer Street, Windsor: the full length,
 - North Street/Court Street, Windsor: the full length.
- Road closures are not required.

Refer to Attachment 1: USA v Australia B.A.D. Boat Challenge - 2016 – Race Course Plan.

Discussion

The event will be held along the Hawkesbury River and within the Governor Phillip Park. The event and the spectators travelling to the event may impact heavily on the state road network on Windsor Road, Macquarie Street, Wilberforce Road, Bridge Street and local roads such as George Street and Court Street. It would be appropriate to classify the event as a “**Class 2**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).

The event organiser has submitted the following items in relation to the event: Attachment 2 (ECM Document Set ID No: 5186168):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Race Course Plan.

The event organiser has made application under separate cover to Council’s Parks and Recreation section for the exclusive use of Governor Phillip Park.

RECOMMENDATION TO COMMITTEE:

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council’s web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication “Guide to Traffic and Transport Management for Special Events” (Version 3.4) and the Hawkesbury City Council special event information package.
2. The USA v Australia B.A.D. Boat Challenge 2016 event along the Hawkesbury River adjacent to Governor Phillip Park, Windsor, planned for Saturday, 16 and Sunday, 17 January 2016, be classified as a “**Class 2**” special event, in terms of traffic management, under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

ORDINARY MEETING
Reports of Committees

Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to **submit a Transport Management Plan (TMP) for the entire event incorporating a Traffic Control Plan (TCP) to Council and the Roads and Maritime Services - RMS (formerly RTA)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4e. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4f. if the event requires traffic control on a public road, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4g. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from the Roads and Maritime Services - RMS (formerly NSW Maritime); **a copy of this approval to be submitted to Council;**
- 4h. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of Governor Phillip Park;
- 4i. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; **a copy of this approval to be submitted to Council;**
- 4j. the event organiser is to advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4k. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**

ORDINARY MEETING

Reports of Committees

- 4l. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4m. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 4n. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" to Council;

During the event:

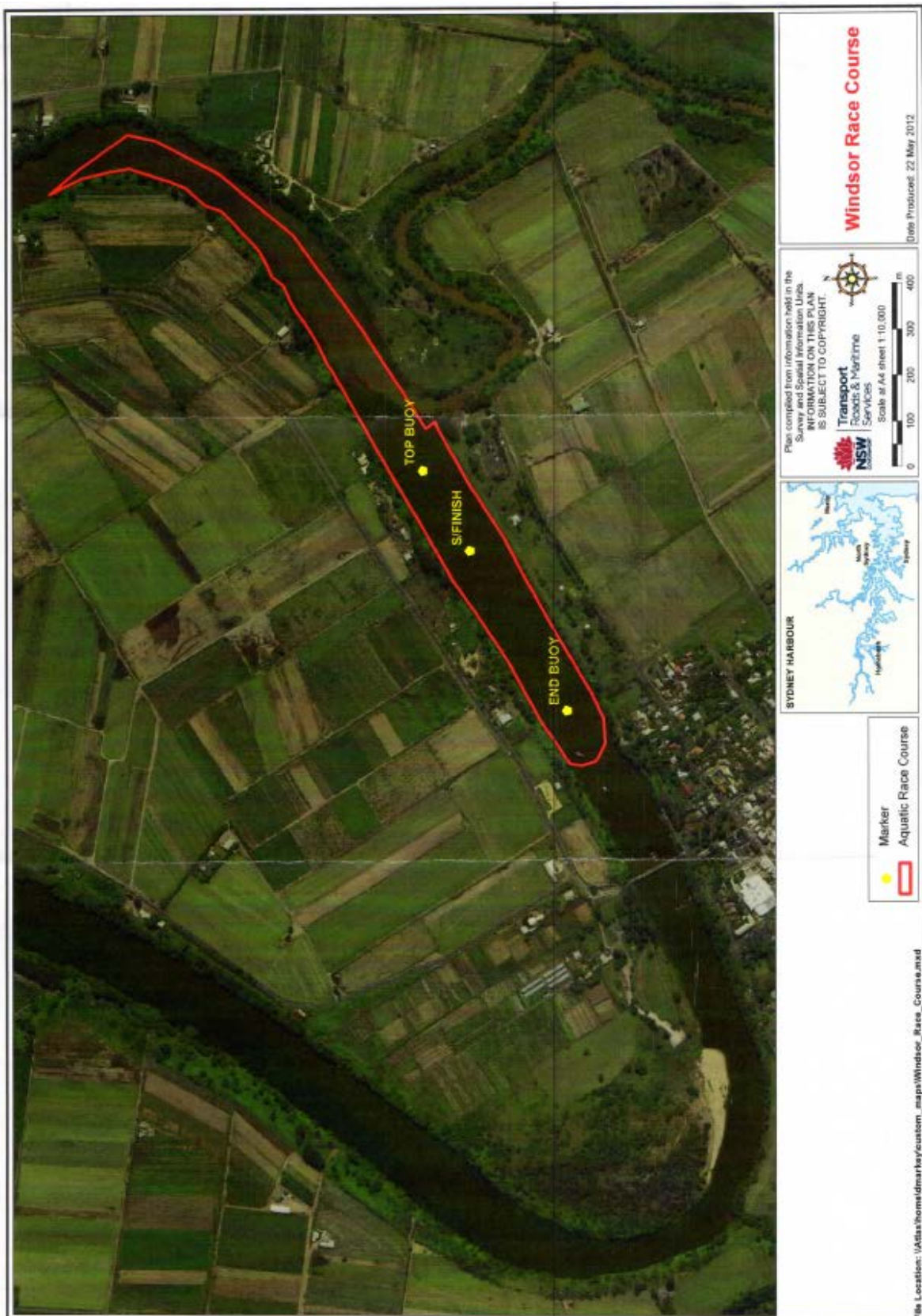
- 4o. access is to be maintained for businesses, residents and their visitors;
- 4p. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4q. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4r. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed for the event, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4s. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4t. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

APPENDICES:

AT - 1 USA v Australia B.A.D. Boat Challenge - 2016 – Race Course Plan.

AT - 2 Special Event Application - (ECM Document Set ID No: 5186168) – *see attached*.

AT - 1 USA v Australia B.A.D. Boat Challenge - 2016 – Race Course Plan



ORDINARY MEETING
Reports of Committees

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr James Suprain, seconded by Snr Constable Debbie Byrnes.

Support for the Recommendation: Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The USA v Australia B.A.D. Boat Challenge 2016 event along the Hawkesbury River adjacent to Governor Phillip Park, Windsor, planned for Saturday, 16 and Sunday, 17 January 2016, be classified as a "**Class 2**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**

ORDINARY MEETING

Reports of Committees

- 4d. the event organiser is to **submit a Transport Management Plan (TMP) for the entire event incorporating a Traffic Control Plan (TCP) to Council and the Roads and Maritime Services - RMS (formerly RTA)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4e. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities**;
- 4f. if the event requires traffic control on a public road, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4g. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from the Roads and Maritime Services - RMS (formerly NSW Maritime); **a copy of this approval to be submitted to Council**;
- 4h. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of Governor Phillip Park;
- 4i. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; **a copy of this approval to be submitted to Council**;
- 4j. the event organiser is to advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4k. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4l. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council**;
- 4m. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council**;
- 4n. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" **to Council**;

During the event:

- 4o. access is to be maintained for businesses, residents and their visitors;
- 4p. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4q. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);

ORDINARY MEETING
Reports of Committees

- 4r. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed for the event, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4s. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4t. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

SECTION 3 - Reports for Information

There are no Reports for Information.

SECTION 4 - General Business

Item: 4.1 LTC - Proposed No Parking Zones - Riverview Street, North Richmond - (Hawkesbury) - (80245, 79351)

REPORT:

Mr Chris Amit advised the Committee that the following 'Question' was raised at the Council Meeting on 25 August 2015 by Councillor Calvert who enquired if the Local Traffic Committee could review the parking on the north side of Riverview Street, North Richmond.

Mr C Amit advised the Committee that Riverview Street extends between Pitt Lane and Grose Vale Road for an approximate distance of 335 metres. The northern side of Riverview Street provides access to the North Richmond commercial precinct with the southern side being a mix of residential and commercial. The North Richmond Shopping Centre and car park is located close to the centre of Riverview Street with two access points off Riverview Street. There is also a car park located at the corner of Grose Vale Road which provides access to the recently opened Aldi Store as well as other businesses. Access to and from the main car parks is assisted with either 'No Parking' or 'No Stopping' zones either side and across the driveways. This allows for sufficient sight distance for drivers negotiating the access points.

Parking along Riverview Street is not time restricted. The take up of parking along Riverview Street is minimal and it is not proposed to implement time restrictions. It was noted during site visits that there are also a few smaller car parks and parking areas that would benefit from the provision of parking restrictions either side of the driveways to improve sight distance. The parking restrictions either side of and across the driveways will also improve the safety for drivers travelling along Riverview Street. The provision of the parking restrictions will not have an adverse effect on parking along Riverview Street. The parking restrictions are required across the properties of Nos. 24, 26/28 and 30/32/34 Riverview Street.

The Committee agreed to the proposal to provide 'No Parking' zones either side and across the driveways along the northern side of Riverview Street and considered that this proposal did not have an adverse effect on parking along Riverview Street.

ORDINARY MEETING
Reports of Committees

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Snr Constable Debbie Byrnes, seconded by Mr James Suprain.

Support for Recommendation: Unanimous Support

That 'No Parking' signs be installed six metres either side of the access driveways for Nos. 24, 26/28 and 30/32/34 Riverview Street, North Richmond, creating 'No Parking' zones either side and across these driveways.

APPENDICES:

There are no supporting documents for this report.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Monday, 11 January 2016 at 3pm in the Large Committee Room.

The Chairman thanked all members of the Committee as well as administrative support staff for their contribution and assistance during the past year and wished all a safe and prosperous Christmas and New Year.

The meeting terminated at 4:15pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meetings and Responses - (79351)

REPORT:

Questions - 27 October 2015

#	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 advised that in August 2010, Council adopted the 'Interpretive Signage and Public Art Policy: Telling Hawkesbury Stories'. The Policy defines Council's approach to the commissioning, design, planning and installation of interpretive signage and included guidelines to the effect that interpretive signs should form part of a well-designed and researched interpretive trail so that an individual site could be thematically linked to tell a broader story about the cultural and natural heritage of the Hawkesbury and its people. This approach recognised the limitations of single, stand alone, signage, and in view of funding limitations, accorded preference to proposals for interpretive signage as detailed in Council's adopted plans. To this end, provision has been made in the 2015/2016 budget for the installation of an heritage interpretive trail based on the Peninsula Precinct in Windsor. The Interpretive Signage Policy does include provision for financial assistance under Council's Community Sponsorship Program for ad-hoc interpretive signage requests which can be determined by Council in accordance with existing guidelines and processes.

ORDINARY MEETING**Questions for Next Meeting****Questions - 10 November 2015**

#	Councillor	Question	Response
1	Reardon	Requested that the branches of the tree adjacent to the ramp at Council's Administration building be pruned.	The Director Infrastructure Services advised that the tree branches have been pruned.
2	Porter	Enquired why neighbours are not notified of the lodgement of a development application, yet residents in an adjoining Council are notified.	The Director City Planning advised that the Development Control Plan (DCP) sets out the requirements for advertising and notification of development applications. When an application requires notification letters are sent, as a minimum, to adjoining owners.
3	Lyons-Bucket	Enquired if a fine has been issued regarding the breach at Redbank, North Richmond.	The Director City Planning advised that a fine has been issued when a breach of the approval requirements occurred.
4	Lyons-Bucket	Enquired if the adequate works have now been put into place at Redbank, North Richmond.	<p>The Director City Planning advised that following the issue of a Stop Work Order on 9 November 2015 Council required additional mitigation works to be undertaken. These included, but were not limited to, doubling of the detention system capacity, additional bunding around parts of the site and additional installation of erosion and sediment control measures. A pump has also been installed to redirect flows from smaller detention basins to larger basins as required. (This pump system was utilised on Saturday, 14 November.)</p> <p>All required works have been installed and the Stop Work Order was lifted on Tuesday, 10 November. Recent inspections (15 and 16 November 2015) indicated that those measures were in place and operating appropriately.</p>
5	Lyons-Bucket	Requested information regarding the ongoing monitoring and if there will be an audit of the damage to Redbank Creek in regards to the aquatic life of the Creek.	The Director City Planning advised that the site is monitored daily by the construction contractors and Council staff. The site was also monitored and inspected over the most recent weekend (14 and 15 November) and all required measures were in place and operating satisfactorily. A process for monitoring of the Creek is being finalised.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
6	Williams	Requested that the North Richmond District Community Association be advised of any development applications received for Redbank, North Richmond.	The Director City Planning advised that all development applications are advertised or notified in accordance with Council's Development Control Plan (DCP) and all development applications are available for viewing on Council's website via the 'DA Tracker'. The most recent development applications for the Redbank site followed this process and were also subject to the notification for the Joint Regional Planning Panel as that Panel was the consent authority in those cases.
7	Williams	Enquired if Council is aware of the reasons for the removal of the sediment barriers at Redbank, North Richmond that caused siltation going to the creek.	The Director City Planning advised that this breach was the result of inadequate quality control of the construction contractor with their sub-contractors. Following the issue of the appropriate infringement, Council staff have discussed this with the construction contractor and processes have been put in place to prevent any reoccurrences.
8	Calvert	Enquired if there are any plans for cycle-ways and footpaths to extend from Richmond to North Richmond and when that would take place.	The Director Infrastructure Services advised that whilst this route had been identified in Council's adopted Mobility Plan, no funding is currently identified to undertake this work. Funding for shared path works is sought under RMS grant programs. Council's adopted priority for any funding is, firstly, the completion of the South Windsor to Bligh Park route and secondly the Richmond to Windsor route along Hawkesbury Valley Way. It is likely that the Richmond to North Richmond route would be undertaken in conjunction with any long term RMS road upgrade works.
9	Calvert	Enquired if a flood sign on Richmond Road near the corner of St Marys Road has been installed.	The Director Infrastructure Services advised that the flood sign was installed in early 2015.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
10	Calvert	Enquired if Council ensures that employees of contractors receive proper wages and work conditions and if Council manages that as part of the tender process.	The Director Support Services advised that Council's Request for Tender documentation used for the calling of tenders includes the requirement for tenderers to state which Award or Enterprise, Workplace, or other enforceable Industrial Agreements, apply to employment conditions provided by their organisation. Subsequent to a contract being awarded, Council's contractors, when submitting a claim for payment, are required to include a <i>Subcontractor Statement Regarding Workers Compensation, Payroll Tax and Remuneration</i> , declaring that employers' obligations in regard to payments to, or in respect of, employees or sub-contractors, as they relate to the contract, have been met. The signed declaration is deemed to be sufficient evidence for Council to be satisfied that its contractors are meeting their obligations in regard to staff and sub-contractors remuneration.
11	Rasmussen	Requested that Council be provided with a full briefing on the Redbank Creek environmental emergency.	The Director City Planning advised that a briefing will be given to Councillors at the scheduled Councillor Briefing Session on 26 November 2015.
12	Rasmussen	Enquired if Council has standard operating procedures in place to deal with environmental emergencies.	The Director City Planning advised that there are procedures in place for emergency situations.

oooO END OF REPORT Oooo

ORDINARY MEETING
CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

Item: 208 **IS - Tender 00964 - Supply and Placement of Asphaltic Concrete Within the City of Hawkesbury - (95495, 79344) CONFIDENTIAL**

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to the tender for supply and placement of asphaltic concrete within the City of Hawkesbury and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 209

SS - Property Matter - Lease to Amy Platt - Shop 3, McGraths Hill Shopping Centre - (95496, 112106, 9587, 125184, 125287) CONFIDENTIAL

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.



ordinary
meeting

end of
business
paper

This business paper has
been produced
electronically to reduce
costs, improve efficiency
and reduce the use of
paper. Internal control
systems ensure it is an
accurate reproduction of
Council's official copy of
the business paper.