



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 14 July 2020

location: by audio-visual link

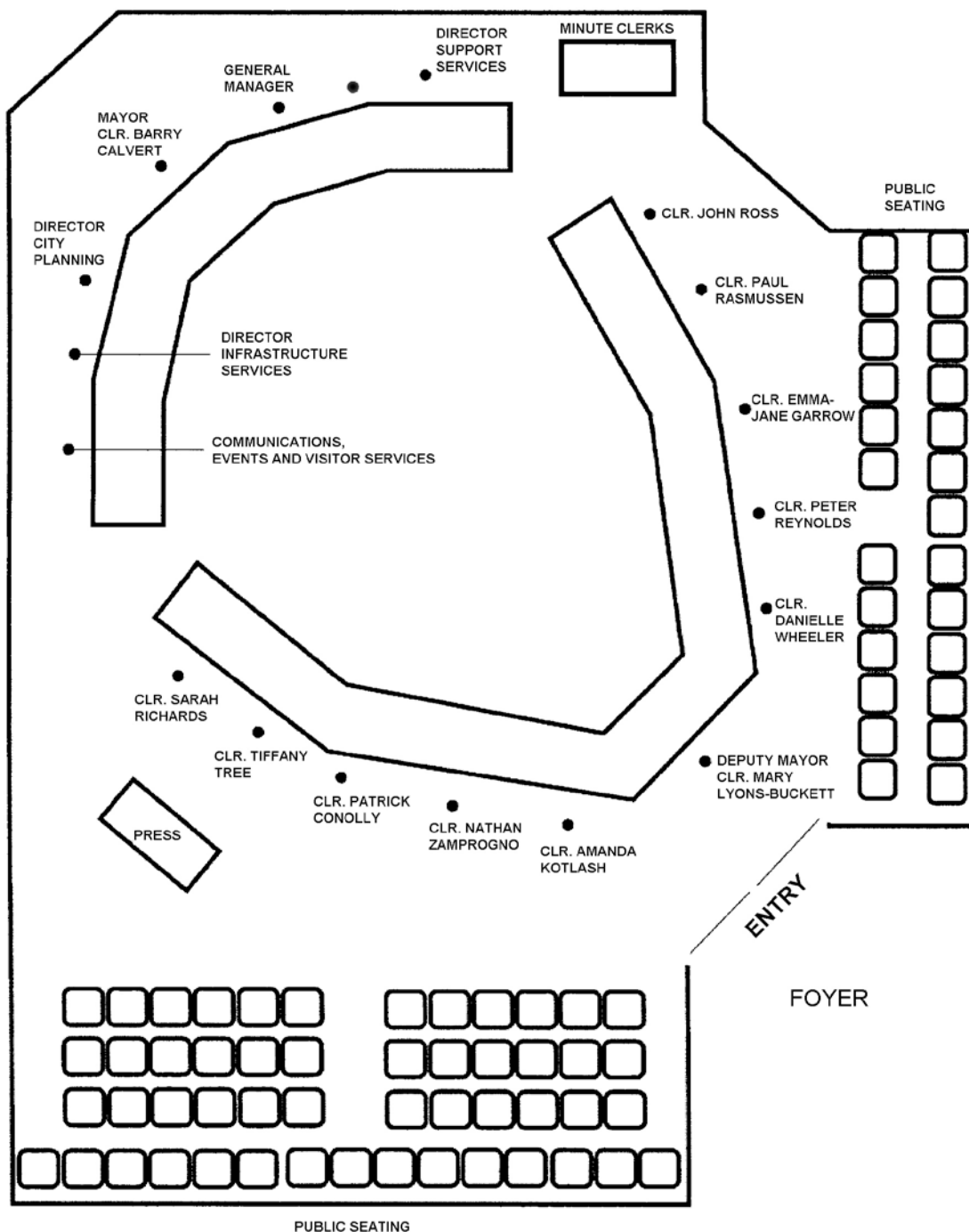
time: 6:30 p.m.



mission statement

***Hawkesbury City Council
leading and working
with our community
to create a healthy
and resilient future.***

Hawkesbury City Council



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Meeting Date: 14 July 2020

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Procedural Matters
Meeting Date: 14 July 2020

PROCEDURAL MATTERS

Welcome

The Mayor, Councillor Barry Calvert will acknowledge the Indigenous Heritage.

The General Manager will address the Council meeting, mentioning:

- Emergency Procedures
- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile phones

Attendance

Attending Councillors and Council staff members will be noted for the purposes of the Minutes.

Apologies and Leave of Absence

The Mayor will ask for any Apologies or Leave of Absence Requests to be noted.

Declaration of Interest

The Mayor will ask for any Declaration of Interests from the attending Councillors. These will then be addressed at the relevant item.

Acknowledgement of Official Visitors to the Council

The Mayor will acknowledge and welcome official visitors to the Council and make any relevant presentations as required.

ORDINARY MEETING

Procedural Matters

Meeting Date: 14 July 2020

ordinary

section 1

confirmation of minutes

ORDINARY MEETING

SECTION 1 - Confirmation of Minutes

Meeting Date: 14 July 2020

SECTION 1 - Confirmation of Minutes



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 30 June 2020

location: by audio-visual link

time: 6:30 p.m.

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Minutes: 30 June 2020

Minutes of the Ordinary Meeting held by audio-visual link, on 30 June 2020, commencing at 6:31pm.

Welcome

The Mayor, Councillor Barry Calvert acknowledged the Indigenous Heritage.

The General Manager addressed the Council meeting, mentioning:

- Emergency Procedures
- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile phones

ATTENDANCE

PRESENT: Councillor Barry Calvert, Mayor, Councillor Mary Lyons-Buckett, Deputy Mayor and Councillors Patrick Conolly, Emma-Jane Garrow, Amanda Kotlash, Paul Rasmussen, Peter Reynolds, Sarah Richards, John Ross, Tiffany Tree, Danielle Wheeler and Nathan Zamprogno.

ALSO PRESENT: General Manager - Peter Conroy, Director City Planning - Linda Perrine, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Chief Financial Officer - Emma Galea, Strategic Planning Manager - Andrew Kearns, Manager Cultural Services - Keri Whiteley, Acting Manager Community Services - Meagan Ang, Manager Corporate Services and Governance - Charles McElroy, and Administrative Support Officer Jodie Tillinghast.

APOLOGIES AND LEAVE OF ABSENCE

No apologies were received.

Councillor Tree arrived at the meeting at 6:36pm.

Councillor Tree left the meeting at 8:10pm.

Councillor Garrow left the meeting at 11:35pm.

Councillor Richards left the meeting at 11:35pm.

DECLARATIONS OF INTEREST

Councillor Lyons-Buckett declared an interest on Item 111.
Councillor Richards declared an interest on Item 111.

Acknowledgement of Official Visitors to the Council

There were no official visitors to the Council.

ORDINARY MEETING

Minutes: 30 June 2020

SECTION 1 - Confirmation of Minutes

131 RESOLUTION:

RESOLVED on the motion of Councillor Zamprogno and seconded by Councillor Rasmussen that the Minutes of the Ordinary held on 26 May 2020, be confirmed.

ORDINARY MEETING

Minutes: 30 June 2020

SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 111 **CP - Update on Kurmond-Kurrajong Investigation Area Structure Plan - Post Exhibition Report - (124414, 95498)**

Previous Item: 40, Ordinary (March 2015)
 114, Ordinary (July 2015)
 134, Ordinary (August 2015)
 199, Ordinary (November 2015)
 188, Ordinary (August 2016)
 257, Ordinary (November 2016)
 164, Ordinary (10 September 2019)

Directorate: City Planning

Councillor Richards declared a pecuniary interest in this matter as her partner owns land in the investigation area. She left the meeting and did not take part in voting or discussion on the matter.

Councillor Lyons-Buckett declared a pecuniary interest in this matter as she resides in the investigation area, but she remained present for discussion of the matter and voting, pursuant to Clause 4.36(b) of Council's Code of Conduct as the interest arose only because of an interest in her principal place of residence.

MOTION:

A MOTION was moved by Councillor Kotlash, seconded by Councillor Conolly.

That Council:

1. Receive the outcome of the public exhibition of the Draft Kurmond- Kurrajong Investigation Area Structure Plan.
2. Not adopt the Kurmond - Kurrajong Structure Plan attached as Attachment 4 to this report, but instead use the valuable planning information it contains to inform future place-based planning assessments for other areas in the Hawkesbury LGA.
3. Progress the remaining planning proposals within the Kurmond - Kurrajong Investigation Area in accordance with Council's resolution 26 November 2016, particularly part:

6. Council continue processing the planning proposals within the investigation area that have received support via a Council resolution to proceed to a Gateway determination and any planning proposals currently lodged with Council as at 29 November 2016.
4. Include the information in the draft Kurmond – Kurrajong Investigation Area Structure Plan in the development of the related planning review documents.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

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Minutes: 30 June 2020

For the Motion: Councillors Calvert, Conolly, Kotlash, Tree and Zamprogno.

Against the Motion: Councillors Garrow, Lyons-Buckett, Rasmussen, Reynolds, Ross and Wheeler

Absent: Councillor Richards

The motion was lost.

MOTION:

A MOTION was moved by Councillor Lyons-Buckett, seconded by Councillor Rasmussen.

Refer to RESOLUTION

132 RESOLUTION:

That Council:

1. Receive the outcome of the public exhibition of the Draft Kurmond-Kurrajong Investigation Area Structure Plan.
2. Defer consideration of the Draft Kurmond-Kurrajong Investigation Area Structure Plan until the following key strategy documents are completed:
 - a) Hawkesbury Local Housing Strategy
 - b) Hawkesbury Rural Lands Strategy
 - c) Hawkesbury Local Strategic Planning Statement.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen, Reynolds, Ross, Tree, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Richards.

ORDINARY MEETING

Minutes: 30 June 2020

GENERAL MANAGER

Item: 112 **GM - Adoption of 2020/2021 Operational Plan, and Making and Levying of Rates and Fixing of Charges for the Period 1 July 2020 to 30 June 2021 - (79351)**

Previous Item: 072, Ordinary (28 April 2020)

Directorate: General Manager

MOTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Rasmussen.

Refer to RESOLUTION

133 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Rasmussen.

That:

1. The report regarding Draft 2020/2021 Operational Plan be noted.
2. The Draft 2020/2021 Operational Plan including the fees and charges, as placed on public exhibition, be adopted incorporating the amendments as outlined in the report including the rates in the dollar for 2020/2021 to incorporate valuation changes up to the final Rating Resolution.
3. The due date for the first instalment of the 2020/2021 Rates Notice be set as 30 September 2020.
4. Council Make and Levy the following Rates and Fix the following Charges for the 2020/2021 financial period in accordance with Section 535 of the Local Government Act 1993 (Land Values used for calculation of rates have a Base Date of 1 July 2019):

Residential Category

In accordance with Section 535 of the Local Government Act 1993, an Ordinary rate named "Residential Rate" in accordance with Section 543 (1), of zero point two zero two one six zero (0.202160) cents in the valuation dollar be levied on all properties categorised as Residential in accordance with Section 516. These properties will be subject to an ad valorem rate and a base amount of \$430.00. The levying of the base amount from the Residential Category will generate 29.85% of the notional yield applicable to the Residential Category.

Farmland Category

In accordance with Section 535 of the Local Government Act 1993, an Ordinary rate named "Farmland Rate" in accordance with Section 543 (1), of zero point one eight one nine four four (0.181944) cents in the valuation dollar be levied on all properties categorised as Farmland in accordance with Section 515. These properties will be subject to an ad valorem rate and a base amount of \$430.00. The levying of the base amount from the Farmland Category will generate 14.43% of the notional yield applicable to the Farmland Category.

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Business Category

In accordance with Section 535 of the Local Government Act 1993, an Ordinary rate named "Business Area 1" in accordance with Section 543 (1), of zero point four zero four three two zero (0.404320) cents in the valuation dollar be levied on all properties in the Business sub-category Business Area 1 in accordance with Section 518. These properties will be subject to an ad valorem rate and a base amount of \$430.00. The levying of the base amount from the Business Area 1 sub-category will generate 12.63% of the notional yield applicable to the Business Area 1 sub - category.

In accordance with Section 535 of the Local Government Act 1993, an Ordinary rate named "Business Area 2" in accordance with Section 543 (1), of zero point four zero four three two zero (0.404320) cents in the valuation dollar be levied on all properties in the Business sub-category Business Area 2 in accordance with Section 518. These properties will be subject to an ad valorem rate and a base amount of \$430.00. The levying of the base amount from the Business Area 2 sub-category will generate 10.66% of the notional yield applicable to the Business Area 2 sub-category.

In accordance with Section 535 of the Local Government Act 1993, an Ordinary rate named "Business Area Other" in accordance with Section 543 (1), of zero point four zero four three two zero (0.404320) cents in the valuation dollar be levied on all properties in the Business sub-category Business Area Other in accordance with Section 518. These properties will be subject to an ad valorem rate and a base amount of \$430.00. The levying of the base amount from the Business Area Other sub-category will generate 12.53% of the notional yield applicable to the Business Area Other sub-category.

Domestic Waste Management Service

For 2020/2021, in accordance with Section 496 of the Local Government Act 1993:

- A "Weekly Domestic (Inc. Green) Waste Mgt Charge 240L" annual charge of \$660.29 be made for a 240 litre bin, for each weekly domestic waste service to an occupied property which is categorised as Residential or Farmland, and for which a weekly domestic waste service, including a green waste service, is available. This charge includes a weekly pickup for garbage, a fortnightly pickup for recycling, a fortnightly pick up for green waste and one kerbside pickup for the financial year.
- A "Weekly Domestic Waste Mgt Charge 240L" annual charge of \$577.60 be made for a 240 litre bin, for each weekly domestic waste service to an occupied property which is categorised as Residential or Farmland, and for which a weekly domestic waste service, is available. This charge includes a weekly pickup for garbage, a fortnightly pickup for recycling, and one kerbside pickup for the financial year.
- A "Weekly Domestic (Inc. Green) Waste Mgt Charge 140L" annual charge of \$448.05 be made for a 140 litre bin for each weekly domestic waste service to an occupied property which is categorised as Residential or Farmland, and for which a weekly domestic waste service, including a green waste service, is available. This charge includes a weekly pickup for garbage, a fortnightly pickup for recycling, a fortnightly pick up for green waste and one kerbside pickup for the financial year.
- A "Weekly Domestic Waste Mgt Charge 140L" annual charge of \$365.37 be made for a 140 litre bin for each weekly domestic waste service to an occupied property which is categorised as Residential or Farmland, and for which a weekly domestic waste service is available. This charge includes a weekly pickup for garbage, a fortnightly pickup for recycling and one kerbside pickup for the financial year.
- A "Fortnightly Domestic Waste Mgt Charge 240L" annual charge of \$365.37 be made for a 240 litre bin, for each fortnightly domestic waste service to an occupied property which is categorised as Residential or Farmland, and for which a fortnightly domestic

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waste service, is available. This charge includes a fortnightly pickup for garbage, a fortnightly pickup for recycling and one kerbside pickup for the financial year.

- A "Fortnightly Domestic Waste Mgt Charge 140L" annual charge of \$256.56 be made for a 140 litre bin for each fortnightly domestic waste service to an occupied property which is categorised as Residential or Farmland, and for which a fortnightly domestic waste service, is available. This charge includes a fortnightly pickup for garbage, a fortnightly pickup for recycling and one kerbside pickup for the financial year.
- A "Weekly Domestic Waste Service Availability" annual charge of \$166.96 be made for parcels of land where a weekly domestic waste service is available but the service is not utilised.
- A "Fortnightly Domestic Waste Service Availability" annual charge of \$83.47 be made for parcels of land where a fortnightly domestic waste service is available but the service is not utilised.

Pensioner Rebate

In accordance with Section 575 of the Local Government Act 1993 where a property is owned and occupied by eligible pensioner(s), a rebate amounting to 50% (fifty percent) of the combined rates and domestic waste service charges up to a maximum of \$250.00 (two hundred and fifty dollars) in annual concession will be granted for 2020/2021.

Business Waste Management Service

For 2020/2021, in accordance with Section 501 of the Local Government Act 1993

- A "Weekly Business Waste Management Service 240L" annual charge of \$871.98 be made for a 240 litre bin, for each weekly waste service to a property which is categorised as Business and for which a weekly waste service is utilised.
- A "Weekly Business Waste Management Service 140L" annual charge of \$533.60 be made for a 140 litre bin for each weekly waste service to a property which is categorised as Business and for which a weekly waste service is utilised.
- A "Fortnightly Business Waste Management Service 240L" annual charge of \$610.39 be made for a 240 litre bin, for each fortnightly waste service to a property which is categorised as Business and for which a fortnightly waste service is utilised.
- A "Fortnightly Business Waste Management Service 140L" annual charge of \$373.52 be made for a 140 litre bin for each fortnightly waste service to a property which is categorised as Business and for which a fortnightly waste service is utilised.

Sewerage Service

For 2020/2021, in accordance with Section 501 of the Local Government Act 1993, the following range of annual charges be made for the provision of sewerage services.

- | | |
|---|------------|
| • "Sewer Residential Connected" | \$886.69 |
| • "Sewer Residential Unconnected" | \$590.45 |
| • "Sewer Business Unconnected" | \$594.97 |
| • "Sewer Business Category 1 (<1,000L per day)" | \$1,032.06 |

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- "Sewer Business Category 2 (1,001 - 5,000L / day)" \$5,174.79
- "Sewer Business Category 3 (5,001 - 10,000L / day)" \$10,308.46
- "Sewer Business Category 4 (10,001 - 20,000L / day)" \$20,553.95
- "Sewer Business Category 5 (>20,000L / day)" \$20,553.95
- Additionally, a trade waste volume charge of \$3.32 per kilolitre be charged to Business Category 5 properties for each kilolitre in excess of 20,000.

Pensioner Rebate

Where a residential property receiving this service is owned by pensioner(s) eligible for an Ordinary Rate pensioner rebate, then a rebate amounting to \$443.35 be granted to the owner(s) in annual concession for 2020/2021.

Stormwater Management Charge

For 2020/2021, in accordance with Section 496A of the Local Government Act 1993, the following annual charges be made for stormwater management:

- "Stormwater Management – Residential" \$25.00
- "Stormwater Management - Residential Strata" \$12.50
- "Stormwater Management – Business" \$25.00 per 350m² or part thereof, up to a maximum \$1,500.00.
- "Stormwater Management - Business Strata" Pro-rata of business charge, based on land valuation apportionment.

Sullage Pump-Out Services

For 2020/2021:

- In accordance with Section 501 of the Local Government Act 1993, a "Fortnightly Sullage Pump-out Service" annual charge of \$2,505.16 will be made for the provision of a fortnightly sullage pump-out service to residential properties.
- In accordance with Section 501 of the Local Government Act 1993, a "Weekly Sullage Pump-out Service" annual charge of \$5,010.32 will be made for the provision of a weekly sullage pump-out service to residential properties.
- Where a property receiving a sullage pump-out service is owned by pensioner(s) eligible for an Ordinary Rate pensioner rebate, and the property is occupied solely by the eligible pensioner(s), in accordance with Section 577 of the Local Government Act 1993 a rebate amounting to 50% of the applicable charge be granted to the owner(s) in annual concession for 2020/2021.
- In accordance with Section 502 of the Local Government Act 1993, additional pump-outs can be requested at a cost of \$160.52 per extra service.
- In accordance with Section 502 of the Local Government Act 1993, emergency after hour's pump-outs be charged at \$201.57 per service.

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- In accordance with Section 502 of the Local Government Act 1993, that a charge of \$27.59 be made for each 1,000 (one thousand) litres of effluent pumped out from commercial and industrial properties for services being conducted on request.

Drainage Management Charge

For 2020/2021, in accordance with Section 501 of the Local Government Act 1993, the following annual charges be made for drainage management:

- "Drainage Management – Residential" \$25.00*
- "Drainage Management – Business" \$25.00*

*The Drainage Management Service Charge is only applicable to properties in the identified urban release area in North Richmond (Redbank). Properties in this area are not subject to the Stormwater Management Service Charge.

Interest Charges

In accordance with Section 566 (3) of the Local Government Act 1993, the interest rate charged on overdue rates and charges for 2020/2021 by Council be set at the maximum permitted by the Minister for Local Government. For the 2020/2021 rating year, this will be:

- For the period 1 July 2020 to 31 December 2020 (inclusive) – 0% per annum
 - For the period 1 January 2021 to 30 June 2021 (inclusive) – 7.0% per annum
5. The persons and/or organisations that made submissions in response to the exhibition of Council's Draft 2020/2021 Operational Plan be advised of Council's decision in this regard and the relevant comments in the report.

For the Motion: Councillors Calvert, Lyons-Buckett, Garrow, Kotlash, Rasmussen, Reynolds and Wheeler.

Against the Motion: Councillor Conolly, Ross, Richards and Zamprogno.

Absent: Councillor Tree.

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Item: 113 **GM - 2019/2020 Local Government Leadership and Awareness Program - (79361, 138882)**

Previous Item: 092, Ordinary (12 May 2020)
 104, Ordinary (26 May 2020)

Directorate: General Manager

MOTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Rasmussen.

Refer to RESOLUTION

134 RESOLUTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Rasmussen.

That the report regarding the Mayoral Morning Teas and the status of the Local Government Leadership and Awareness Program be received and noted.

For the Motion: Councillors Lyons-Buckett, Garrow, Rasmussen, Reynolds, Ross, and Wheeler.

Against the Motion: Councillors Calvert, Conolly, Kotlash, Richards and Zamprogno.

Absent: Councillor Tree.

ORDINARY MEETING

Minutes: 30 June 2020

CITY PLANNING

Item: 114 CP - Status Update of Remaining Individual Planning Proposals within the Kurmond-Kurrajong Investigation Area - (124414, 95498)

Previous Item: 40, Ordinary (March 2015)
114, Ordinary (July 2015)
134, Ordinary (August 2015)
199, Ordinary (November 2015)
188, Ordinary (August 2016)
257, Ordinary (November 2016)
164, Ordinary (10 September 2019)

Directorate: City Planning

MOTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Ross.

Refer to RESOLUTION

135 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Ross.

That Council:

1. Receive and note the information contained within this report.
2. Authorise officers to contact applicants of remaining individual Planning Proposals within the Kurmond-Kurrajong Investigation Area to advise them of the status of the Kurmond-Kurrajong Structure Plan.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Ross, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Tree.

136 RESOLUTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Lyons-Buckett.

That the meeting be adjourned for a short break.

The meeting adjourned at 9:28pm

The meeting resumed at 9:41pm.

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Item: 115 **CP - Submission to Flood Prone Land Package - (95498, 124414)**

Directorate: City Planning

MOTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Wheeler.

Refer to RESOLUTION

137 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett, seconded by Councillor Wheeler.

That Council

1. Receive and note the information contained within this report; and
2. Endorse the submission contained in Attachment 1 to this report to the Department of Planning, Industry and Environment for consideration in amending legislation and policies in relation to the management of flood risks, with the following amendment:
 - Rather than recommend the deletion of Clause 3(b) in the Regional Evacuation Consideration Area Section, instead recommend that the Clause be amended to enable clearer interpretation when applied in the development assessment process.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly Garrow, Kotlash, Rasmussen, Reynolds, Richards, Ross, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Tree.

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SUPPORT SERVICES

Item: 116 **SS - Monthly Investment Report - May 2020 - (95496, 96332)**

Previous Item: 150, Ordinary (10 March 2020)

Directorate: Support Services

MOTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Conolly.

Refer to RESOLUTION

138 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Conolly.

That the Monthly Investments Report for May 2020 be received and noted.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Ross, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Tree.

Item: 117 **SS - Artefacts and Archaeology from Windsor Bridge Replacement Project - (95496)**

Previous Item: 30, Ordinary (25 February 2020)

Directorate: Support Services

MOTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Conolly.

Refer to RESOLUTION

139 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Conolly.

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That:

1. Council accept all artefacts and archaeology, including salvaged bricks and sandstone blocks, from the Windsor Bridge Replacement Project.
2. Transport for NSW confirm in writing that it will fund the fit out of the exhibition, photographic recording and storage of the artefacts and archaeology from the Windsor Bridge Replacement Project, within the Hawkesbury Regional Museum.
3. Council Staff seek written confirmation from the Minister for Transport and Roads, in relation to:
 - a) His offer of assistance concerning pedestrian issues, interpretation works and storage issues associated with the Windsor Bridge Replacement Project.
 - b) The status of the maritime artefacts and plans for the future management of these items.
4. An inventory of all artefacts and building materials taken to or stored at Council's Depot and any other Council installations be undertaken as soon as possible.
5. A suitable solution for the storage and long term use of the salvaged bricks and sandstone blocks be developed.
6. Council's Museum staff and Transport for NSW's heritage consultant and Council's Heritage Advisory Committee develop the interpretation and exhibition of artefacts and archaeology from the Windsor Bridge Replacement Project, within Hawkesbury Regional Museum.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Ross, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Tree.

Item: 118 **SS - 2019/2020 Community Sponsorship Program - Round 2 - (95496. 96328)**

Previous Item: 068, Ordinary (30 April 2019)
236, Ordinary (10 December 2019)

Directorate: Support Services

MOTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Zamprogno.

Refer to RESOLUTION

140 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Zamprogno.

ORDINARY MEETING

Minutes: 30 June 2020

That Council:

1. Approve payments for Section 356 Financial Assistance to the organisations and individuals listed and at the level recommended in the tables in this report.
2. Approve the execution of Council's standard Sponsorship Agreement for those applications where the approved funding level is over \$500.
3. Respond to Applicant 6 with advice that the application was not successful in accordance with the Community Sponsorship Program assessment criteria.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Wheeler and Zamprogno.

Against the Motion: Councillor Ross.

Absent: Councillor Tree.

Item: 119 **SS - Management of the Hawkesbury Indoor Stadium - (95496, 81173)**

Previous Item: 121, Ordinary (8 May 2018)
199, Ordinary (14 August, 2018)
15, Ordinary (12 February, 2019)
83, Ordinary (14 May, 2019)

Directorate: Support Services

MOTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Richards.

Refer to RESOLUTION

141 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Richards.

RECOMMENDATION:

That:

1. Council enter into a management agreement with PCYC NSW for the management of the Hawkesbury Indoor Stadium from 1 July 2020 as outlined in the report.
2. The term of the agreement be for 12 months with two options in favour of Council of three months' each.
3. The General Manager be given delegated authority to execute any documentation associated with the management agreement with PCYC NSW.

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4. Council continue negotiations with PCYC NSW and take necessary steps to finalise the Development Agreement and Agreement for Lease.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen, Reynolds, Richards and Zamprogno.

Against the Motion: Councillors Ross and Wheeler.

Absent: Councillor Tree.

142 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Wheeler that the meeting continue past 11pm to allow the Business Paper to be completed.

Item: 120 **SS - Lease of Childcare Centres - (95495)**

Previous Item: 69 Ordinary (30 April 2019)
259 Ordinary (30 October 2018)

Directorate: Support Services

MOTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Rasmussen.

Refer to RESOLUTION

143 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Rasmussen.

That:

1. Council approve the execution of three year leases with the Golden Valley Children's Centre, Greenhills Child Care Centre, Hobartville Long Day Pre-School, McGraths Hill Children's Centre, Elizabeth St Extended Hours Pre-School, Richmond Preschool Kindergarten, Wilberforce Early Learning Centre, Windsor Pre-School, and Wilberforce Pre-School, in accordance with the proposed lease conditions outlined within this report including amendment of the commencement date of the leases with the nine childcare centres and the associated financial contributions to 1 July 2020.
2. Authority be given for the leases and any other documentation in association with the matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Lessees, together with the advice that Council is not, and will not, be bound by the terms of the resolution, until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.
4. Request staff to work with any childcare centres operating from Council owned buildings that are experiencing financial hardship to assess their status in relation to Council's (draft) Hardship Policy.

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For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Wheeler and Zamprognio.

Against the Motion: Councillor Ross.

Absent: Councillor Tree.

SECTION 4 – Reports of Committees

Item: 121 **ROC - Infrastructure Committee - 22 April 2020 - (95495, 143704)**

Directorate: Infrastructure Services

MOTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Wheeler.

Refer to RESOLUTION

144 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Wheeler.

That in relation to the Minutes of the Infrastructure Committee Meeting held on 22 April 2020:

1. In relation to Items 1, 2 and General Business, as they have no policy or financial implications for Council, they are presented for information only.
2. Council endorse the Committee Recommendations in respect of Item 3 (Bushfire Related Infrastructure Topics), namely

"That Council:

1. *Write to the Transport NSW requesting that investigations be carried out for the feasibility of constructing a bridge at Webb Creek and sealing of Settlers Road to assist with access to remote communities in the Macdonald Valley during fire and flood events.*
2. *Undertake further discussion with NSW RFS and NPWS in relation to provision of additional water storage facilities preferably underground tanks.*
3. *Lobby the Federal Communications Minister for more Communications Towers in the Hawkesbury LGA to improve our telecommunications and internet which is critical in the event of Natural disasters."*

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Ross, Tree, Wheeler and Zamprognio.

Against the Motion: Nil.

ORDINARY MEETING

Minutes: 30 June 2020

Item: 122 **ROC - Heritage Advisory Committee Meeting - 21 May 2020 - (80242, 124414, 95498)**

Directorate: City Planning

MOTION:

A MOTION was moved by Councillor Rasmussen, seconded by Councillor Wheeler.

That in relation to the Minutes of the Heritage Advisory Committee Meeting held on 21 May 2020:

1. Council receive and note the Heritage Advisory Committee Minutes in respect to General Business Items A, B, D, E, F, G and I.
2. Council endorse the Committee Recommendation in respect of Item 1 (Richmond Bridge Duplication Project), namely:

"That:

Council does not endorse any option that significantly impacts on Heritage properties and the cultural landscapes and notes that the yellow option will have a significant adverse impact on Durham Bowes, an extremely rare State Listed Heritage item and the green option has a significant adverse impact on Bronte, a locally listed Heritage property."

3. Council endorse the Committee Recommendations in respect of Item 2 (Local Heritage Assistance Fund 2019/2020 Outcomes), namely:

"That:

- a. *Recommend the report on this matter be received by Council including the attached images highlighting the various works undertaken.*
- b. *Recommend Council publicise via social media the outcomes of the Local Heritage Assistance Fund 2019/2020 Program and use this as an outlet to advertise next year's program.*
- c. *Notes that the use of site signage was a success and generated a positive sentiment towards Heritage items within the community, and prompted meaningful conversations of positive interest and awareness."*

4. Council endorse the Committee Recommendations in respect of Item C in General Business (Windsor Bridge Replacement Project), namely:

"That:

- a. *The use of hard surfaces are minimised and the natural and cultural landscape is maintained and that any and all works consider the heritage and archaeological significance of the fact that the site was the former Government Domain and Andrew Thompson's lease.*
- b. *Council Expresses concerns in relation to the disabled parking being located at the bottom of a significant slope and whilst this does allow access to the Wharf, it does not allow access to Thompson Square."*

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5. Council endorse the Committee Recommendations in respect of General Business Item H (Existing Windsor Bridge) namely:

"That based on the structural engineer's report provided by the Defenders of Thompson Square, the Windsor Bridge is structurally stable and can be conserved quite easily and Council should contact Transport for NSW as there is no justification for the bridge's removal based on structural failure, and there is a lot of justification to retain the bridge on heritage grounds."

An AMENDMENT was moved by Councillor Conolly, seconded by Councillor Kotlash.

That in relation to the Minutes of the Heritage Advisory Committee Meeting held on 21 May 2020:

1. Council receive and note the Heritage Advisory Committee Minutes in respect to General Business Items A, B, D, E, F, G and I.
2. Council receive the Committee Recommendation in respect of Item 1 (Richmond Bridge Duplication Project), namely:

"That:

Council does not endorse any option that significantly impacts on Heritage properties and the cultural landscapes and notes that the yellow option will have a significant adverse impact on Durham Bowes, an extremely rare State Listed Heritage item and the green option has a significant adverse impact on Bronte, a locally listed Heritage property."

And consider this as part of work associated with investigating Strategic Transport routes in the Local Government Area.

3. Council endorse the Committee Recommendations in respect of Item 2 (Local Heritage Assistance Fund 2019/2020 Outcomes), namely:

"That:

- a. *Recommend the report on this matter be received by Council including the attached images highlighting the various works undertaken.*
- b. *Recommend Council publicise via social media the outcomes of the Local Heritage Assistance Fund 2019/2020 Program and use this as an outlet to advertise next year's program.*
- c. *Notes that the use of site signage was a success and generated a positive sentiment towards Heritage items within the community, and prompted meaningful conversations of positive interest and awareness."*

4. Council endorse the Committee Recommendations in respect of Item C in General Business (Windsor Bridge Replacement Project), namely:

"That:

- a. *The use of hard surfaces are minimised and the natural and cultural landscape is maintained and that any and all works consider the heritage and archaeological significance of the fact that the site was the former Government Domain and Andrew Thompson's lease.*

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- b. *Council Expresses concerns in relation to the disabled parking being located at the bottom of a significant slope and whilst this does allow access to the Wharf, it does not allow access to Thompson Square."*

5. Council endorse the Committee Recommendations in respect of General Business Item H (Existing Windsor Bridge) namely:

"That based on the structural engineer's report provided by the Defenders of Thompson Square, the Windsor Bridge is structurally stable and can be conserved quite easily and Council should contact Transport for NSW as there is no justification for the bridge's removal based on structural failure, and there is a lot of justification to retain the bridge on heritage grounds."

For the Amendment: Councillors Calvert, Lyons-Buckett, Conolly, Kotlash, Rasmussen, and Zamprogn.

Against the Amendment: Councillors Reynolds, Ross and Wheeler.

Absent: Councillors Garrow, Richards and Tree.

The Amendment was carried.

MOTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Wheeler.

Refer to RESOLUTION

145 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Wheeler.

That in relation to the Minutes of the Heritage Advisory Committee Meeting held on 21 May 2020:

1. Council receive and note the Heritage Advisory Committee Minutes in respect to General Business Items A, B, D, E, F, G and I.
2. Council receive the Committee Recommendation in respect of Item 1 (Richmond Bridge Duplication Project), namely:

"That:

Council does not endorse any option that significantly impacts on Heritage properties and the cultural landscapes and notes that the yellow option will have a significant adverse impact on Durham Bowes, an extremely rare State Listed Heritage item and the green option has a significant adverse impact on Bronte, a locally listed Heritage property."

And consider this as part of work associated with investigating Strategic Transport routes in the Local Government Area.

3. Council endorse the Committee Recommendations in respect of Item 2 (Local Heritage Assistance Fund 2019/2020 Outcomes), namely:

"That:

- a. *Recommend the report on this matter be received by Council including the attached images highlighting the various works undertaken.*

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- b. Recommend Council publicise via social media the outcomes of the Local Heritage Assistance Fund 2019/2020 Program and use this as an outlet to advertise next year's program.*
 - c. Notes that the use of site signage was a success and generated a positive sentiment towards Heritage items within the community, and prompted meaningful conversations of positive interest and awareness."*
- 4. Council endorse the Committee Recommendations in respect of Item C in General Business (Windsor Bridge Replacement Project), namely:
 - "That:
 - a. The use of hard surfaces are minimised and the natural and cultural landscape is maintained and that any and all works consider the heritage and archaeological significance of the fact that the site was the former Government Domain and Andrew Thompson's lease.*
 - b. Council Expresses concerns in relation to the disabled parking being located at the bottom of a significant slope and whilst this does allow access to the Wharf, it does not allow access to Thompson Square."*
- 5. Council endorse the Committee Recommendations in respect of General Business Item H (Existing Windsor Bridge) namely:
 - "That based on the structural engineer's report provided by the Defenders of Thompson Square, the Windsor Bridge is structurally stable and can be conserved quite easily and Council should contact Transport for NSW as there is no justification for the bridge's removal based on structural failure, and there is a lot of justification to retain the bridge on heritage grounds."*

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Kotlash, Rasmussen, Reynolds, Wheeler and Zamprogno.

Against the Motion: Councillor Ross.

Absent: Councillors Garrow, Richards and Tree.

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Item: 123 **ROC - Local Traffic Committee - 15 June 2020 - (80245, 95495)**

Directorate: Infrastructure Services

MOTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Wheeler.

Refer to RESOLUTION

146 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Wheeler.

That the Minutes of the Local Traffic Committee meeting held on 15 June 2020 be received and noted.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Ross, Tree, Wheeler and Zamprognó.

Against the Motion: Nil.

ORDINARY MEETING

Minutes: 30 June 2020

CONFIDENTIAL REPORTS

147 RESOLUTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Councillor Kotlash.

That:

1. The Council meeting be closed to deal with confidential matters and in accordance with Section 10A of the Local Government Act 1993, members of the Press and the public be excluded from the Council Chambers during consideration of the following items:

Item: 124 SS - Management and Operational of the Oasis Aquatic and Leisure Centre - (95496)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the management of a Council facility 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.*

Item: 125 SS - Tender for the Provision of Internal Audit Services - (95496, 79351, 128732)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the management of a Council facility 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.*

2. 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 these matters be withheld from the Press and public.

148 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Kotlash that open meeting be resumed.

ORDINARY MEETING

Minutes: 30 June 2020

Item: 124 **SS - Management and Operation of the Oasis Aquatic and Leisure Centre
- (95496) CONFIDENTIAL**

Directorate: Support Services

MOTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Conolly, seconded by Councillor Rasmussen.

Refer to RESOLUTION

149 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Rasmussen.

That:

1. Council enter into an agreement with YMCA NSW for the management and operation of the Oasis Aquatic and Leisure Centre from 1 July 2020 as outlined in the report.
2. The term of the agreement be for 12 months, with two options in favour of Council of three months each.
3. The General Manager be given delegated authority to execute any documentation associated with the final agreement between Council and YMCA NSW.
4. Council authorise the affixing of the Seal of Council to any documentation in regard to this matter, if necessary.
5. YMCA NSW be granted flexibility in the first three months of the contract regarding the application of the adopted Fees and Charges from 1 July 2020.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Kotlash, Rasmussen, Reynolds, Ross, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillors Garrow, Richards and Tree.

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Item: 125 **SS - Tender for the Provision of Internal Audit Services - (95496, 79351, 128732) CONFIDENTIAL**

Previous Item: 156, Ordinary (29 August 2017)

Directorate: Support Services

MOTION:

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Wheeler.

Refer to RESOLUTION

150 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Wheeler.

That Council:

1. Exercise the option of a one year extension, commencing on 1 July 2020, of the current contract with the Centium Group Pty Ltd based on the schedule of rates detailed in this report, for the provision of internal audit services to Hawkesbury and Blue Mountains City Councils.
2. Delegate to the General Manager the authority to sign any documentation regarding the exercise of the option to extend the contract for the provision of Joint Internal Audit Services to Hawkesbury City Council and Blue Mountains City Council for a period of one year commencing on 1 July 2020.
3. Authorise the affixing of the Seal of Council to any documentation in regard to this matter, if necessary.

For the Motion: Councillors Calvert, Lyons-Buckett, Conolly, Kotlash, Rasmussen, Reynolds, Wheeler and Zamprognio.

Against the Motion: Councillor Ross.

Absent: Councillors Garrow, Richards and Tree.

The meeting terminated at 11:52pm.

Submitted to and confirmed at the Ordinary meeting held on 14 July 2020.

.....
Mayor

ordinary

section 2

mayoral minutes

ORDINARY MEETING
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SECTION 2 – Mayoral Minutes

There was no Mayoral Minute at the time of preparing this Business Paper.

Notwithstanding the above, pursuant to Clauses 9.6-9.9 of Council's Code of Meeting Practice, the Mayor may submit a Mayoral Minute to the meeting without notice in relation to any matter or topic that:

- Is within the jurisdiction of the Council
- Council has official knowledge of.

However, a Mayoral Minute must not be put without notice if it relates to a routine or non-urgent matter.

A matter is considered to be urgent when it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

ordinary

section 3

reports
for determination

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 14 July 2020

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SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 126 **CP - General Amendments (Housekeeping) Planning Proposal to Amend the Hawkesbury Local Environmental Plan 2012 - Post Exhibition Report - (95498)**

Previous Item: 41, Ordinary (31 March 2015)
 227, Ordinary (10 December 2019)
 003, Ordinary (11 and 25 February 2020)

Directorate: City Planning

PURPOSE OF THE REPORT:

The purpose of this report is to advise Council of the outcome of the public exhibition of the General Amendments (Housekeeping) planning proposal to amend the Hawkesbury Local Environmental Plan 2012.

EXECUTIVE SUMMARY:

Council is undertaking a General Amendments (Housekeeping) planning proposal to amend the Hawkesbury Local Environmental Plan 2012. As detailed in the report, the proposed amendments are generally procedural, but also includes other amendments which relate to the addition of permissible uses and reclassification of land.

The matter has now completed the public exhibition stage, having been publicly exhibited from Friday, 24 April to Friday, 22 May 2020 inclusive. A total of 17 submissions were received which have been summarised and attached to this report, and which raised a number of issues for consideration.

Based on assessment, there are no issues with the majority of the more than 50 individual elements of the planning proposal, and it has been recommended to proceed with plan making for those identified elements. Four of the elements require further consideration by Council, with a recommendation being provided for those elements.

RECOMMENDATION:

That Council:

1. Receive the report on the public exhibition of the General Amendments (Housekeeping) planning proposal to amend the Hawkesbury Local Environmental Plan 2012;
2. Based on the submission from the Department of Primary Industry, defer consideration of the planning proposal element to permit the Function Centre use in the RU1, RU2, RU4, RU5 and E4 zones until a place based planning approach including constraints analysis within these zones is undertaken as part of the review of the Hawkesbury Local Environmental Plan 2012 and Development Control Plan in order to identify suitable key sites/locations within these zones;
3. Proceed with the planning proposal regarding permissibility of eco-tourism facilities within the RU1, RU2, RU4, RU5, R1, R2, R3, R5, E3 and E4 zones;
4. Proceed with the extension of the temporary use of land period from 28 to 52 days;

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5. Proceed with the public hearing associated with the reclassification of land element.
6. Proceed with the remainder of the identified General Amendments in order to rectify the identified issues within the Hawkesbury Local Environmental Plan 2012;
7. Following consideration of the public hearing referred to in point five, request that the Minister proceed with the making of a plan to amend the Hawkesbury Local Environmental Plan 2012 in order to reflect the recommended amendments to the Hawkesbury Local Environmental Plan 2012; and
8. Include the matters raised in submissions that do not relate to the current General Amendments (Housekeeping) planning proposal to amend the Hawkesbury Local Environmental Plan 2012 in Council's review of the Local Environmental Plan and Development Control Plan.

BACKGROUND

The Hawkesbury Local Environmental Plan 2012 was gazetted and came into effect on 21 September 2012 which subsequently repealed the Hawkesbury Local Environmental Plan 1989.

The objective of Hawkesbury Local Environmental Plan 2012 was to convert the Hawkesbury Local Environmental Plan 1989 to the Department of Planning's "Standard Instrument" without making any substantial or significant changes to the underlying land use permissibility or minimum lot size provisions.

Since the gazettal of Hawkesbury Local Environmental Plan 2012 a number of anomalies have been identified in the written instrument and maps. Most of these anomalies are considered to be minor matters, however some of these anomalies have raised questions in respect to the interpretation and application of certain clauses and permissibility's. As such, Council is undertaking a General Amendments (Housekeeping) planning proposal to amend the Hawkesbury Local Environmental Plan 2012.

The proposed amendments are generally procedural, and are comprised of approximately 50 amendments that are mostly minor 'Housekeeping' matters relating to mapping, definitional and written instrument changes. In addition to the proposed minor 'Housekeeping' changes there are other amendments which relate to permissibility and reclassification of land.

Proposed Amendments to Hawkesbury Local Environmental Plan 2012:

Details of the amendments can be explained as follows:

1. Written Instrument Amendments

These amendments primarily relate to the interpretation and application of some clauses. The proposed changes primarily relate to minor wording corrections and changes to development criteria, particularly in respect to exempt development requirements and standard dictionary terminology. In a small number of cases, the intent of clauses previously in Hawkesbury Local Environmental Plan 1989 and converted into new wording under the original "Standard Instrument" have become open to alternative interpretation. The intent is to clarify the intended interpretation of those clauses.

2. Mapping Amendments

These amendments include changes to the mapping relating to heritage items, land reserved for acquisition, minimum lot sizes and land zoning.

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3. Adoption of additional Land Uses

Since the gazettal of Hawkesbury Local Environmental Plan 2012, Council has received a number of representations relating to certain definitions in the Department of Planning and Environment's governing "Standard Instrument" that were not previously considered by Council given those definitions were not available to Council at the time of commencing the conversion of Hawkesbury Local Environmental Plan 1989.

In particular, interest had been raised with respect to the permissibility of new definitions that were not previously included in Hawkesbury Local Environmental Plan 1989, such as function centres and eco-tourist facilities. In addition, Council resolved at the Ordinary Meeting of 9 December 2014 to permit secondary dwellings and dual occupancies (detached) within all rural zones and E3 and E4 environmental zones. The secondary dwellings and dual occupancies (detached) component of the Planning Proposal was subsequently removed from the planning proposal as a consequence of the Gateway Determination issued by the NSW State Government.

4. Site Specific Reclassification

Council had received a request to reclassify two parcels of Council owned land being Lots 2 and 3 in DP582878. The request had been made by the owners of the Tutti Fruitti Café at 1917 Bells Line of Road, Kurrajong Heights in order to use this land for vehicular access and car parking.

This request also relates to a current development application (DA0660/08) which Council is unable to determine, as Council is prevented from issuing owner's consent for the proposed use of the land for carparking given that it is classified as "community" land and the applicant proposes to use it for private use.

Reclassifying the land would give Council the opportunity to consider the use of the land for vehicular access and proposed parking. The development application would then be separately considered.

The General Amendments (Housekeeping) planning proposal has been undertaken in order to rectify the anomalies identified within the Hawkesbury Local Environmental Plan 2012. The planning proposal process is the only method by which the anomalies can be rectified.

Policy Consideration:

The Department of Planning, Industry and Environment's '*A guide to preparing planning proposals*' August 2016 (the Guidelines) requires planning proposals to be consistent with applicable local strategies/strategic plans, State Environmental Planning Policies and Section 9.1 Ministerial Directions.

Consideration of the planning proposal against the relevant State Planning framework including the *Greater Sydney Region Plan - A Metropolis of Three Cities*, Western City District Plan, State Environmental Planning Policies and Section 9.1 Ministerial Directions and Local Planning/policy Framework is required.

Greater Sydney Region Plan - A Metropolis of Three Cities

In March 2018, the NSW Government released the concept of the vision for Greater Sydney as a Metropolis of Three Cities - the Western Parkland City, the Central River City and the Eastern Harbour City.

The Plan:

- sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters;
- informs district and local plans and the assessment of planning proposals;
- assists infrastructure agencies to plan and deliver for growth and change and to align their infrastructure plans to place-based outcomes; and

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- informs the private sector and the wider community of the growth management and infrastructure investment intentions of government.

The objectives of 'A Metropolis of three Cities' are based on Ten (10) Directions:

- (a) A city supported by infrastructure;
- (b) A collaborative City;
- (c) A city for people;
- (d) Housing the city;
- (e) A city of great places;
- (f) A well connected city;
- (g) Jobs and skills for the city;
- (h) A city in its landscape;
- (i) An efficient city; and
- (j) A resilient city.

These Directions are supported by objectives and strategies that are implemented through the actions within the Western City District Plan.

Relevant to this planning proposal, the Directions of the Sydney Region Plan include 'Objective 29- Environmental, social and economic values in rural areas are protected and enhanced':

- A city in its landscape
- An efficient city
- A resilient city

The Greater Sydney Region Plan also introduced the Metropolitan Rural Area by way of Objective 29 – Environmental, social and economic values in rural areas are protected and enhanced. The Plan states that urban development is not consistent with the values of the Metropolitan Rural Area. Further, that restricting urban development in the Metropolitan Rural Area will help manage its environmental, social and economic values, help to reduce land speculation, and increase biodiversity from offsets in Growth Areas and existing urban areas.

The Greater Sydney Region Plan also states that place based planning should be used to identify, maintain and enhance the environmental, social and economic values of rural lands.

Western City District Plan

The Western City District Plan was also released with the Sydney Region Plan in March 2018 by the NSW State Government.

The Western City District covers the Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly local government areas.

The Western City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan, A Metropolis of Three Cities, at a district level and is a bridge between regional and local planning.

The District Plan also assists Councils to plan for and support growth and change, and aligns their local planning strategies to place-based outcomes. It guides the decisions of State Agencies and informs the private sector and the wider community of approaches to manage growth and change.

The Western City District Plan focuses on identifying the Planning Priorities to achieve a liveable, productive and sustainable future for the District. Relevant Objectives, Strategies and Actions from *A Metropolis of Three Cities* are embedded in each of the Planning Priorities, to integrate the District's challenges and opportunities with the Greater Sydney vision of the metropolis of three cities.

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The Western City District Plan states that “in undertaking strategic planning processes and /or preparing or considering planning proposals, planning authorities must give effect to the District Plan, specifically the planning priorities and actions”.

Relevant to the planning proposal are the actions relating to:

- *Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes, to reduce the demand for new infrastructure;*
- *Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities;*
- *Limit urban development to within the Urban Area, except for the investigation areas at Horsley Park, Orchard hills, and east of The Northern Road, Luddenham*
- *Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:*
 - *Prioritising a people-friendly public realm and open spaces as a central organising design principle*
 - *Recognising and balancing the dual function of streets as places for people and movement*
 - *Recognising and celebrating the character of a place and its people.*
- *Identify, conserve and enhance environmental heritage;*
- *Protect and support agricultural production and mineral resources (in particular construction materials) by preventing inappropriately dispersed urban activities in rural areas;*
- *Protect environmentally sensitive areas of waterways and the coastal environment area;*
- *Protect and enhance biodiversity;*
- *Identify and protect scenic and cultural landscapes;*
- *Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes;*
- *Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards;*
- *Respond to the direction for managing flood risk in the Hawkesbury-Nepean Valley as set out in Resilient Valley, Resilient Communities – Hawkesbury-Nepean Valley Flood Risk Management Strategy.*

The planning proposal needs to be considered in this strategic framework and context set by the NSW State Government.

Of particular relevance is the issue of flooding in the Hawkesbury-Nepean Valley, where the Western City District Plan states:

“Given the scale of the severity and regional-scale of the risk, more stringent consideration is warranted for areas affected by the probable maximum flood (PMF) as well as the 1:100 year flood. The NSW Department of Planning and Environment is leading work to develop a planning framework to address flood risk in the Hawkesbury-Nepean Valley. This will include an examination of the cumulative impact of development within the Hawkesbury-Nepean Valley on flood risk. While this work is underway, the following planning principles will be applied to both local strategic planning and development decisions:

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- *Avoiding intensification and new urban development on land below the current 1 in 100 chance per year flood event (1 per cent annual exceedance probability flood event)*
- *Applying flood related development controls on land between the 1 in 100 chance per year flood level and the PMF level*
- *Providing for less intensive development or avoiding certain urban uses in areas of higher risk and allowing more intensive development in areas of lower flood risk, subject to an assessment of the cumulative impact of urban growth on regional evacuation road capacity and operational complexity of emergency management*
- *Balancing desired development outcomes in strategic centres with appropriate flood risk management outcomes*
- *Avoiding alterations to flood storage capacity of the floodplain and flood behaviour through filling and excavation ('cut and fill') or other earthworks*
- *Applying more flood-compatible building techniques and subdivision design for greater resilience to flooding.*

It is also noted that Direction 4.3 issued under Section 9.1 of the *Environmental Planning and Assessment Act 1979* states:

- “(4) *A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas)...*

Section 3.8 of the *Environmental Planning and Assessment Act, 1979* states:

- “(2) *In preparing a planning proposal under section 3.33, the planning proposal authority is to give effect:*
- (a) *to any district strategic plan applying to the local government area to which the planning proposal relates (including any adjoining local government area),”*

Section 9.1 Directions (Formerly Section 117 Directions)

Section 9.1 Directions are issued by the Minister for Planning and apply to planning proposals.

Section 9.1 Directions require certain matters to be complied with and/or require consultation with government agencies during the preparation of a planning proposal. However, these Directions permit variations subject to meeting certain criteria. The principal criterion for variation to a 9.1 Direction is consistency with an adopted Local or Regional Strategy. A summary of the key Section 9.1 Directions are as follows:

Direction 1.2 Rural Zones

A planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

Direction 1.3 Mining, Petroleum Production and Extractive Industries

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

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This Direction applies when a planning proposal is prepared that would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or obtaining extractive materials, or would restrict the potential development of these resources which are of state or regional significance by permitting land uses that are likely to be incompatible with such development.

Additionally, part of the subject site is located within and in the vicinity of land described in Schedule 5 of the *Sydney Regional Environmental Plan No. 9 – Extractive Industry (No 2 – 1995)*.

Direction 1.5 Rural Lands

This Direction applies when a planning proposal is prepared that will affect land within an existing or proposed rural or environmental protection zone or changes the existing minimum lot size on land within a rural or environmental protection zone.

Direction 2.1 Environmental Protection Zones

A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within an environment protection zone or land otherwise identified for environmental protection purposes in a local environmental plan must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).

Direction 2.2 Coastal Management

The objective of this Direction is to protect and manage coastal areas of NSW and requires that a planning proposal must include provisions that give effect to and are consistent with:

- (a) the objects of the *Coastal Management Act 2016* and the objectives of the relevant coastal management areas;
- (b) the NSW Coastal Management Manual and associated toolkit;
- (c) NSW Coastal Design Guidelines 2003; and
- (d) Any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the *Coastal Protection Act 1979* that continues to have effect under clause 4 of Schedule 3 to the *Coastal Management Act 2016*, that applies to the land.

A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:

- (a) Within a coastal vulnerability area identified by the *State Environmental Planning Policy (Coastal Management) 2018*; or
- (b) That has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:
 - i. By or on behalf of the relevant planning authority and the planning proposal authority, or
 - ii. By or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.

A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforest area identified by the *State Environmental Planning Policy (Coastal Management) 2018*.

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Direction 2.3 Heritage Conservation

This Direction requires that a planning proposal must contain provisions that facilitate the conservation of heritage.

Direction 4.3 Flood Prone Land

The objectives of this Direction are to:

- (a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) Ensure that the provisions of an LEP on flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

This direction applies to 'flood prone land', which means "land susceptible to flooding by the PMF (Probable Maximum Flood) event."

This direction does not permit the rezoning of land within flood planning areas (land below the flood planning level) from a Rural Zone to a Residential, Business, Industrial, Special Use or Special Purpose Zone.

Direction 5.10 Implementation of Regional Plans

This Direction requires planning proposals to be consistent with a Regional Plan that has been released by the Minister for Planning.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.

State Environmental Planning Policies

The State Environmental Planning Policies most relevant to the planning proposal 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).

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)

State Environmental Planning Policy No. 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 whether it requires remediation. This Policy 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.

Sydney Regional Environmental Plan No. 9 - Extractive Industry (No 2- 1995) - (SREP 9)

The primary aims of *Sydney Regional Environmental Plan No. 9* 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 planning proposal includes land within the vicinity of land (Richmond Lowlands) described in Schedule 5 of the Plan.

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Sydney Regional Environmental Plan No. 20 – Hawkesbury–Nepean River (No. 2 – 1997) – (SREP 20)

The aim of *Sydney Regional Environmental Plan 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 Plan 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;
- 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;
- 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;

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- 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.

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

Key Considerations from State Planning Framework including Region and District Plans

The Sydney Region Plan – A Metropolis of Three Cities and the Western City District Plan together with other flood planning policies such as Resilient Valley, Resilient Communities – Hawkesbury Nepean Valley Flood Risk Management Strategy 2017 and Council's Hawkesbury Local Environmental Plan 2012 and Development Control Plan 2002 guide land use development in the Hawkesbury LGA.

The issue of flooding in the Hawkesbury Nepean Valley is of particular concern for both Council and the NSW State Government. The Western City District Plan highlights the level of concern from the NSW State Government in respect of flood risks within the Hawkesbury Nepean Valley, and in particular regional flood evacuation.

As highlighted above, the Western City District Plan (page 135) states that “the climate, vegetation, topography and pattern of development in the District mean that bushfire and flooding will continue to be a hazard. Placing developments in hazardous areas or increasing the density of development in areas with limited evacuation options increases risk to people and property”.

Furthermore, the Western City District Plan (page 137) states that “The size and topography of the Hawkesbury-Nepean Valley means it has the greatest flood exposure in NSW. Unlike most other river catchments in Australia, the Hawkesbury-Nepean Valley floodplain has significantly higher depths during flood events created by several narrow gorges in the Valley that constrict the flow of floodwater downstream. There is a complex interaction between the main flow of the river and the multiple rivers and creeks that contribute to the catchment, creating what is known as a ‘bathtub effect’. Evacuation of people in extreme events is made complicated by the size of the area affected and the need to evacuate certain areas early before they become isolated by rising flood waters”.

The plan provides the planning principles to apply for local strategic planning and development decisions in the Hawkesbury-Nepean floodplain as detailed above, including:

- avoiding intensification and new urban development on land below the current 1 in 100 chance per year flood event (1 per cent annual exceedance probability flood event);
- applying flood related development controls on land between the 1 in 100 chance per year flood level and the PMF level;
- providing for less intensive development or avoiding certain urban uses in areas of higher risk and allowing more intensive development in areas of lower flood risk, subject to an assessment of the cumulative impact of urban growth on regional evacuation road capacity and operational complexity of emergency management;
- balancing desired development outcomes in strategic centres with appropriate flood risk management outcomes;
- avoiding alterations to flood storage capacity of the floodplain and flood behaviour through filling and excavation (‘cut and fill’) or other earthworks; and

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- applying more flood-compatible building techniques and subdivision design for greater resilience to flooding.

The Hawkesbury-Nepean Valley Flood Study released by Infrastructure NSW in July 2019, provides the most up-to-date flooding information for the Valley. Figure 1 below illustrates the hazard mapping for a 1:100 chance flood for Richmond and Windsor.

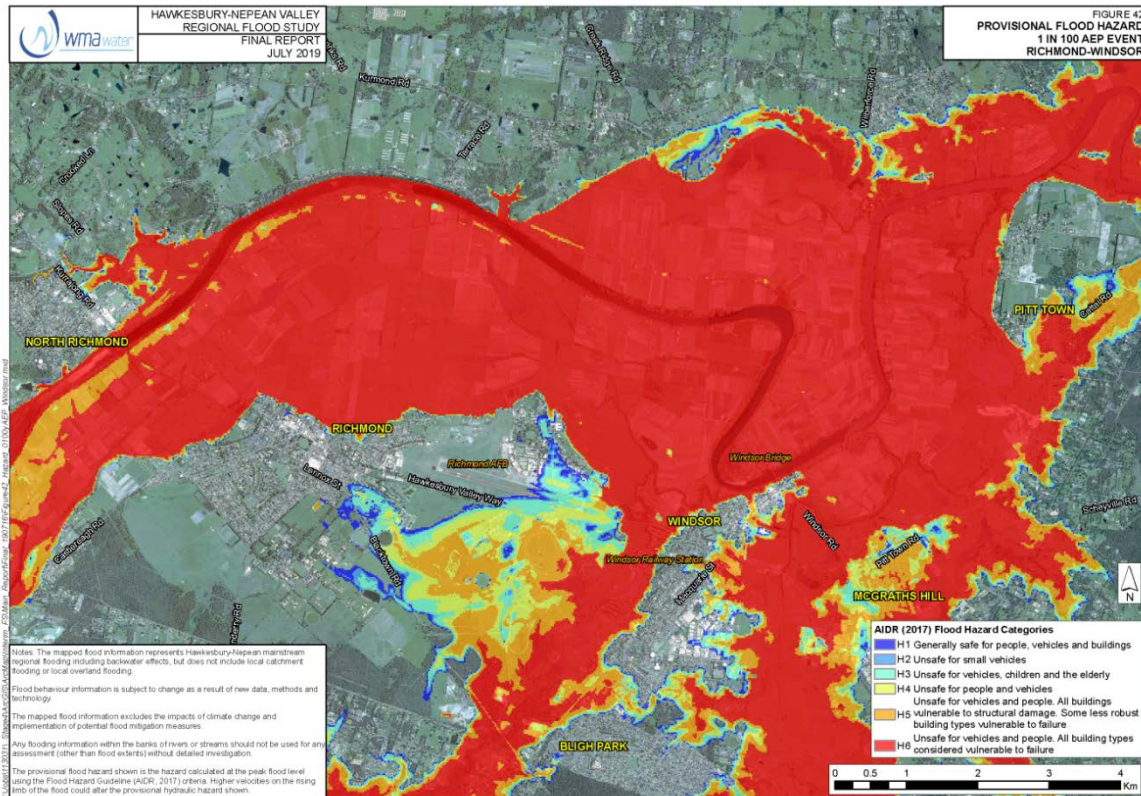


Figure 1 – Flood Hazards - Source: INSW – Hawkesbury Nepean Flood Study

The red shading in the map indicates significant flood hazards as a H6 Hazard Category with high depths and velocity being unsafe for vehicles and people. All building types in the H6 Hazard Category are considered to be vulnerable to failure.

Additionally, the Sydney Region Plan – A Metropolis of Three Cities classes the Hawkesbury LGA as the **Metropolitan Rural Area**, with Objective 29 on page 160 of the plan setting the principles of land use development in the **Metropolitan Rural Area**.

Planning Priority W17 – Better managing rural areas (page 126-127) states that “maintaining and enhancing the distinctive local character of each rural and bushland town and village is a high priority. Ongoing planning and management of rural towns and villages will need to respond to local demand for growth, the character of the town or village and the surrounding, landscapes and rural activities. Rural and bushland towns and villages will not play a role in meeting regional or district scale demand for residential growth.

Design-led place-based planning in the Metropolitan Rural Area will help manage environmental, social and economic values, maximise the productive use of rural areas, and incentivise biodiversity protection for remnant bushland vegetation.”

Given the objectives and planning priorities of the Metropolitan Rural Area and the flood planning principles, the inclusion of any additional permitted uses requires careful consideration.

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COMMUNITY ENGAGEMENT

The General Amendments (Housekeeping) planning proposal to amend the Hawkesbury Local Environmental Plan 2012 (LEP003/15) was undertaken in accordance with the new section 10.18 of the Environmental Planning Assessment Act 1979.

The public exhibition material was placed online on the “Your Hawkesbury Your Say” community engagement site for 28 days from Friday, 24 April to Friday, 22 May 2020 inclusive. Social media posts were issued during the public exhibition alerting the community to the public exhibition, and email correspondence was forwarded to all Council Advisory Committee Members in addition to Council’s list of contacts from previous community engagement.

A total of 17 submissions were received during the exhibition period both in support and opposed to various elements of the planning proposal. These included further submissions from state agencies, including the Environment, Energy and Science Section of the Department of Planning, Industry and Environment, the Department of Primary Industries (Agriculture) and Nepean Blue Mountains Local Health District. A breakdown of these various responses relating to the various elements of the General Amendments (Housekeeping) Planning Proposal includes:

- Function Centres (7 object & 1 support)
- Eco Tourist Facilities (2 object & 4 support)
- Increase to Temporary Use Days (3 object)
- Bed and Breakfast (1 support)
- Veterinary Hospitals (1 support)
- Additional State agency responses (1 object – Department of Primary Industry (Agriculture), 1 further comment – Environment, Energy and Science)
- Other issues raised (not part of current planning proposal) (7 object) including:
 - Transport and Truck Depots in E4 Environmental Living Zone (3 object)

A detailed summary of each submission, together with Officer Responses is included as Attachment 1 of this report. Additionally, redacted copies of each submission are included as Attachment 2.

Issues raised through the submissions, included:

- A mixed response for **Function Centres** in RU1, RU2, RU4, RU5 and E4 zones was received, with the significant majority objecting. Of those who objected, the reason for objection was primarily related to flood prone land not being suitable for the Function Centre use due to the risks to life and property. Additionally, there were recommendations to undertake an appropriate land use conflict assessment to ensure that function centres did not pose a threat to the standard farm activities that create noise, odour and dust. Submissions with respect to function centres also highlighted a desire to retain the existing rural zoned areas in its current landscape and character. It was also highlighted that the lack of public transport in the Hawkesbury will mean that patrons attending function centres will most likely be driving their own vehicles which will cause additional noise and traffic hazards and potentially increased risk to the community.
- The permission of **Eco-Tourism** facilities with consent in RU1, RU2, RU4, RU5, R2, R3, R5, E3 and E4 zones received more support than objection from submitters. Those who objected believed that eco-tourism facilities in rural areas has the potential to have adverse impacts on agricultural land and increase land use conflicts. It was suggested that an appropriate land use conflict assessment be undertaken. Those who supported the amendment highlighted the significant benefits that such a permitted use would provide to the rural zoned areas of the LGA, including increased tourism opportunities and experiences that would in many cases supplement income from agricultural pursuits which in some sectors has declined.
- The permission of **Veterinary Hospital** with consent in the RU2 zone did not receive much comment from the community through submissions.

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- The extension of the maximum period of **Temporary Use** of land from 28 to 52 days in any 12 month period raised particular concern from submitters. Significant concern was raised in terms of a temporary use potentially occurring every weekend over the whole year due to the proposed amendment. Submitters highlighted that increasing the number of temporary use days to 52 days is likely to proliferate incompatible uses such as Function Centres in areas where a landowner has multiple land holdings leading to multiple temporary uses at one time on different parcels of land, or perhaps a temporary use continuing on different parcels of land by the same owner. There was also a suggestion that the temporary use should be limited to public/community land and other delineated areas. Allowing the temporary use extension on a blanket scale could potentially lead to possible land use conflicts and litigation.
- The **Boundary Adjustments** between undersize allotments did not receive much comment from the community. However, an issue raised by a submitter was that boundary realignments will need to consider whether water resources become separated from agriculture or are impacted where water is shared between lots.
- The changes relating to moving **Bed and Breakfast** provisions from 'permitted without consent' to 'permitted with consent' did not receive any objection.
- **Land to be acquired or rezoning of certain land** by relevant authorities did not receive any objection; however, the issue raised was that the potential land acquisition for National Parks and Wildlife purposes may not proceed as the National Parks and Wildlife Service has advised it does not have any interest in the St Albans Road/Lower McDonald lands. The St Albans land is not connected to the National Parks and Wildlife Service estate and as it consists mainly of cleared land it is unlikely to be a priority if it became available to the National Parks and Wildlife Service. The adjacent vegetated lands have not been identified by National Parks and Wildlife Service for acquisition either.
- **Development on land intended to be acquired for public purpose** did not receive any objection; however, the issue raised was as 'Significant Vegetation' and 'Connectivity between Significant Vegetation' are mapped as occurring in areas identified on the Reservation Acquisition Maps. It is recommended that Clause 5.1A and any merit assessment should also consider the impact of development on biodiversity values, remnant native vegetation, waterways and riparian corridors etc.
- The insertion of **item I01817 – Scheyville National Park** in the State Heritage Register and on Hawkesbury Local Environmental Plan 2012 maps HER_0013, HER_008DB and HER_00 did not receive any objection.
- The Amendment of Hawkesbury Local Environmental Plan 2012 maps relating to **916 Settlers Road, Central Macdonald** did not receive any objection.
- **Reclassification of 'public land' to 'operational land'**- Bells Line of Road, Kurrajong Heights received an objection in terms of the matter not being considered a 'housekeeping' matter. It should also be noted that there are requirements for a Public Hearing in respect of the reclassification as detailed further in the report.
- Additionally, a number of issues were raised by submitters relating to matters that are not part of this current planning proposal. This particularly related to the existing permissibility of transport and truck depots in the E4 - Environmental Living Zone. In respect of those matters it is recommended to include the issues raised by submitters in Council's review of the Local Environmental Plan and Development Control Plan.

DISCUSSION

The Hawkesbury Local Environmental Plan 2012 is Council's principle planning instrument. A planning proposal is the most appropriate means to achieve the objective and intended outcomes of the General Amendments (Housekeeping) proposal to amend the Hawkesbury Local Environmental Plan 2012.

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Since the conversion of the *Hawkesbury Local Environmental Plan 1989* into the “Standard Instrument” in 2012, a number of issues have been identified which need to be rectified.

Consideration of the issues is discussed below:

Function Centres:

The planning proposal seeks to permit “Function Centres” at a blanket scale in the RU1, RU2, RU4, RU5 and E4 zones throughout the LGA. The *Hawkesbury Local Environmental Plan 2012* defines a function centre as ‘a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility’. The definition of “Function Centre” provides a broad array of development which allows congregation of large numbers of people at once. The submissions and this report highlight that the provision of Function Centre use in the floodplain is not appropriate due to risk to lives and properties in the event of flooding.

The General Flood Hazard Vulnerability Curves indicate that development in the H5 Hazard Category during a 1 in 100 chance flood event is unsafe for vehicles and people. All buildings are vulnerable to structural damage and some less robust building types are vulnerable to failure. Likewise development in H6 is unsafe for vehicles and people with all building types are considered vulnerable to failure as highlighted in Figure 2 below.

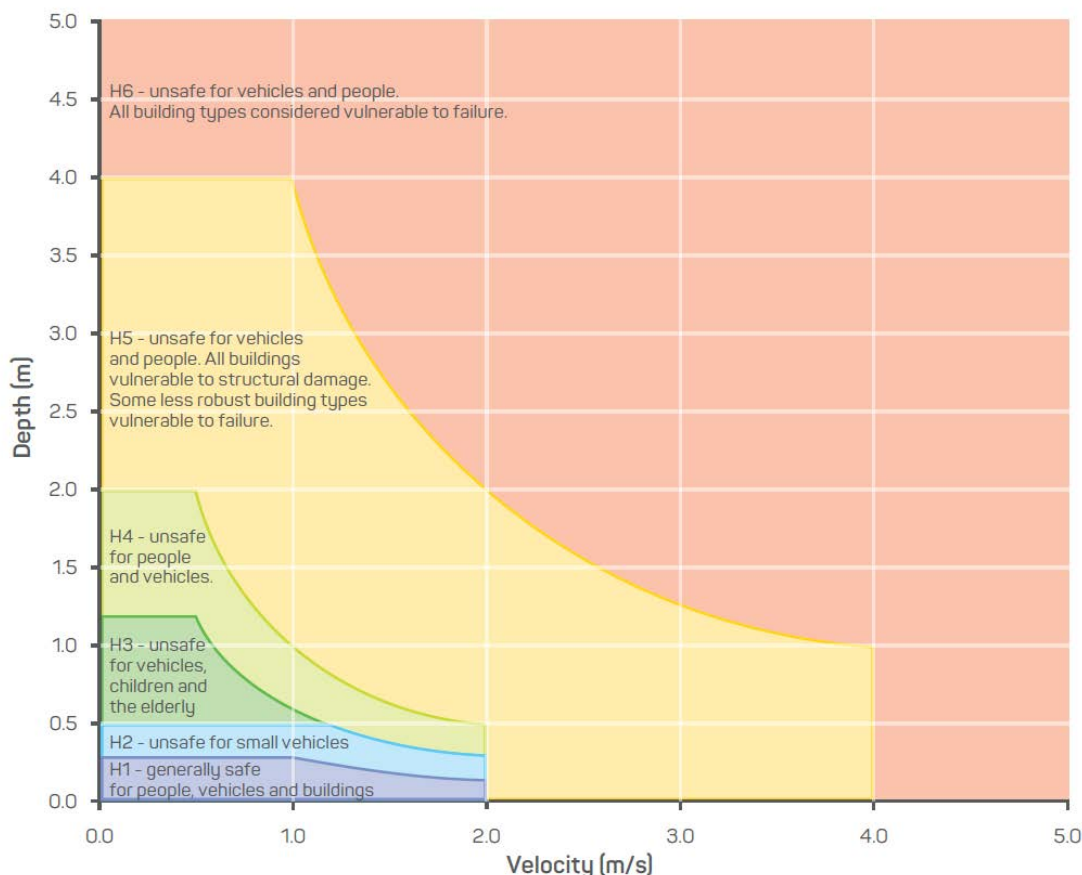


Figure 2 – General Flood Hazard Vulnerability Curves – Australian Disaster Resilience Handbook

Allowing a blanket provision for Function Centre uses in the RU1, RU2, RU4, RU5 and E4 zones throughout the LGA is not considered to be an appropriate option given significant parts of the LGA have such high flood hazards and constraints.

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Additionally, due to the Metropolitan Rural Area status of the Hawkesbury LGA, it is considered that the Department of Planning, Industry and Environment and Greater Sydney Commission will have issues with such a blanket provision compared to a place based approach required by the Region and District Plans.

Therefore, it is recommended that:

- Council consider a place based planning approach and opt to identify key sites where Function Centre uses could be considered within the LGA, having undertaken constraint analysis

Eco-Tourism Facilities:

The planning proposal seeks to permit “Eco-Tourist Facilities” in the RU1, RU2, RU4, RU5, R1, R2, R3, R5, E3 and E4 zones. The *Hawkesbury Local Environmental Plan 2012* defines ‘eco-tourist facility’ as a building or place that:

- a) Provides temporary or short term accommodation to visitors on a commercial basis, and
- b) Is located in or adjacent to an area with special ecological or cultural features, and
- c) Is sensitively designed and located so as to minimize bulk, scale and overall physical footprint and any ecological or visual impact.

It may also include facilities that are used to provide information or education to visitors and to exhibit or display items.

Having considered the definition of eco-tourism facilities, it is apparent that not all land located within RU1, RU2, RU4, RU5, R1, R2, R3, R5, E3 and E4 zones will be able to meet the requirements of the definition. This is particularly the case as sites may not be located in or adjacent to an area with special ecological or cultural features. As such it is considered that the very definition of eco tourist facility provides a place based approach, and as such it is not expected that all property owners within these zones will apply to develop eco-tourist facilities.

Despite the relatively mixed response from the community to permit eco-tourist facilities in identified zones, the Sydney Region Plan and the Western City District Plan objectives such as protecting and enhancing bushland and biodiversity, protecting and enhancing scenic and cultural landscapes, better management of rural areas, and delivering high quality open spaces provide for opportunities for tourism and experiences unique to the Rural Character of the LGA.

The Hawkesbury LGA benefits from substantial areas of protected national parks, rivers and creeks that provide outstanding landscapes and views. Historic rural towns and villages in the valleys and floodplains with the scenic views of the hills, mountains, ridgelines, bushland, and farmland are special to the LGA’s local character and identity. This makes Hawkesbury an ideal location as a tourist destination.

Providing eco-tourism facilities within the LGA provides economic leverage to land holders and creating job opportunities to some extent depending on the scale of the eco-tourism facility and the activities associated with the proposed development.

It is imperative that Council is mindful of the impact of eco-tourism development on the Hawkesbury’s ecological communities, natural landscapes, farmland and farming activities, scenic and cultural values. Eco-Tourism developments must be within the parameters of *Clause 5.13 of the Hawkesbury Local Environmental Plan 2012* which states:

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Clause 5.13 Eco-tourist facilities

- (1) The objectives of this clause are as follows—*
 - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,*
 - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.*
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.*
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—*
 - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and*
 - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and*
 - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and*
 - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and*
 - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and*
 - (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and*
 - (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and*
 - (h) any infrastructure services to the site will be provided without significant modification to the environment, and*
 - (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and*
 - (j) the development will not adversely affect the agricultural productivity of adjoining land, and*
 - (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—*
 - (i) measures to remove any threat of serious or irreversible environmental damage,*
 - (ii) the maintenance (or regeneration where necessary) of habitats,*
 - (iii) efficient and minimal energy and water use and waste output,*
 - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,*
 - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.*

Eco-tourism can contribute to the conservation of an area's natural and cultural values, provided that through the development assessment process, that any future eco-tourism development is able to appropriately balance the social, economic and environmental impacts. This will include demonstrating how proposals will improve the ecological environment, mitigate off-site environmental impacts such as light and noise pollution, reduce consumption of non-renewable resources, reduce transport pollution, and details of maximisation of social and economic benefits for the local community.

Additionally, as part of the review of the Hawkesbury Local Environmental Plan 2012, following the Greater Sydney Commission Assurance process for the Draft Hawkesbury Local Strategic Planning Statement, Council could consider including additional tourism provisions such as cultural tourism, heritage tourism, adventure tourism and farm-based tourism in the Hawkesbury Local Environmental Plan 2012.

Therefore, it is recommended that:

- Council approves the provision of eco-tourism facilities within the identified zones.

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Temporary use of land period extension from 28 days to 52 days on a particular parcel of land:

The planning proposal seeks to amend clause 2.8 subclauses (2) to extend the maximum period of temporary uses of land from 28 to 52 days in any 12 month period.

Clause 2.8 of the Hawkesbury Local Environmental Plan 2012 sets provisions for temporary use of land as follows:

2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.*
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 28 days (whether or not consecutive days) in any period of 12 months.*
- (3) Development consent must not be granted unless the consent authority is satisfied that—*
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and*
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and*
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and*
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.*
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.*
- (5) Subclause (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).*

It is considered that the test for temporary use proposals is sufficient to appropriately assess land use conflicts as part of the development assessment process.

Therefore, it is recommended that:

- Council proceed with the extension of the temporary use of land period from 28 to 52 days.

Reclassification of Land

The planning proposal currently contains an element involving the reclassification of Lots 2 and 3 in DP 582878, 1913 & 1905 Bells Line of Road, Kurrajong Heights from “community land” to “operational land”. Due to the reclassification component, following the completion of the public exhibition period, a public hearing is required to be undertaken for the reclassification component.

The following steps are generally involved in a public hearing process:

1. Seek expression of interests from suitable planning consultants to conduct and chair a Public Hearing in relation to the planning proposal which seeks to reclassify certain land. The EP & A Act or the Regulation does not make any specific requirements for the public hearing process. However, the following tasks generally involve in a public hearing:
 - Review all background information relevant to reclassification of public land prior to the hearing
 - Review any written public submissions regarding reclassification of public land received during the exhibition of the planning proposal prior to the hearing.
 - Undertake site visits (if considered necessary)

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- Prepare and summarise submission issues relevant to reclassification of public land and forward a report to Council addressing the issues raised during public exhibition and at the Public Hearing.
2. Prepare and place a public notice of the public hearing on Council website - public exhibition documents may need to be placed on website for public view include the following:
- A copy of Gateway Determination
 - Council report and resolution
 - Council's Statement of Interest – Reclassification of land a
 - A copy of Hawkesbury Local Environmental Plan 2012,
 - Any aerial views of the subject lands
 - A copy of the relevant Department of Planning, Industry and Environment's Practice Note.
- Note: The Regulation requires the public notice to specify a period of not less than 28 days during which submissions may be made to the council.
3. Public Hearing - A public hearing is generally conducted after normal business of a council. It is generally commenced around 6:00pm or 7pm. Council relevant staff can attend the hearing as observers. There is no statutory requirement for any pre-registration to address the hearing. The public also can make any written submissions on the proposed reclassification of public land before or on the day of hearing.
- The general protocol of a public hearing is as follows:
- Welcome and introduction to the hearing and overview of the planning proposal from Chairperson
 - Community verbal submissions
 - Concluding remarks and comments on next steps from Chairperson
4. Post Public Hearing - The consultant is required to submit a draft report to Council on the public hearing addressing all the relevant public submission issues with appropriate recommendations. Following review of the draft report by Council's relevant staff, the consultant is required to submit the final report to Council.

Now that the public exhibition period has been completed, the public hearing is the next step in the process.

As such it is recommended that Council:

- Proceed with the public hearing associated with the reclassification of land element of the planning proposal.

The remainder of the amendments are of a minor nature and should proceed to plan making and amend the Hawkesbury Local Environmental Plan 2012.

Table 1 provides a description of each element of the General Amendments (Housekeeping) Planning Proposal, along with the issue(s) raised by that matter along with a recommendation.

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Table 1 – Elements of General Amendments (Housekeeping) Planning Proposal

Item	Description of Item	Issue	Recommendation
Written Instrument Amendments			
1.1	Clause 2.8 Temporary Use Extend the maximum period of temporary uses of land from 28 to 52 days in any 12 month period.	The test for temporary uses is sufficient to appropriately consider land use conflicts as part of the development assessment process	Proceed
1.2	New Clause – Boundary Adjustment to permit boundary adjustments between undersize allotments.	Nil comment/issue	Proceed
1.3	Clause 4.1D Exceptions to minimum subdivision lot size for certain land. Delete the word “previously” from Clause 4.1D subclause (2).	Nil comment/issue	Proceed
1.4	Clause 4.1E Exceptions to minimum subdivision lot size for Grose Wold clarify its relationship with Clause 4.1. Minimum subdivision lot size and clarify the intention of the term “original lot”.	Nil comment/issue	Proceed
1.5	Clause 4.1D Exceptions to minimum subdivision lot size for certain land and Clause 4.1F. Exceptions to minimum to exclude the area of access handles when calculating lot sizes subdivision lot size for certain land in North Richmond.	Nil comment/issue	Proceed
1.6	Clause 4.2A Residential development and subdivision prohibited on certain land to reinforce that dwellings are prohibited on land subdivided for the purposes of primary production under Clause 4.2.	Nil comment/issue	Proceed
1.7	New provision in Schedule 2 Exempt Development Insert in Schedule 2 Exempt Development the following: Subdivision (1) Must be for the propose to grant a lease, licence or other estate over Council owned or managed land in accordance with the Local Government Act 1993.	Nil comment/issue	Proceed
1.8	Signage provision in Schedule 2 Exempt Development amended to specify a maximum of one sign per elevation for flush wall signs, top hamper signs and fascia signs to ensure consistency across the signage provisions.	Nil comment/issue	Proceed
1.9	Relevant Acquisition Authority of land Insert a new clause where land to be acquired is not zoned RE1 Public Recreation, SP2 Infrastructure or E1 National Parks and Nature Reserves or change the zoning of these lands.	Nil comment/issue	Proceed

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Item	Description of Item	Issue	Recommendation
Written Instrument Amendments			
1.10	Clause 5.1A Development on land intended to be acquired for public purpose. The current clause restricts development of affected land to only roads and recreation areas. The purpose of this amendment is to make the existing clause less restrictive and subject to merit assessment.	Nil comment/issue	Proceed
1.11	Insert additional controls for Bed and Breakfast Accommodation to ensure that bed and breakfast accommodation under the LEP is consistent with the SEPP controls. It is proposed that a new clause be inserted in LEP 2012 specifying requirements for this type of development.	Based on advice from the NSW Rural Fire Service – the planning proposal was amended to move Bed & Breakfast Accommodation from “development without consent” to “development with consent”.	Proceed
1.12	Clause 6.10 Certain development on Lot 1, DP 827148, Richmond Road, Clarendon The road name has changed since drafting of LEP 2012.	Nil comment/issue	Proceed
1.13	Clause 6.11 Residential accommodation at Johnson and New Streets, Windsor The property address has changed since the drafting of LEP 2012.	Nil comment/issue	Proceed
1.14	Property description of Item 11 in Schedule 1 Additional Permitted Uses Property description has changed since the drafting of LEP 2012.	Nil comment/issue	Proceed
1.15	Listings in Schedule 4 Classification and Reclassification of Public Land Change street name for the following lands from “West Market Street” to “East Market Street”. The current property descriptions refer to the incorrect street name.	Nil comment/issue	Proceed
1.16 (a)-(n)	Heritage item listings Schedule 5 Environmental heritage A number of changes are required to Schedule 5 of LEP 2012 to correct and update heritage item numbers, descriptions, addresses and heritage significance.	Nil comment/issue	Proceed
1.17	Insert a local provision for dual occupancies (detached).	Deleted as part of Gateway Determination	Already deleted as part of Gateway Determination

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Item	Description of Item	Issue	Recommendation
Written Instrument Amendments			
1.18	Insert a local provision for temporary events on public land. Insert a clause which permits temporary events such as exhibitions, meetings, concerts on public reserves and roads without development consent provided that the organiser obtains the appropriate permission in accordance with Council's operational requirements.	Nil comment/issue	Proceed
1.19	<p>Insert <i>storage structure</i> into Schedule 2 Exempt Development. LEP 1989 previously included the definition of rural shed which allowed Council to approve buildings and structures for the storage of property regardless of whether the land was vacant or built upon.</p> <p>This definition was not carried over to LEP 2012 and as a result Council can now only approve buildings and structures for the storage of property that are ancillary to an existing development.</p>	Nil comment/issue	Proceed

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Item	Description of Item	Issue	Recommendation
Mapping Amendments			
2.1 (a)– (k)	Heritage Map amendments A number of amendments are required to the heritage map sheets in respect to incorrect heritage item numbering or incorrectly identified properties. Changes are also required to ensure that the maps are consistent with the written instrument and State Heritage Register items.	Nil comment/issue	Proceed
2.2	Amend LEP maps to resolve inconsistency between Land Reservation Acquisition Map 008DB and Land Zoning Map 008DB.	RMS requested that all areas where the RMS is the acquiring authority are to be consistent across all LEP maps and shown as SP2 Classified Road on both the LRAM and LZM has been checked for consistency.	Proceed
2.3	Amend the map legend and correct the reference symbols on Lot Size Map.	Nil comment/issue	Proceed
2.4	Amend minimum lot sizes within Wilberforce township. Minimum allotment size map to be amend to comply with Council's Wilberforce Subdivision and Development Policy, adopted 31 July 2012.	Nil comment/issue	Proceed
2.5	Amend Land Zoning Map for "Pound Paddock", Richmond.	Nil comment/issue	Proceed
2.6	Amend LEP maps relating to Lot 16 DP 1205408, 916 Settlers Road, Central Macdonald.	Nil comment/issue	Proceed

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Item	Description of Item	Issue	Recommendation
Additional Land Uses			
3.1	Permit function centres with consent in the following zones: RU1 Primary Production RU2 Rural Landscape RU4 Primary Production Small Lots RU5 Village E4 Environmental Living.	Public Agencies have raised issues and do not support intensification of non-agricultural land uses within rural zones that are not consistent with the intended purpose of those zones. They specifically refer to the permissibility of function centres within rural zones RU1, RU2, RU4 and RU5 (among others). Flood affected land – evacuation constraints Need for place based planning approach to address Sydney Region Plan and Western City District Plan, including Metropolitan Rural Area context	Defer consideration of the planning proposal element to permit the Function Centre use in the RU1, RU2, RU4, RU5 and E4 zones until a place based planning approach including constraint analysis within these zones is undertaken as part of the review of the Hawkesbury Local Environmental Plan 2012 and Development Control Plan in order to identify suitable key sites/locations within these zones
3.2	Permit eco-tourist facilities with consent in the following zones: RU1 Primary Production RU2 Rural Landscape RU4 Primary Production Small Lots RU5 Village R1 General Residential R2 Low Density Residential R3 Medium Density Residential R5 Large Lot Residential E3 Environmental Management E4 Environmental Living.	Based on consideration of issues recommended to proceed with this element of the planning proposal	Proceed
3.3	Permit <i>secondary dwellings</i> and <i>dual occupancies (detached)</i> with consent in certain zones.	Deleted as part of Gateway Determination	Already deleted as part of Gateway Determination
3.4	Permit veterinary hospitals with consent in the RU2 Rural Landscape zones.	Based on consideration of issues recommended to proceed with this element of the planning proposal	Proceed
3.5	Permit <i>community facilities</i> and <i>public administration building</i> in the SP2 Infrastructure zone.	Nil comment/issue	Proceed

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Item	Description of Item	Issue	Recommendation
Site Specific Reclassification of Land			
4.1	Land known as Lots 2 and 3 in DP582878, 1913 and 1905 Bells Line of Road, Kurrajong Heights.	Now that the public exhibition has been completed the public hearing needs to be undertaken with respect to the reclassification of land.	Proceed to the public hearing

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

The proposal is consistent with the following Focus Areas, Directions and Strategies within the Community Strategic Plan.

Our Leadership

- 1.3 Financial Sustainability - Build strong financial sustainability for now and future generations.
 - 1.3.1 In all of Council's strategies, plans and decision making there will be a strong focus on financial sustainability.
 - 1.3.2 Meet the needs of the community now and into the future by managing Council's assets with a long-term focus.
 - 1.3.3 Decisions relating to determining priorities will be made in the long term interests of the community.

Our Community

- 2.2 Participation in recreational and lifestyle activities is increased - Encourage and enable our community to participate in a healthy lifestyle
 - 2.2.2 Encourage active participation in a range of sporting and recreational pursuits.
- 2.3 Community partnerships continue to evolve - Increase the range of local partnerships and plan for the future
 - 2.3.1 Encourage and facilitate community partnerships.
 - 2.3.4 Develop opportunities for active involvement of residents in the management of parks and public spaces in the Hawkesbury.
- 2.4 Community wellbeing and local services - Build on a sense of community and wellbeing
 - 2.4.2 Provide flexible services that can adapt to changing community needs and service demands.

Our Assets

- 4.3 Places and Spaces - Provide the right places and spaces to serve our community
 - 4.3.1 Provide a variety of quality passive recreation spaces including river foreshores, parks, bushland reserves and civic spaces to enhance our community's health and lifestyle.
 - 4.3.2 Provide a variety of quality active recreation spaces including playgrounds, sporting fields, pool, stadium and multipurpose centres to enhance our community's health and lifestyle.
 - 4.3.3 Provide a variety of quality shared spaces including meeting spaces accommodating public art, cultural and environmental amenity to enhance our community's health and lifestyle.

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4.3.4 Manage commercial spaces available for business and investment across the Hawkesbury's local centres.

Our Future

5.1 Strategic Planning Governance - Encourage informed planning, balanced growth and community engagement

5.1.1 Council's planning is integrated and long term.

5.1.2 Council's decision making on all matters is transparent, accessible and accountable.

5.1.3 Council will continually review its service provision to ensure best possible outcomes for the community.

5.1.4 Encourage increased community participation in planning and policy development.

5.1.5 The needs of our community will be reflected in Local, State and Regional Plans.

5.7 Tourism and Economic Development - Promote our community as the place to visit, work and invest

5.7.1 Working in partnership we will actively market our City and our capabilities to existing and potential businesses, visitors and investors.

FINANCIAL IMPACT

There are no financial implications associated with this report, other than staff resources applicable to preparing this report.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal will enable Council to sustainably manage community assets in accordance with the scheduled program of works in the Long-Term Financial Plan.

CONCLUSION

The General Amendments (Housekeeping) planning proposal to amend the Hawkesbury Local Environmental Plan 2012 has been undertaken by Council in order to rectify various issues within the Hawkesbury Local Environmental Plan 2012.

There are no issues with the majority of the more than 50 individual elements of the planning proposal, and it has been recommended to proceed with plan making for those identified elements. Four of the elements require further consideration by Council, with a recommendation being provided for those elements, including:

- Based on the submission from the Department of Primary Industry, defer consideration of the planning proposal element to permit the Function Centre use in the RU1, RU2, RU4, RU5 and E4 zones until a place based planning approach including constraint analysis within these zones is undertaken as part of the review of the Hawkesbury Local Environmental Plan 2012 and Development Control Plan in order to identify suitable key sites/locations within these zones;
- Proceed with the planning proposal regarding permissibility of eco-tourism facilities within the RU1, RU2, RU4, RU5, R1, R2, R3, R5, E3 and E4 zones;
- Proceed with the extension of the temporary use of land period from 28 to 52 days;

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- Proceed with the public hearing associated with the reclassification of land element of the planning proposal.

It is recommended that Council proceed with the remainder of the identified General Amendments in order to rectify the identified issues within the *Hawkesbury Local Environmental Plan 2012*, and request that the Minister proceed with the making of a plan in order to reflect the recommended amendments to the *Hawkesbury Local Environmental Plan 2012*.

Additionally, it has been recommended to include the matters raised in submissions that do not relate to the current General Amendments (Housekeeping) planning proposal to amend the *Hawkesbury Local Environmental Plan 2012* in Council's review of the Local Environmental Plan and Development Control 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

ATTACHMENTS:

- AT - 1** Summary of Submissions Received (*Distributed under separate cover*).
- AT - 2** Redacted copies of submissions received (*Distributed under separate cover*).
- AT - 3** Planning Proposal -General Amendments (Housekeeping) to the Hawkesbury Local Environmental Plan 2012 (*Distributed under separate cover*).

oooO END OF REPORT Oooo

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INFRASTRUCTURE SERVICES

Item: 127 **IS - Hawkesbury War Memorial Eligibility Criteria Deed - (95495, 79351, 105109, 138879)**

Previous Item: NM1, Ordinary 30 May 2017

Directorate: Infrastructure Services

PURPOSE OF THE REPORT:

The purpose of this report is to adopt the Hawkesbury War Memorial Eligibility Criteria Deed (Deed) between Council, the Richmond Branch of the RSL and the Windsor District Sub-Branch of the RSL.

EXECUTIVE SUMMARY:

In 2017 Council resolved that a report be prepared providing detail as to how the current adopted criteria can be amended to transfer determination of eligibility criteria to the local RSL Sub-branches (currently Windsor and Richmond), with any variation to the current eligibility criteria, and any future or subsequent changes the eligibility criteria to be jointly agreed and ratified by the Sub-Branches.

Following lengthy consultation with the RSL Sub-Branches, an agreed Deed has been prepared which sets out the eligibility criteria. The Deed provides a transparent and strong framework to guide and protect the intent of the Memorials on an ongoing basis.

RECOMMENDATION:

That Council

1. Endorse the Hawkesbury War Memorial Eligibility Criteria Deed.
 2. Note that the General Manager will execute the Deed under delegated authority.
-

BACKGROUND

Council has ownership and maintenance responsibility for a number of War Memorials throughout the City.

Prior to 2005 there were no set rules as to eligibility and procedures for the placement of names on the Memorials.

In 2005, a number of meetings were held, with the Presidents of the three Returned and Services League of Australia (RSL) Sub-Branches, to discuss how to initiate steps to add the names of the fallen Hawkesbury service personnel from WWII, the Vietnam War, the Korean War and all other conflicts to the respective War Memorials in the Hawkesbury.

There was no initial consensus between the three Sub-Branches at the time as to how a name should be approved to be added to a Memorial. This led to the representatives of the three RSLs indicating that whilst they had no objection to new names being added to Memorials, a policy should be developed that set in place the criteria for the placement of such names. They put forward a range of criteria and on 29 November 2005, Council adopted that range of criteria.

Following representations to amend the criteria in 2015 the two remaining RSL Sub-Branches, after significant discussion, agreed to retain a common criteria for name placement. A new eligibility criteria was

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adopted by Council, however representations have continued to occur and a strong and transparent framework is considered necessary to avoid future disputes over eligibility.

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

2015 Criteria

In 2015, the Richmond RSL wrote to Council, requesting that the criteria be amended. They sought change to allow other worthy local veterans, who did not live in the Hawkesbury when they enlisted, to be similarly honoured. Part of the changes proposed were that Richmond RSL should have separate criteria for adding names to a Memorial to that of Windsor RSL.

At that time only two RSL Sub-Branches remained within the Hawkesbury LGA, as the Kurrajong/Colo RSL no longer existed. As any change to the criteria would have affected both the remaining Sub-Branches, a number of meetings were held with the presidents of both the Richmond and Windsor RSL Sub-Branches to discuss the criteria and possible amendments.

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

Both Sub-Branches agreed that War Memorials were generally erected to represent the sacrifice of local veterans going to war and that they were not installed for the purpose to represent the actions of individuals following the war.

Whilst it may have excluded some veterans who moved to the area after service, the Sub-Branches both agreed on the following principle:

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

Based on this principle, the Sub-Branches recommended an amendment to the criteria and The Hawkesbury War Memorial Eligibility Criteria 2015 was adopted by Council

DISCUSSION

Current Position

Despite the agreement on the criteria by the RSL Sub-Branches, Council continued to directly receive representations to have names, that did not meet the criteria, placed on the Memorials. This placed Council in the difficult position of potentially going against the previous principles and criteria as it still retained the power to make that decision unilaterally.

Following a Notice of Motion raising the role of Council in name placement Council resolved at its meeting on 30 May 2017:

"That:

1. *A report be brought back to Council in relation to the currently adopted "Hawkesbury War Memorial Criteria 2015".*

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2. *The report detail how the current adopted criteria can be amended to transfer determination of eligibility criteria to the local RSL Sub-branches (currently Windsor and Richmond), with any variation to the current eligibility criteria, and any future or subsequent changes the eligibility criteria to be jointly agreed and ratified by the sub-branches.*
3. *The report also detail an appropriate mechanism such as a Memorandum of Understanding or binding Tripartite agreement between Council and the Sub-branches that sets out responsibilities, protections, legal issues and any relevant communication or management procedures.*
4. *Formal consultation be undertaken with the Richmond and Windsor RSL Sub-branches and that the results of this consultation be incorporated in the report and any draft agreement referred to in point 3."*

Legal advice was sought regarding the matter and the advice was that Council is the owner of the asset and whilst it could develop a deed of agreement, Council would always retain the ultimate decision as to whether a name is placed on a War Memorial.

Following this advice, Council's solicitors were instructed to proceed with preparing a Deed of Agreement (Deed) to be entered into with the RSL Sub-Branches setting out the rights, obligations and responsibilities of each party in the proposed new process.

This draft deed was forwarded to both RSL Sub-Branches for comment. Following numerous meetings, discussions and minor amendments, both RSL Sub-Branches have put this deed to their members for approval.

Both RSL Sub-Branches have now endorsed the deed and the draft Hawkesbury War Memorial Eligibility Criteria Deed is now ready for adoption and execution by Council.

Council's existing agreement with the RSL Sub-Branches regarding the placement of names on a War Memorial being 'The Hawkesbury War Memorial Criteria 2015' will become obsolete on the execution of the Hawkesbury War Memorial Eligibility Criteria Deed between the parties.

COMMUNITY ENGAGEMENT

Both RSL Sub-Branches were consulted with throughout this process and the final Deed reflects the mutually agreed criteria and document structure.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

The proposal is consistent with the following Focus Areas, Directions and Strategy within the CSP.

- 1.4 Reinforcing and establishing effective strategic partnerships - Build strong relationships and shared responsibilities.
 - 1.4.1 Foster positive relationships with all tiers of government and peak bodies to ensure a thorough understanding of the challenges and local requirements of the Hawkesburys Area

FINANCIAL IMPACT

Council will cover the cost of placing names on War Memorials under its Parks maintenance budget.

ATTACHMENTS:

- AT - 1** Hawkesbury War Memorial Eligibility Criteria Deed (*Distributed under separate cover*).

oooO END OF REPORT Oooo

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SUPPORT SERVICES

Item: 128 **SS - 2020/2021 Remuneration for Mayor and Councillors - (95496, 96332)**

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to advise Council of correspondence received on 23 June 2020 and to obtain Council's endorsement of the provision of annual remuneration for the Mayor and Councillors for the 2020/2021 financial year.

EXECUTIVE SUMMARY:

The Local Government Act 1993 provides for the payment of fees to Mayors and Councillors. The minimum and maximum fees are reviewed annually by the Local Government Remuneration Tribunal. The minimum and maximum amount of fees permitted to be paid to Mayors and Councillors is determined by categories defined by the Tribunal.

The categories into which councils are divided are reviewed by the Tribunal at least once every three years. The categories were reviewed in 2017, and were reviewed as part of the Tribunal's determination for 2020/2021. The Tribunal considered the model, the criteria applicable to each group and the allocation of councils in detail as part of the most recent determination. Prior to the recent review Council was classified in the Regional Rural category.

As part of its review of categories, the Tribunal's determination included the establishment of a new category of Regional Centre for Non-Metropolitan Councils. The Tribunal has determined that Hawkesbury City Council be placed into this category. The annual fees paid to Councillors and the Mayor are higher for councils in this category than the fees paid for the category that previously applied to Council - the Regional Rural category.

The Tribunal's determination for 2020/2021 was made on 10 June 2020 and is effective from 1 July 2020.

The Tribunal is required to give effect to the NSW Government's policy on wages. This has the effect of limiting increases to Mayor and Councillor remuneration to not more than 2.5%. The Tribunal has determined that given the current economic and social circumstances, there will be no increase in the 2019/2020 minimum and maximum fees applicable to each existing category.

Pursuant to the Tribunal's review, the following minimum and maximum fees apply to the Regional Centre Category and therefore are now applicable to Hawkesbury City Council:

Table 1

Councillor Annual Fee		Additional Mayor Fee*	
<i>Minimum</i>	<i>Maximum</i>	<i>Minimum</i>	<i>Maximum</i>
\$13,820	\$24,320	\$28,750	\$60,080

* 15% of the additional Mayoral fee is paid to the Deputy Mayor.

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RECOMMENDATION:

That:

1. The annual fee for Councillors for 2020/2021 be set at \$24,320.
2. The additional annual fee for the Mayor be set at \$60,080, and the Deputy Mayor's additional annual fee be set at \$ 9,012, to be deducted from the Mayor's \$60,080 annual fee.

BACKGROUND

The Local Government Act 1993 provides for the payment of fees to Mayors and Councillors. The minimum and maximum amount of fees permitted to be paid to mayors and councillors is determined by the:

- Categories established by the Tribunal.
- Minimum and maximum fees to be paid in respect of each category.

The Local Government Act 1993 stipulates that councils must pay an annual fee to each Councillor and to the Mayor, with the Mayoral fee being paid in addition to the fee paid to the Mayor as a councillor. Councils are permitted to fix these fees, in which case the fees must be fixed in accordance with the range set by the determination of the Tribunal. If a council does not fix a fee, the council is required to pay the relevant minimum fee determined by the Tribunal.

The Local Government Act 1993 requires the Tribunal to report to the Minister for Local Government by 1 May each year as to its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

In response to the COVID-19 pandemic the Minister for Local Government by Regulation extended the time for the making of the 2020/2021 determination (contained within the Annual Report and Determination) to no later than 1 July 2020.

By way of correspondence dated 23 June 2020 Council was advised of the outcome of the Tribunal's deliberations.

Review of Categories

In 2017/2018, Council was categorised as "Regional Rural" within the General Purpose Councils - Non-Metropolitan Group. In its 2017 determination the Tribunal indicated that it would next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020.

In October 2019, the Tribunal wrote to all mayors advising of the commencement of the 2020 review and invited submissions from councils on matters including the proposed classification model and criteria, the allocation of councils in the proposed classification model, and the range of fees payable.

As part of its review of categories, the Tribunal's determination includes the establishment of two new categories for Non-Metropolitan Councils - "Major Strategic Area", and "Regional Centre".

The Tribunal has determined that Hawkesbury City Council be placed into the Regional Centre category. Also in this category are Blue Mountains City Council, Wingecarribee Shire Council and Wollondilly Shire Council.

Below is a table setting out the categories determined by the tribunal from 2017 to 2019/2020 and from 1 July 2020.

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Table 2

2017-2019 Categories		2020 - New Categories
General Purpose Councils - Metropolitan	Principal CBD	
	Major CBD	
	Metropolitan Large	
	Metropolitan Medium	
	Metropolitan Small	
General Purpose Councils - Non-Metropolitan	Major Regional City	
		Major Strategic Area
	Regional Strategic Area	
		Regional Centre: Includes Blue Mountains City Council, Hawkesbury City Council, Wingecarribee Shire Council and Wollondilly Shire Council.
	Regional Rural	
County Councils	Rural	
	Water	
	Other	

In relation to the criteria applying to categories, Councils categorised as Regional Centre will typically have a minimum residential population of 40,000, with other features that may include:

- A large city or town providing a significant proportion of the region's housing and employment
- Health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- A full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- Total operating revenue exceeding \$100M per annum
- The highest rates of population growth in regional NSW
- Significant visitor numbers to established tourism ventures and major events that attract state and national attention
- A proximity to Sydney which generates economic opportunities.

Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

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Fees recommended by the Tribunal

The following table outlines the minimum and maximum annual fees that could be paid to Mayors and Councillors for the period from 1 July 2018 to 30 June 2020 for a Regional Rural Council.

Table 3

		Councillor Annual Fees		Mayor* Annual Fee*		Maximum Annual Fee
		<i>Minimum</i>	<i>Maximum</i>	<i>Minimum</i>	<i>Maximum</i>	<i>Total</i>
Regional Rural Category						
2018/2019	Councillor	\$8,970	\$19,790			\$19,790
	Mayor	\$8,970	\$19,790	\$19,100	\$43,170	\$62,960**
2019/2020	Councillor	\$9,190	\$20,280			\$20,280
	Mayor	\$9,190	\$20,280	\$19,580	\$44,250	\$64,530**
2020/2021	Councillor	\$9,190	\$20,280			\$20,280
	Mayor	\$9,190	\$20,280	\$19,580	\$44,250	\$64,530**

* Pursuant to Section 249(2) of the Act, these fees must be paid in addition to the fees paid to the Mayor as Councillor.

** Includes any amount to be paid to the Deputy Mayor.

The following table ([Table 4 to the Local Government Remuneration Tribunal's Annual Report and Determination](#)) outlines the minimum and maximum fees that could be paid to the Mayor and Councillors from 1 July 2020 for the new Regional Centre Council category.

Table 4

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	27,640	40,530	169,100	222,510
	Major CBD	18,430	34,140	39,160	110,310
	Metropolitan Large	18,430	30,410	39,160	88,600
	Metropolitan Medium	13,820	25,790	29,360	68,530
	Metropolitan Small	9,190	20,280	19,580	44,230
General Purpose Councils - Non-metropolitan	Major Regional City	18,430	32,040	39,160	99,800
	Major Strategic Area	18,430	32,040	39,160	99,800
	Regional Strategic Area	18,430	30,410	39,160	88,600
	Regional Centre	13,820	24,320	28,750	60,080**
	Regional Rural	9,190	20,280	19,580	44,250
	Rural	9,190	12,160	9,780	26,530
County Councils	Water	1,820	10,140	3,920	16,660
	Other	1,820	6,060	3,920	11,060

* Pursuant to Section 249(2) of the Act, these fees must be paid in addition to the fees paid to the Mayor as Councillor.

** Includes any amount to be paid to the Deputy Mayor.

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Council position on fees

Up until 2018/2019, it had been the usual practice for Council to pay the maximum fee to Councillors and to the Mayor, with a fee of 15% deducted from the total allowable Mayoral fee and allocated to the Deputy Mayor.

However, for the 2018/2019 financial year, Council resolved that the annual fees for Councillors, the Mayor and the Deputy Mayor be set at the same fees as applicable for 2017/2018, despite the Tribunal increasing those fees by 2.5%. Therefore, the annual fees for the 2018/2019 financial year for Councillors and the Mayor were \$19,310 and \$42,120 respectively, with an additional fee of \$6,318 deducted from the Mayor's annual fee and paid to the Deputy Mayor.

At the Council Meeting on 28 May 2019 Council considered a report regarding the 2019/2020 fees for Councillors and the Mayor and resolved:

"That:

- 1. Council respectfully decline the offer of a further increase in the annual fees for Councillors, the Mayor and the Deputy Mayor.*
- 2. The annual fee for the Councillors, the Mayor and the Deputy Mayor for 2019/2020 be set at the same fees applicable for 2018/2019 as follows:*
 - (a) The annual fee for Councillors be set at \$19,310.*
 - (b) The additional fee for the Mayor be set at \$42,120, and the Deputy Mayor's additional annual fee be set at \$6,318, to be deducted from the Mayor's \$42,120 annual fee."*

This resolution was to the same effect as Council's resolution on remuneration for Councillors and the Mayor for 2018/2019 from the Council Meeting on 26 June 2018.

DISCUSSION

The Tribunal's determination of fees for the 2020/2021 financial year has provided no general increase in all fees. The Tribunal referred to a number of factors which influenced the Tribunal's views in regard to the annual increase including the impact of bushfires and the current COVID-19 pandemic on the state and federal economies and the wellbeing of communities. At paragraph 68 of the Annual Report and Determination the Tribunal said:

"While the Tribunal is required to give effect to the Government's wages policy in the making of this determination, it is open to the Tribunal to determine an increase of up to 2.5% or no increase at all. Given the current economic and social circumstances, the Tribunal has determined that there be no increase in the minimum and maximum fees applicable to each existing category."

However the Tribunal has increased the number of categories and included Council in the new category Regional Centre. The annual fees payable to the Councillors and the Mayor as a result of this change are greater than those that apply to Council's previously nominated category.

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The below table depicts the annual and monthly payments that would be allocated to Councillors, the Mayor, and the Deputy Mayor, for the 2020/2021 financial year, should Council pay the maximum fees:

	Councillor Fees		Mayor / Deputy Mayor *		Maximum Total	
	Maximum - Annual	Maximum - Monthly	Maximum - Annual	Maximum - Monthly	Annual	Monthly
Councillor	\$24,320	\$2,026.67			\$24,320	\$2,026.67
Mayor	\$24,320	\$2,026.67	\$60,080 - \$9,012 \$51,068	\$4,255.66	\$75,388	\$6,282.33
Deputy Mayor	\$24,320	\$2,026.67	\$9,012	\$751	\$33,332	\$2,777.67

* Pursuant to Section 249(2) of the Act, these fees must be paid in addition to the fees paid to the Mayor and Deputy Mayor as Councillors.

The proposed fees displayed in the above table are submitted for Council's consideration. It is proposed that Council pay the maximum allowable fees for the 2020/2021 financial year.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

The proposal is consistent with the following Focus Area, Direction and Strategy within the CSP.

Our Leadership

1.1 Local Leadership and effective governance - Provide representative, responsive and accountable governance.

1.1.1 Council's elected leaders will actively connect and collaborate with the community.

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. The budget for annual fees for Councillors and the Mayor and Deputy Mayor in the adopted 2020/2021 Operational Plan is \$294,896, based on an increase to the 2019/2020 maximum fees of 2.5%, being the maximum permitted increase. The total cost of remuneration for Councillors and the Mayor and the Deputy Mayor in accordance with the recommendation in this report is \$351,920, based on the information received on 23 June 2020. If Council adopted the recommendation in this report an adjustment of \$57,024 would be made in the September 2020 Quarterly Review.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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SECTION 4 – Reports of Committees

Item: 129 **ROC - Audit Committee - 3 June 2020 - (95496, 91369, 79351)**

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to present the Minutes of the Audit Committee, held on 3 June 2020.

EXECUTIVE SUMMARY:

One matter - Item 4 contained within the minutes of the Audit Committee has policy or financial implications for Council. It therefore requires specific consideration by Council, the details of which are discussed in the report below.

In relation to Items 1, 2, 3, 5, 6, 7 and General Business, as they have no policy or financial implications for Council, they are presented for information only.

RECOMMENDATION:

That in relation to the Minutes of the Audit Committee Meeting held on the 3 June 2020:

1. Council receive and note the Audit Committee minutes in respect to Items 1, 2, 3, 5, 6, 7 and General Business.
2. Council endorse the Committee Recommendations in respect to Item 4, namely;

"That:

1. *The report regarding the progress of the review of third party organisations be received and noted.*
 2. *The InConsult Pty Ltd report of the third party review of Peppercorn Services Inc be received and noted.*
 3. *The Inconsult Pty Ltd report of the third party review of Peppercorn Services Inc be further reported to Council."*
-

DISCUSSION

The Audit Committee considered staff reports on a range of matters as shown in the attached minutes Attachment 1 to this report. The following item requires specific consideration by Council.

Item: 4 **AC - Third Party Review - Peppercorn Services - (91369, 121470, 95496, 79351)**

The Audit Committee discussed Council's review of Third Party Organisations and the recently completed review of Peppercorn Services Inc.

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In doing so, the Audit Committee noted that Council will await feedback from the Board of Peppercorn Services Inc before a further report is presented back to council.

The Committee added a point three to the original recommendation and resolved as follows:

"That:

- 1. The report regarding the progress of the review of third party organisations be received and noted.*
- 2. The InConsult Pty Ltd report of the third party review of Peppercorn Services Inc be received and noted.*
- 3. The Inconsult Pty Ltd report of the third party review of Peppercorn Services Inc be further reported to Council."*

Comment

The proposed additional part 3 recommendation is consistent with the Officer's original intention and does not result in any additional financial costs being borne by Council.

ATTACHMENTS:

AT - 1 Minutes of the Audit Committee held on 3 June 2020.

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AT - 1 Minutes of the Audit Committee held on 3 June 2020.

Minutes of the Meeting of the Audit Committee held by Audio-Visual link, on 3 June 2020, commencing at 4:08pm.

Present: Councillor Paul Rasmussen, Hawkesbury City Council
 Councillor John Ross, Hawkesbury City Council
 Mr Craig Bennett, Community Representative
 Ms Ellen Hegarty, Community Representative
 Ms Nisha Maheshwari, Chairperson, Community Representative

Apologies: Nil

In Attendance: Mr James Winter, Grant Thornton (*left at 6:08pm*)
 Mr Kenneth Leung, NSW Audit Office (*left at 6:08pm*)
 Ms Shirley Huang, Grant Thornton (*left at 5:45pm*)
 Mr Peter Conroy, Hawkesbury City Council
 Mr Laurie Mifsud, Hawkesbury City Council
 Ms Emma Galea, Hawkesbury City Council
 Mr Charles McElroy, Hawkesbury City Council
 Mr Jeff Organ, Hawkesbury City Council
 Mr Mario Robles, Hawkesbury City Council (*left at 6:08pm*)
 Mr Conrad Webb, Hawkesbury City Council
 Ms Megan Berrell, Hawkesbury City Council

Member	20/03/2019	19/06/2019	11/09/2019	6/11/2019	04/12/2019	04/03/2020	03/06/2020
Councillor Paul Rasmussen	✓	A	A	A	✓	✓	✓
Councillor John Ross	✓	✓	✓	✓	✓	✓	✓
Councillor Patrick Conolly (Alternate)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Mr Craig Bennett	✓	✓	✓	✓	✓	A	✓
Ms Ellen Hegarty	A	✓	✓	A	✓	✓	✓
Ms Nisha Maheshwari (Chairperson)	✓	✓	✓	✓	A	✓	✓

Key: A = Formal Apology ✓ = Present X = Absent - no apology

Council's Manager Enterprise Risk Systems

The General Manager introduced to the Committee a new Staff Member – Council's Manager Enterprise Risk Systems, Conrad Webb.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Paul Rasmussen and seconded by Ms Ellen Hegarty that the Minutes of the Audit Committee held on the 4 March 2020, be confirmed with the deletion of the following sentence on Page 3:

"In the absence of the Chairperson, Ms Nisha Maheshwari, the Deputy Chairperson, Mr Craig Bennett chaired the meeting."

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SECTION 3 - Reports for Determination

Item: 1 **AC - 2018/2019 and 2019/2020 Internal Audit Programs Update - (91369, 121470, 95496, 79351)**

Directorate: Support Services

OFFICER'S RECOMMENDATION:

That the progress against the 2018/2019 and the 2019/2020 Internal Audit Programs be received and noted.

DISCUSSION:

- The Director Support Services provided an overview of the Internal Audit Programs.
- Committee members suggested including a footnote or reference in the reports, defining the acronyms being used. The General Manager advised that this will be addressed, with an ongoing effort to eliminate acronyms in reports.
- Councillor Ross noted that in comparison to this report which was included as Item 1 on the 4 March 2020 meeting Agenda, it appears as if there is not great progress being made on various internal audits such as the RMS Drives Compliance Audit, City Planning – Applications and Certificates Audit and the Customer Service – Standards and Complaints Audit.
- The Director Support Services noted that the City Planning – Applications and Certificates Audit is quite a complex and detailed audit and that the auditors have recently indicated that they would be reinterviewing staff and will inspect some Council documents. It was also noted that the Customer Service – Standards and Complaints Audit is also quite detailed and that the Work Plan is currently being reviewed to ensure accuracy. It was also highlighted that there have been delays to the Customer Service Audit due to circumstances surrounding the COVID-19 pandemic.
- Councillor Ross queried whether the Audit Committee will be reviewing the internal audit work plans. The Director Support Services advised that Council's internal auditors, Centium has previously indicated at a previous Audit Committee meeting that forwarding internal audit work plans to the Audit Committee for approval would unnecessarily delay the audits being conducted. However, the Audit Committee considered the approved work plans could be forwarded to the Audit Committee members for their information.
- Councillor Ross asked if staff could give an insight into the process involved in seeking formal or informal comments on incomplete internal audit management actions. The Director Support Services advised that every quarter, internal audit management actions are forwarded to Managers and Directors by the Internal Audit Coordinator, so that Managers and Directors can provide formal comments advising what stage they are at with any recently completed or incomplete management actions. These comments are then presented to the Senior Management Team and to the Audit Committee every quarter.

ORDINARY MEETING
SECTION 4 – Reports of Committees
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COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Paul Rasmussen, seconded by Ms Ellen Hegarty.

That the progress against the 2018/2019 and the 2019/2020 Internal Audit Programs be received and noted.

Item: 2 **AC - Status of Internal Audit Management Actions as at 8 May 2020 - (91369, 121470, 95496, 79351)**

Directorate: Support Services

OFFICER'S RECOMMENDATION:

That the Audit Committee receive and note the following reports:

1. Internal Audit Management Actions Summary Report as at 8 May 2020, attached as Attachment 1 to this report.
2. Incomplete Internal Audit Management Actions Report as at 8 May 2020, attached as Attachment 2 to this report.
3. Overdue Extreme / High Risk Internal Audit Management Actions Report, attached as Attachment 3 to this report.
4. Extension of Due Dates for Internal Audit Management Actions Report, attached as Attachment 4 to this report.
5. Recently Completed Internal Audit Management Actions Report, attached as Attachment 5 to this report.

DISCUSSION:

- The Director Support Services provided a high level summary of the attachments included in this report, highlighting that the suggested improvements made at the previous Audit Committee to the attachments have been completed. The Chairperson commended Council staff on the work involved in these attachments.
- Committee members questioned what is involved with the Recreational Open Space Strategy. The General Manager advised that this is a complex piece of work that develops a plan to satisfy the future sport and recreation needs based on population and looking at the gap between what there is now and what will be needed in the future.
- Committee members queried the timing involved for the Property Development Strategy. The General Manager noted that the Demographic Strategy has been completed and that the brief for the Recreational Open Space Study will be finalised this week. Once a consultant has been appointed, a clearer timeline can be determined.
- Councillor Ross queried the management actions under the Delegations Review. The General Manager advised that a report was presented to Council in late 2019 regarding the Delegations Policy and that Council resolved that the Delegations Policy be presented to the Audit Committee and that a Councillor Workshop be held. The Delegations Policy has been presented to the Audit

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Committee and the next step was to conduct a Councillor Workshop in relation to this, but unfortunately there has not been an opportunity to schedule this yet.

- Committee members expressed concerns that the new due dates for completion of a number of management actions seem to be quite ambitious given the circumstances surrounding the COVID-19 pandemic. The General Manager indicated that the due dates in regard to the management actions associated with the Commercial Leases and Property Management Audit will be reviewed.
- Committee members highlighted that there are three critical items, being the Recreational Open Space Strategy, Property Management Policy and the Operational Management Standard and Procedures, and requested an update on the progress of these items. The General Manager advised that the main challenge as an organisation is limited resources. Council was given a timeline to work towards completing the Local Strategic Planning Statement, and therefore had to redirect resources to complete studies to inform this piece of work. As this has just finished, Council can move forward with other studies now. It was noted that a presentation on these studies will be given at the next Audit Committee meeting.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr Craig Bennett, seconded by Councillor Paul Rasmussen.

That the Audit Committee receive and note the following reports:

1. Internal Audit Management Actions Summary Report as at 8 May 2020, attached as Attachment 1 to this report.
2. Incomplete Internal Audit Management Actions Report as at 8 May 2020, attached as Attachment 2 to this report.
3. Overdue Extreme / High Risk Internal Audit Management Actions Report, attached as Attachment 3 to this report.
4. Extension of Due Dates for Internal Audit Management Actions Report, attached as Attachment 4 to this report.
5. Recently Completed Internal Audit Management Actions Report, attached as Attachment 5 to this report.

Item: 3 **AC - Audit - NSW Audit Office's Final Management Letter 2018/2019 - (91369, 121470, 95496, 79351)**

Directorate: Support Services

OFFICER'S RECOMMENDATION:

That the information regarding with the NSW Audit Office's Final Management Letter for the year ended 30 June 2019, attached as Attachment 1 to the report, be received and noted.

DISCUSSION:

- Kenneth Leung and James Winter provided the Committee with an overview of the Final Management Letter prepared by the NSW Audit Office associated with the 2018/2019 General Purpose and Special Purpose Financial Statements and associated Schedules.

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- The Chairperson noted the Fair Value item in the Management Letter, and queried whether this involved a significant requirement of resources and time. The Chief Financial Officer advised that funds available for a vacant position were used to engage a new staff member to specifically focus on this.
- Councillor Ross raised concerns in regard to Council's view on the life of assets, stating that a preliminary review was carried out in 2017/2018. Staff advised that the life of assets gets reviewed each year and that there are no outstanding reports to come.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr Craig Bennett, seconded by Councillor Paul Rasmussen.

That the information regarding with the NSW Audit Office's Final Management Letter for the year ended 30 June 2019, attached as Attachment 1 to the report, be received and noted.

Item: 4 **AC - Third Party Review - Peppercorn Services - (91369, 121470, 95496, 79351)**
Directorate: Support Services

OFFICER'S RECOMMENDATION:

That:

1. The report regarding the progress of the review of third party organisations be received and noted.
2. The InConsult Pty Ltd report of the third party review of Peppercorn Services Inc be received and noted.

DISCUSSION:

- Council's Manager Corporate Services and Governance provided an overview of the progress of Council's review of third party organisations, highlighting that this flows out of the review of Council's Risk Registers.
- Committee members highlighted the importance of Appendix A - Sample Outsourcing Policy and Procedure to the report from Inconsult and queried whether Council has a policy or procedure similar to this already or whether this will be adopted. Staff advised that Council does not have an official policy like this, and should consider the detail in this sample policy.
- Committee members queried whether Peppercorn Services have the time and resources available to do the work involved in dealing with the recommendations in the report which require action by Peppercorn. Staff noted that this was the first third party review completed.
- Councillor Ross said he believed that the review of Peppercorn Services Inc was not a matter for the Audit Committee. He mentioned the Australian Charities and Not-For-Profit Commission website and stated that Peppercorn is a creation of Hawkesbury City Council. It was noted that this was thoroughly audited but it is important to go back to the drawing board in terms of Council and ensure all potential avenues are covered. Staff stated that this matter came to the Audit Committee and it was unanimously supported at that time. Staff advised that they would take comments on board and will look to make improvements if possible by feeding these comments back to the consultant, making Council's processes stronger and better going forward.

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- Further discussion took place regarding the appropriateness for the Audit Committee to consider this matter. The Chairperson stated that doing a periodic review of relationships with any major organisation is warranted and that it is helpful to have issues uncovered as part of such periodic reviews. It was noted that some items raised by the consultant did not seem as though they were as much of a high risk or priority as the report indicates.
- Committee members queried the expected timeframe for the completion of the next two reviews of Hawkesbury River County Council and Hawkesbury Sports Council. Staff advised that as part of the review of Peppercorn Services Inc, the consultant developed working materials that will be used for the other reviews. The consultant has a head start as materials are available to assist them complete the reviews quickly and efficiently.
- Councillor Ross noted that the Risk Registers have never been presented to the Committee.
- Committee members discussed the importance of this matter being raised at Council, and a recommendation was made in relation to this.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Paul Rasmussen, seconded by Ms Ellen Hegarty.

That:

1. The report regarding the progress of the review of third party organisations be received and noted.
2. The InConsult Pty Ltd report of the third party review of Peppercorn Services Inc be received and noted.
3. The Inconsult Pty Ltd report of the third party review of Peppercorn Services Inc be further reported to Council.

Item: 5 **AC - Finance Reports - (91369, 121470, 95496, 79351)**

Directorate: Support Services

OFFICER'S RECOMMENDATION:

That the Audit Committee receive and note the report on the March 2020 Quarterly Budget Review Statement and the April 2020 Investment Report.

DISCUSSION:

- The Chief Financial Officer provided an overview of the March 2020 Quarterly Budget Review Statement and the April 2020 Investment Report.
- Committee members requested further details in relation to the category 'requiring medical attention' and whether this was caused by stress or overload of work. The Chief Financial Officer clarified that this refers to an aging workforce, especially in outdoor teams.
- Committee members questioned the Contingency Reserve and whether there is an established minimum amount for this Reserve to be maintained at. The Chief Financial Officer advised that the establishment of the Reserve was a voluntary Council decision some years ago, and that there is no mandatory minimum balance to be maintained in the Reserve. The Reserve was established to

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provide a source of funding for any deficits that may occur due to unexpected events. The Chief Financial Officer advised that there were still funds left in the Contingency Reserve after funding the March Quarterly Review Deficit.

- The General Manager noted that in more recent times, the Fit for the Future Business Improvements staff have been funded from the Contingency Reserve with any savings to be put back into the Contingency Reserve.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Paul Rasmussen, seconded by Mr Craig Bennett.

That the Audit Committee receive and note the report on the March 2020 Quarterly Budget Review Statement and the April 2020 Investment Report.

Item: 6 **AC - New Accounting Standards applicable from the year ending 30 June 2020 - (91369, 121470, 95496, 79351)**

Directorate: Support Services

OFFICER'S RECOMMENDATION:

That the Audit Committee receive and note the information regarding the impact of the new Accounting Standards, AASB 15, AASB 1058 and AASB 16 on the Annual Financial Statements as at 30 June 2020.

DISCUSSION:

- Council's Chief Financial Officer provided an overview of the nature of the impact of the new Accounting Standards, AASB 15, AASB 1058 and AASB 16 on the Annual Financial Statements as at 30 June 2020. It was noted that staff are currently working through grants and leases, which requires significant work with Auditors to understand the processes and align the budgets accordingly.
- The Chairperson acknowledged the work being conducted in this report and in the background as well.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor John Ross, seconded by Mr Craig Bennett.

That the Audit Committee receive and note the information regarding the impact of the new Accounting Standards, AASB 15, AASB 1058 and AASB 16 on the Annual Financial Statements as at 30 June 2020.

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CONFIDENTIAL REPORTS

Item: 7 **AC - Tender and Contract Management Review - (91369, 121470, 95496, 79351)**
CONFIDENTIAL

Directorate: Support Services

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 tenders for the supply of goods and/or services to Council and it is considered that the release of 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.

Mr James Winter, Mr Kenneth Leung, Ms Shirley Huang and Mr Mario Robles left the meeting and did not participate in the confidential session.

OFFICER'S RECOMMENDATION:

That the Audit Committee receive and note the information regarding the review that was undertaken regarding Council's procurement and contract management arrangements.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Paul Rasmussen, seconded by Mr Craig Bennett.

That the Audit Committee receive and note the information regarding the review that was undertaken regarding Council's procurement and contract management arrangements.

Councillor John Ross requested that he be recorded as voting against the motion.

SECTION 4 - General Business

A. Internal Audit and Risk Management

The General Manager highlighted some information for the benefit of the Committee in relation to Audit and Risk Management across the organisation.

In relation to audit, the General Manager noted that as an organisation we are evolving and maturing, but this is not without its challenges.

Between 2010 and 2017 a total of 48 Audits were conducted by the internal auditor resulting in 82 Management Actions, an average of 1.7 Management Actions per audit.

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Since entering into the new audit arrangements with Blue Mountains City Council, 15 audits have been conducted between 2017/2018 and 2019/2020, resulting in 261 Management Actions, an average of 17.4 Management Actions per audit.

This has resulted in a significant increase in the work load being carried across the organisation. This is placing demands on the organisation that have not historically existed.

In relation to Risk Management, Council has introduced Business Plans.

Each Manager is responsible for a Business Plan. The Business Plan is a document that aligns a range of Council objectives and activities onto a common platform. It includes linkages to such things as:

- The Community Strategic Plan, the Operational Plan and Fees and Charges
- Customer Service
- Performance Management
- Resources
- Contracts
- Procurement
- Regional Activities
- Stakeholders
- Policies
- Fit for the Future
- Enterprise Risk Management

The Business Plan is a tool to assist Managers and staff in relation to everything, from planning next year's works program to inducting a new staff member into the operations of their business unit.

One of the information resources the Business Plan contains is an extract from the Corporate Risk Register.

Going forward it is proposed that we establish a program for regularly updating the Risk Register with each Manager.

The updating may be as a result of an issue identified by a Manager, based on a conversation with a colleague in another organisation, or it might be an issue that a Manager identifies during the day to day operations of the business.

The objective of the exercise is to:

- Grow the maturity, the capacity of the organisation in relation to Enterprise Risk Management
- Promote a continuous improvement culture amongst staff
- Promote a culture of openness and disclosure to the Audit Committee
- Regularly report to the Audit Committee progress along the way.

Going forward we are therefore proposing to advise the Audit Committee of changes in the risk register and controls put in place to manage risk.

We are contemplating that we will do this twice a year via a report to the Audit Committee.

The meeting terminated at 6:27pm.

oooO END OF REPORT Oooo

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SECTION 5 – Notices of Motion

Item: 130 **NM1 - Development Application 119/20 - (79351, 138882)**

Submitted by: Councillor Wheeler

NOTICE OF MOTION:

That Council:

1. Strongly rejects Development Application DA119/20 for a Landscaping Supplies and Concrete Recycling plan at Ebenezer;
2. Note the numerous objections from community potentially affected by the proposed development and extends the exhibition period for a future two weeks from 15 July 2020.
3. Councillors prepare a submission to the Planning Panel strongly recommending against the application, including, but not limited to, the following objections:
 - a) Incompatibility with RU1 zoning
 - b) Increased heavy vehicle traffic, safety and impact on regional and local roads;
 - c) Unsuitability of local road, particularly Sargeants Road, to carry heavy vehicles;
 - d) Noise and dust impacts on local residents
 - e) Impacts on Ebenezer Primary School
 - f) Potential conflict of use, loss of rural amenity and impacts on property values;
 - g) Environmental impacts on nearby watercourses including Currency Creek and Chain of Ponds Reserve, bushland and groundwater.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

NOTE BY MANAGEMENT

The application was lodged on 21 April 2020 for a Waste or Resource Management Facility in a RU1 Zone which is permissible through the provisions of Clause 121 of the Infrastructure SEPP 2007.

Subject to complying with certain mandatory lodgement requirements under the Environmental Planning and Assessment Act and Regulations, Council must accept all development applications that are submitted.

A development application lodged with Council may be determined by any of the following authorities:

1. Senior Planning Staff Under Delegated Authority – the majority of development applications lodged with Council are determined by Council staff.
2. Hawkesbury Local Planning Panel – the HLPP is a panel of three independent expert members and a community member who determine development applications where there may be a potential conflict of interest, contentious development (subject to 10 or more unique public submissions by way of objection), development that departs from a development standard by more than 10% or certain forms of development that are viewed as sensitive (such as new licensed premises and sex services premises).

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3. Sydney Western City Planning Panel – The SWCPP is a panel consisting of five members, with three of the members (including the Chair) appointed by the Minister for Planning and Public Spaces and two members nominated by Council. The SWCPP is responsible for determining regionally significant development. Regionally significant development is generally development that has a Capital Investment Value over \$30 million, although for some forms of the development such as designated development and Council related applications the threshold is over \$5million.

Due to the application being classified as Designated Development the Consent Authority for DA0019/20 is the Sydney Western City Planning Panel (SWPP). It is the responsibility of Council staff to undertake the assessment of the development application which is documented in a report with recommendations for the Panel's consideration and determination of the DA. This will include assessment of the applications received.

The exact timetable for the determination of the application by the Panel is uncertain at this stage.

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

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING
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Item: 131 **NM2 - Hawkesbury and Blue Mountains World Heritage Centre - (79351, 138879)**

Submitted by: Councillor Richards

NOTICE OF MOTION:

That Council provide its support for the revitalised concept of the Hawkesbury/Blue Mountains World Heritage Centre Proposal, as outlined in the attached report, written by Councillor Sarah Richards and Mr Lionel Buckett.

BACKGROUND

The project was mooted by Hawkesbury City Council in 2001, as noted in the Blue Mountains National Park Plan of Management and the Wollemi National Park Plan of Management.

In 2004, the design of a 'visitor centre' at Bilpin was announced by Federal Member for Macquarie, Kerry Bartlett, and NSW Environment Minister, Bob Debus.

In 2005, the then NSW Government withdrew its funding contribution.

At this point in time, the Federal Government is focused on getting our nation through the Coronavirus pandemic. Small business and tourism have been heavily impacted, not just because of COVID-19, but in our region especially, due to the 2019/2020 bushfire devastation.

We therefore believe revitalisation of this project has three core benefits:

1. Creatively and strategically designed, the Centre will in and of itself be a magnet for tourism which will benefit both the Hawkesbury and Blue Mountains regions;
2. Offer educational opportunities on the unique natural, cultural and heritage values of the The Greater Blue Mountains Area and Wollemi National Park, in addition to local heritage, and the importance of their conservation; and
3. Promote and encourage the safe enjoyment of the National Parks.

The attached report was produced in February 2020 so that we could progress this project with key stakeholders.

We have provided this report to Senator the Hon Marise Payne, Minister for Foreign Affairs, Minister for Women and Liberal Senator for Western Sydney in February 2020, when she came to visit Bilpin and Berambing locals after the devastating bushfires. We also spoke to the Local State Member – Ms Robyn Preston, Member for Hawkesbury. We then launched our initiative on social media, as per a post dated 28 February 2020 and sent the document to relevant State and Federal Ministers to seek support.

It should be noted that funding for this project might not necessarily come from the Commonwealth Bushfire Relief and Recovery Funding and associated funding pools, but from other possible funding programs.

This Notice of Motion simply seeks Council's support of the concept.

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FINANCIAL IMPACT

There are no financial implications applicable to this report, as it falls within Councils advocacy role within Councils operational budget.

NOTE BY MANAGEMENT

The Mayor has previously provided documents and raised this issue in meetings and correspondence to the Local Member for Hawkesbury.

Staff are monitoring opportunities to pursue grant funding to facilitate the delivery of this project in association with the local community.

The Notice of Motion is consistent with all of the above activities.

ATTACHMENTS:

AT - 1 Blue Mountains World Heritage Centre - *(Distributed under separate cover)*.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING
Confidential Reports
Meeting Date: 14 July 2020

CONFIDENTIAL REPORTS

Item: 132 **SS - Property Matter - Licence Agreement with Coles Group - Car Spaces in part of Magnolia Mall Car Park, 7 West Market Street, Richmond - (148887, 95496, 112106) CONFIDENTIAL**

Directorate: Support Services

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
Confidential Reports
Meeting Date: 14 July 2020

Item: 133 **MM - Staff Matter - (79351) CONFIDENTIAL**

Directorate: General Manager

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)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).

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.



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