



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 26 February 2013

location: council chambers

time: 6:30 p.m.



mission statement

***“To create opportunities
for a variety of work
and lifestyle choices
in a healthy, natural
environment”***

How Council Operates

Hawkesbury City Council supports and encourages the involvement and participation of local residents in issues that affect the City.

The 12 Councillors who represent Hawkesbury City Council are elected at Local Government elections, held every four years. Voting at these elections is compulsory for residents who are aged 18 years and over and who reside permanently in the City.

Ordinary Meetings of Council are generally held on the second Tuesday of each month (except January), and the last Tuesday of each month (except December), meeting dates are listed on Council's website. The meetings start at 6.30pm and are scheduled to conclude by 11:00pm. These meetings are open to the public.

When an Extraordinary Meeting of Council is held, it will usually also be held on a Tuesday and start at 6.30pm. These meetings are also open to the public.

Meeting Procedure

The Mayor is Chairperson of the meeting.

The business paper contains the agenda and information on the items to be dealt with at the meeting. Matters before the Council will be dealt with by an exception process. This involves Councillors advising the General Manager by 3:00pm on the day of the meeting, of those items they wish to discuss. A list of items for discussion will be displayed at the meeting for the public to view.

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

Public Participation

Members of the public can request to speak about an item raised in the business paper at the Council meeting. You must register to speak at a Council meeting. To register you must lodge an application form with Council prior to 3:00pm on the day of the meeting. The application form is available on the Council's website, from the Customer Service Unit and by contacting the Manager - Corporate Services and Governance on (02) 4560 4426 or by email at council@hawkesbury.nsw.gov.au.

The Mayor will invite registered persons to address the Council when the item is being considered. Speakers have a maximum of five minutes to present their views. The Code of Meeting Practice allows for three speakers on the Proponent side (i.e. in support) and three for the Respondent side (i.e. in objection). If there are a large number of speakers for one item, speakers will be asked to organise for three representatives to address the Council for either the Proponent or Respondent side (six speakers in total).

Voting

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

Planning Decision

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

Business Papers

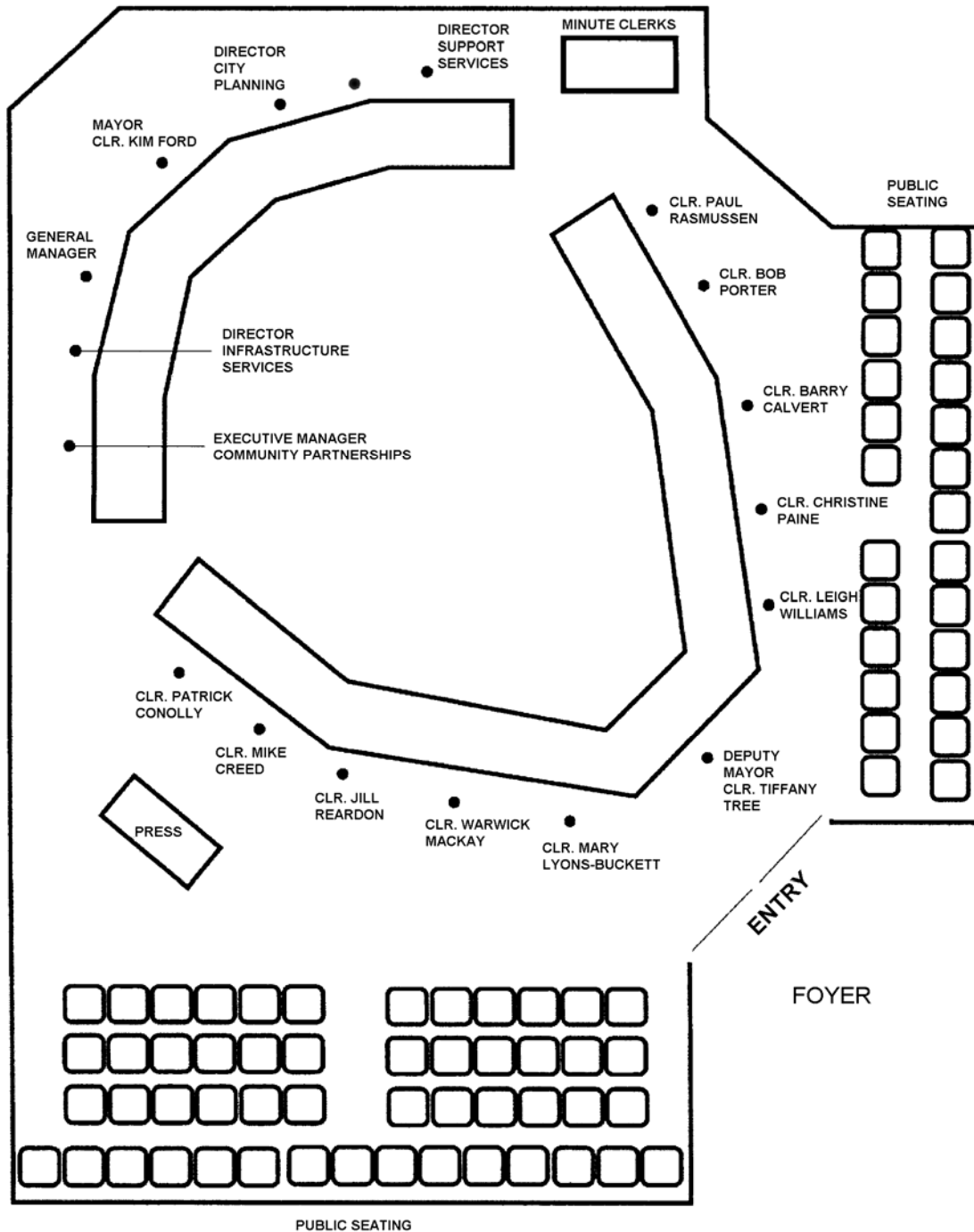
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

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

Further Information

A guide to Council Meetings is available on the Council's website. If you require further information about meetings of Council, please contact the Manager, Corporate Services and Governance on, telephone (02) 4560 4426.

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SECTION 3 - Notices of Motion

**RM1 - Rescission Motion - DA0480/12 - 67 Browns Road, Kurrajong - Three lot
community title subdivision - (79351, 125612, 80104, 80106)**

Submitted by: Councillor C Paine
 Councillor M Lyons-Buckett
 Councillor P Rasmussen

RESCISSION MOTION:

That Council's resolution of 5 February 2013, in respect of Item 6 in relation to DA0480/12 - 67 Browns Road, Kurrajong - three lot community title subdivision, be and is hereby rescinded.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF RESCISSION MOTION Oooo

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Notices of Motion

NM - Policy for Notification of Planning Proposal - (79351, 125612)

Submitted by: Councillor M Lyons-Buckett

NOTICE OF MOTION:

That Council adopt a Policy for notification of Planning Proposals such that adjoining owners and others who might be impacted upon are notified when the Planning Proposal is received.

BACKGROUND:

Whilst a Planning Proposal must be exhibited if it proceeds to the Gateway process and is certified by the Department of Planning & Infrastructure for public exhibition, this does not take into account residents concerns up to and including the referral of the matter to the Gateway.

Council would be in a better position to gauge whether a matter should proceed to Gateway if it has the input and knowledge of local residents at the time of deciding whether to support the Planning Proposal or not.

Often a Planning Proposal is of greater impact than a development application proposal. It's purpose is to permit something that is not normally permissible.

It is morally responsible and in the better interests of the community that they be aware of Planning Proposals sooner rather than await the Gateway process. In this way if a proposal is not supported then the applicant will know sooner and will be better able to control costs of reports, studies etc that may come from the Gateway determination. Community input at an early stage will also assist the staff in their assessment of the proposal.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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SECTION 4 - Reports for Determination

GENERAL MANAGER

Item: 25 **GM - Administration of all Hawkesbury Local Government Elections until 2016 - (79351)**

Previous Item: Item 228, (Ordinary 11 October 2011)

REPORT:

Executive Summary

The Local Government Act, 1993 (the Act), provides that council elections including constitutional referendums and polls are to be administered by the general manager of the council concerned.

The Act also provides that a council may, within 12 months after an ordinary election of councillors for the area, resolve that the council enter into a contract or make arrangements with the Electoral Commissioner to administer all elections for the council.

It is proposed to recommend that Council engage the NSW Electoral Commissioner to administer all the Hawkesbury City Council Elections, constitutional referendums and polls, until the conclusion of the 2016 Ordinary Hawkesbury Local Government Elections.

Consultation

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

Background

Since 1995, Hawkesbury City Council Local Government Elections have been undertaken by the NSW Electoral Commission.

Council, at its meeting on 11 October 2011, resolved, in part, that the Electoral Commissioner be advised that Council wishes to engage the Commission to conduct the Hawkesbury Local Government Elections in 2012.

In accordance with Council's resolution, the Electoral Commissioner was engaged to conduct the 2012 Elections. Subsequently, the NSW Electoral Commissioner conducted the Hawkesbury Local Government Elections held in September 2012. The next Local Government Elections are due to be conducted in 2016.

Section 296 of the Act sets out who is to administer all elections for Council, including the 2016 Local Government Elections. Section 296 of the Act is as follows:

"296 Elections to be administered by general manager of council or Electoral Commissioner

- (1) *Elections for the purposes of this Chapter are to be administered by the general manager of the council concerned.*

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Note. Section 18 provides that certain provisions of this Act (relating to the conduct of elections) apply to council polls and constitutional referendums, with such modifications as may be necessary, in the same way as they apply to elections.

- (2) *Despite subsection (1), a council may resolve that the council is to enter into a contract or make arrangements with the Electoral Commissioner for the Electoral Commissioner to administer all elections for the council for the purposes of this Chapter.*
- (3) *Such a resolution may only be made within 12 months after an ordinary election of councillors for the council's area.*
- (4) *If such a contract is entered into or such arrangements made, the Electoral Commissioner is to administer all the elections of the council until the conclusion of the following ordinary election for councillors.*
- (5) *In this section, **election** does not include an election of the mayor or a deputy mayor by the councillors."*

Sections 296A and 296B of the Act apply to elections administered by the General Manager or Electoral Commissioner and are as follows:

"296A Elections administered by a general manager

- (1) *This section applies to an election administered by the general manager of a council.*
- (2) *The general manager is to appoint a returning officer and a substitute returning officer for the election. In the absence of the returning officer, the substitute returning officer is to exercise the functions of the returning officer.*
- (3) *The returning officer is to appoint one or more electoral officials.*
- (4) *An employee of a council for an area cannot be appointed as a returning officer or substitute returning officer for that area. However, an electoral official may be an employee of the council.*
- (5) *A general manager cannot be appointed as a returning officer, substitute returning officer or electoral official for any area.*
- (6) *For the purpose of conducting an election, the returning officer and substitute returning officer for an area are entitled to access to any relevant records of the council for the area.*
- (7) *For the purpose of administering an election, the general manager is to:*
 - (a) *appoint the polling places, and*
 - (b) *determine the fees payable to the returning officer, substitute returning officer and electoral officials.*
- (8) *For the purpose of conducting an election, the returning officer is to determine any matter not provided for by this Act or the regulations.*
- (9) *Expenses incurred by the returning officer, substitute returning officer and electoral officials in connection with an election are to be met by the council.*
- (10) *The returning officer and the substitute returning officer must not vote at any election that they are conducting.*

296B Elections administered by the Electoral Commissioner

- (1) *This section applies to an election administered by the Electoral Commissioner.*

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- (2) *The Electoral Commissioner is to appoint a returning officer and a substitute returning officer for each area. The returning officer is to conduct elections on behalf of, and under the direction of, the Electoral Commissioner. In the absence of the returning officer, the substitute returning officer is to exercise the functions of the returning officer.*
- (3) *The returning officer is to appoint one or more electoral officials.*
- (4) *An employee of a council for an area cannot be appointed as a returning officer or substitute returning officer for that area. However, an electoral official may be an employee of the council.*
- (5) *For the purpose of conducting an election, the returning officer and substitute returning officer for an area are entitled to access to any relevant records of the council for the area.*
- (6) *For the purpose of conducting an election, the Electoral Commissioner is to:*
 - (a) *appoint the polling places, and*
 - (b) *determine the fees payable to the returning officer, substitute returning officer and electoral officials, and*
 - (c) *determine any matter not provided for by this Act or the regulations.*
- (7) *The Electoral Commissioner, the returning officer and the substitute returning officer must not vote at any election that they are conducting."*

In summary, Section 296(1) of the Act provides that Council elections are to be administered by the General Manager. However, Sections 296(2) and (3) of the Act state that Council may, within 12 months after an ordinary election, resolve that Council enter into a contract or make arrangements with the Electoral Commissioner to administer all elections for the Council other than elections of the Mayor and Deputy Mayor by Councillors. Section 296(4) of the Act states that if such a contract is entered into, or such arrangements made, the Electoral Commissioner is to administer all elections, constitutional referendums and Council polls, until the conclusion of the following ordinary election of Councillors, scheduled to be held in 2016.

As indicated earlier, since 1995 Hawkesbury City Council Local Government Elections have been undertaken by the NSW Electoral Commissioner, including the latest election held in September 2012. It is considered that these elections have been successfully undertaken by the NSW Electoral Commissioner.

There are a number of advantages if Council were to again engage the NSW Electoral Commissioner to administer all the Council elections until the conclusion of the 2016 Local Government Elections, including:

- If the General Manager were to administer the elections, Council would be required to develop its own manuals, procedures and practice notes for use in the election; source its own polling staff, facilities and supplies; develop its own security procedures and processes in association with the conduct of the election; source and operate its own count facilities; and obtain its own legal advice in relation to election provisions and requirements, etc.
- In the time since Council last conducted its own elections, there have been significant changes in electoral procedures and requirements. As such, it is considered that the expertise, and associated historical supporting documentation, is not sufficiently available within the organisation to successfully undertake the election without significant external resources.
- A successful and independent electoral process is important in any election that may be undertaken. A significant element relating to the successful running of an election is risk management, and it is suggested that the best approach is to appoint those with the most expertise and experience in undertaking the process, and in this case it is suggested that this is the Electoral Commission.

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- If the election was undertaken by Council, due to the extensive work that would be required, as referred to previously, it is considered that the Returning Officer, Substitute Returning Officer and other staff would need to be engaged for a considerable period prior to the election, whereas due to documentation, facilities and experience already available to the Commission, this usually only occurs within 6-8 weeks of the election. This would considerably increase the wages component of the election if conducted by Council.
- In addition, when assessing the cost of a Council run election, all “hidden” costs (i.e. the cost of the time of existing staff, including the General Manager, who may work on the election, the use of Council facilities and equipment, etc,) must also be incorporated in the final reported cost. In this light, it is considered that it would be likely that the cost of an election undertaken by Council would be similar to a charge made by the Electoral Commission if it were appointed to conduct the election.

With regard to costs, the 2008 Election conducted by the Commission incurred a charge of \$273,500. The 2012 Election, also conducted by the Commission, incurred a charge of \$287,376, being a 5% increase on the 2008 Election costs.

Accordingly, in view of the contents of this report and the difficulties that would be encountered if Council were to conduct the Elections, with little, if any, real cost savings, it is strongly recommended that Council engage the NSW Electoral Commissioner to administer all elections until the conclusion of the 2016 Ordinary Hawkesbury Local Government Elections.

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping our future together Directions statement;

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

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Have ongoing engagement and communication with our community, governments and industries.

Financial Implications

Council currently has an amount of \$174,544 in the Election Reserve. Further amounts will be provided to the Election Reserve over the next three financial years to ensure sufficient funds are available to meet the anticipated costs of the 2016 Council Elections.

RECOMMENDATION:

That:

1. In accordance with Section 296(2) of the Local Government Act, 1993, Council enter into a contract or make arrangements with the NSW Electoral Commissioner, for the Electoral Commissioner to administer all elections for Hawkesbury City Council, including constitutional referendums and polls, until the conclusion of the 2016 Ordinary Election for Councillors.
2. Authority be given for any documentation in association with this matter to be executed under the Seal of Council, if required.

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 26 GM - 2013 Waste Conference (79351)

REPORT:

Executive Summary

The 2013 Waste Conference will be held in Coffs Harbour, from 30 April - 2 May, 2013. This is a significant annual conference and due to its relevance to Council's business, it is recommended that the 2013 Waste Conference be attended by Councillors and appropriate staff.

Consultation

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

Background

The 2013 Waste Conference will be held in Coffs Harbour, from 30 April - 2 May, 2013. This Conference is considered Australia's premier waste event. The Conference will focus on practical outcomes and include keynote addresses from international and national leaders, case studies, workshops and panel discussions.

Cost of attendance at the 2013 Waste Conference will be approximately \$1,845.00 plus travel expenses per delegate.

Budget for Delegate Expenses - Payments made

• Total Budget for Financial Year 2012/2013	\$44,000
• Expenditure to date	\$21,424
• Budget Balance as at 18/2/13	\$22,576

It should be noted that outstanding commitments of approximately \$7,450.00 in relation to attendance of 2 Councillors at the 2013 LGMA National Congress & Business Expo to be held in May, 2013, are not reflected in the balance indicated above.

Conformance to Community Strategic Plan

The proposal is consistent with the Caring for Our Environment Directions statement;

- Take active steps to encourage lifestyle choices that minimise our ecological footprint.

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Develop and implement waste and recycling strategies.
- Encourage and educate the community to care for their environment.

Financial Implications

Funding for this proposal will be provided from the Delegate Expenses Budget.

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RECOMMENDATION:

That attendance of nominated Councillors, and staff members as considered appropriate by the General Manager, at the 2013 Waste Conference at an approximate cost of \$1,845.00 plus travel expenses per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 27 **GM - Sister City and City-Country Alliance Program - Annual Report 2011/2012 (79351, 73610, 85814, 90568)**

REPORT:

Executive Summary

The purpose of the report is to provide Council with an annual overview of the Sister City and City Country Alliance Program (Program) during the 2011/2012 Financial Year and to review program activities and performance. The Program is undertaken in association with the Hawkesbury Sister City Association (Association), which has delegated authority to undertake program activities on behalf of Council.

Council and the Hawkesbury community has two international sister cities being, Temple City, California, USA and Kyotamba, Kyoto, Japan; and two domestic Alliance towns being, Weddin Council (main town of Grenfell) and Cabonne Council (main town of Molong).

The Program is a policy of Council and includes provision for culture, sport and youth exchanges between the Hawkesbury community and the sister cities and alliance towns.

Consultation

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

Background

Council at its meeting held on 10 July 2007, adopted its Sister City Program Policy to address exchange activities with Council's international sister cities; and amended the policy on 24 February 2009 to include exchange activities with our domestic Alliance 'Towns'. Council in adopting the Policy, also delegated authority to the Association to undertake exchange activities on Council's behalf with the sister cities and alliance towns.

The Association was established in 1983 and has been involved in the Program since then. To support the activities of the Program, Council allocates appropriate funding as part of the annual budget process.

Program Financials

Table 1 shows Council's budgeted funds and actual expenditure for the Program for the year ended 30 June 2012. Council's full year budget was \$20,150 as general funds for the Program (which includes payments to the Association) and \$6,000 towards donations to students participating in exchange visits.

Table 1 - Hawkesbury Sister City Program – Financial Summary for 2011/2012		
Council	Budget \$	Expenditure \$
General contribution	20,150	19,811.22
Donation to students	6,000	6,000
Total for Program	26,150	25,811.22

The Program for the year ended 30 June, 2012 met its operating budget. Twelve students travelled overseas (maximum) and each received a \$500 donation towards travel costs, in accordance with Council's Policy.

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Overall, the financial position at the end of 2011/2012 was in line with planned program costs, including both Association and Council exchange activities; and on demand program costs in response to exchange activities of the sister cities.

Included as Attachment 1 to this report are the Minutes of the Association's Annual General Meeting held on 19 November, 2012 and includes the Association's financial statements at 30 June 2012. It shows Council's contribution to the Association for the year as \$19,000, being the majority of Council's general contribution funds. The balance of the general contribution fund was used by Council for direct payment of other Association expenses, such as Sister Cities Australia membership, printing and postage, Mayoral functions and program development.

It should be noted that the Association's expenditure is influenced by the timing of its exchange activities, with some over the start and end of financial years, and the reimbursement process for costs incurred by members upfront before payment is sought from the Association. The programming of student exchanges to both sister cities to later in the year, also influences the timing of expenditure.

Program Activities by the Association

Attachment 1, the Minutes of the Association's Annual General Meeting, includes the Association's President's report, which indicates a busy year organising and hosting student exchanges, adult exchanges, and associated activities. The President's report acknowledges the support of the Mayor and Council's Councillor delegates towards the Association's activities.

During 2011/2012, the following activities were undertaken by the Association, including:

1. Monthly meetings and AGM.
2. Calendar of events.
3. Student exchange - Hawkesbury representatives travel to sister cities, including:
 - (a) Selection process and information sessions for students,
 - (b) Farewell and Welcome Home functions for students,
 - (c) Organisation of travel plans, and
 - (d) Attendance of Hawkesbury exchange students at a Council meeting.

The exchange students were:

Temple City

Sally Armsworth	of Bligh Park (St Pauls College)
Chantelle Mares	of Richmond (Arndell College)
Danni de Keizer	of Yarramundi (Arndell College)
Tomas Holdforth	of Richmond (Richmond High School)
Kristie Warren	of Londonderry (Richmond High School)
Ian Hansen	of Windsor (Arndell College)

Kyotamba

Catriona Potter	of North Richmond (Colo High School)
Jake Woodworth	of Windsor Downs (The Hills Sports High School)
Thomas Randall	of Richmond (Richmond High School)
Thomas Johnston	of East Kurrajong (Colo High School)
Janae Lane	of Freemans Reach (Colo High School)
Jaymie Eaton	of Bligh Park (Windsor High School)

The students travelled to the sister cities during September and October, 2012.

4. Student exchange – sister cities representatives travel to Hawkesbury, including:

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- (a) Host families for visiting students selection and arrangements,
- (b) Welcome and Farewell functions for students and host families, and
- (c) Management of exchange activities for both sister cities visiting at the same time.

5. Adult Exchange – sister cities representatives travel to Hawkesbury, including:

In April 2012, the Mayor of Temple City (and wife) and Temple City citizens (two) visited the Hawkesbury to renew friendships, participate in Association activities, meet the Mayor of Hawkesbury and meet the Hawkesbury students to visit Temple City prior to departure.

6. Sister Cities Australia Annual Conference.

A youth member of the Association attended the conference in November, 2011 in Davenport, Tasmania.

Program Activities by Council

Council provides support to the Association, undertakes other Program activities and maintains the Sister City Agreement relationship. During 2011/2012 the following activities were undertaken:

1. Student Donation - Council approved donations for the student exchanges to the sister cities.
2. Association support, including:
 - (a) Acknowledgement of Hawkesbury exchange students at a Council Meeting,
 - (b) Donations, printing and postage; budget management, activities advice and meetings.
3. Sister cities and alliance towns engagement, including communication with the Mayors and Council officers, and program development discussions.
4. Council activities - Inclusion of Cabonne Council and Weddin Council in Council's tent at the 2012 Hawkesbury Show to provide the alliance towns a key opportunity to promote their areas to Hawkesbury and Sydney people attending the show, and
5. Program Policy – Associated sponsorship agreement renewed for five year term.

Conformance to Community Strategic Plan

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

- Have constructive and productive partnerships with residents, community and institutions.

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

- Have ongoing engagement and communication with our community, governments and industries.
- Develop and implement a community participation and partnership program.

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

Goal

- Support community initiatives and volunteers.

Financial Implications

All costs were met from approved budgets for the year 2011/2012.

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RECOMMENDATION:

That the 2011/2012 annual report for the Sister City Program be received.

ATTACHMENTS:

AT - 1 Minutes of the AGM of Hawkesbury Sister City Association of Monday - *(distributed under separate cover)*

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 28 **CP - Development Report - DA0419/12 - Lot 216 DP751649 - 268 Carters Road, Grose Vale - Clearing Vegetation - (95498, 24706)**

Previous Item: Item 226, (Ordinary, 11 December 2012)

Development Information

File Number: DA0419/12
Property Address: 268 Carters Road, Grose Vale
Applicant: Richard Wing Hong Gee
Owner: Dr RWH Gee
Proposal Details: Clearing native vegetation for an access trail
Estimated Cost: \$2000
Zone: RU4 Primary Production Small Lots
Date Received: 5 September 2012
Advertising: 13 to 27 September 2012

Recommendation: Approval

REPORT:

Executive Summary

The application proposes the minor removal of native vegetation along an access trail (located within a registered easement) that is intended to provide maintenance access to a water supply for the lots approved under Development Approval DA0607/08.

The application was previously presented to Council at the Ordinary Meeting of 11 December 2012 where Council resolved that the matter be deferred pending a Councillor's site inspection.

On 29 January 2013 a site inspection was held and attended by the Mayor, Councillor Ford and Councillors Conolly, Lyons-Buckett, Paine, Rasmussen, Reardon, and Williams as well as the Director City Planning and the Planning Manager.

The report to the meeting of 11 December 2012 is provided as an attachment to this report and additional information arising from the inspection is provided below.

Additional Information

Since the Ordinary Meeting of 11 December 2012 the subdivision plan for the subject site was registered on 16 January 2012 which formally recognises the easement for services located on the subject land. The proposed maintenance access and minor clearing is located within this easement. The land is legally described as Lot 2161 in DP 1161529 and known as 268 Carters Road, Grose Vale.

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.

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RECOMMENDATION:

That Development Application DA0419/12 at Lot 2161 in DP 1161529, 268 Carters Road, Grose Vale for Clearing Native Vegetation for an access trail be approved subject to the following conditions:

General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application as amended in red and as modified by these further conditions.
2. This consent is limited to the removal, as required for maintenance access only, of minimal vegetation along the access trail shown on the stamped plans and does not cover the construction of a driveway.

Prior to Commencement of Works

3. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
4. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
5. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.

During Construction

6. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
7. No material, including soil, shall be imported or removed from the site.
8. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
9. Trees greater than 1m in diameter must be retained.
10. The waste material from the vegetation removal is to be mulched and re-used as proposed in the documents submitted as part of this application.

Note: The material is not to be burnt in the open.

11. Two replacement trees shall be planted along the Carters Road property boundary frontage for each tree removed from the access trail. Replacement trees shall:
 - (i) Consist of endemic species the same as those removed from the site;
 - (ii) Have a minimum height at maturity of not less than 10 metres;

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- (iii) Be planted no later than three months after tree removal has taken place; and,
- (iv) Be protected and maintained by the developer/landowner, as required, so as to ensure that they reach maturity.

Photographic evidence of the replacement trees shall be provided to Council no later than one month after the replacement tree planting occurs.

- 12. No bush rock shall be removed from the site. Any bush rock to be moved shall be placed in the native vegetation areas to be retained on the site.

Use of the land

- 13. The development shall be limited to the area shown on the submitted plans.
- 14. Care is to be taken at all times not to interfere or damage the root structure of the trees to be retained.
- 15. At all times a locked gate, and fencing if required, is to be provided to the access trail located within the easement to ensure only authorised persons and maintenance vehicles can access the area.

Advisory Notes

- Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- The applicant is advised to make detailed inquiries as to whether approval by the Australian Government Minister for the Environment and Heritage is necessary under the Environment Protection and Biodiversity Conservation Act

ATTACHMENTS:

- AT - 1 Report submitted to Ordinary Meeting 11 December 2012

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AT - 1 Report submitted to Ordinary Meeting 11 December 2012

ITEM: 226 CP - Development Report - DA0419/12 - Lot 216 DP751649 - 268 Carters Road, Grose Vale - Clearing Vegetation - (95498, 24706)

Development Information

File Number: DA0419/12
Property Address: 268 Carters Road, Grose Vale
Applicant: Richard Wing Hong Gee
Owner: Dr RWH Gee
Proposal Details: Clearing native vegetation for an access trail
Estimated Cost: \$2000
Zone: RU4 Primary Production Small Lots
Date Received: 5 September 2012
Advertising: 13 to 27 September 2012

Recommendation: Approval

REPORT:

Executive Summary

The application seeks approval for the removal of native vegetation for the purposes of providing a clear access track to a water pump which is intended to provide a water supply to the lots approved as part of Development Consent No. DA0607/08.

An assessment of the proposal has revealed that the proposed vegetation removal would be able to be undertaken without having any significant impacts on the locality.

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

Description of Proposal

The application proposes the removal of native vegetation along an access trail that is intended to provide access to a water supply for the lots approved under Development Approval No. DA0607/08.

Currently the existing access trail is overgrown and it is proposed that a number of small trees and shrubs would be required to be cleared to provide a 3 meters wide access trail to a water supply easement approved as part of the subdivision of the property. It is intended that trees greater than 1m in diameter would be retained.

The application is supported by a flora and fauna assessment report which has been undertaken by Dr Trevor Hawkeswood, dated 22 August 2012.

At the time of writing this report the subdivision of the subject site is in its final stages of registration with the Department of Land and Property Information.

Issues Relevant to the Decision

- Removal of native vegetation
- Visual impacts

Council Policies, Procedures and Codes to Which the Matter Relates

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- State Environmental Planning Policy No. 44 - Koala Habitat Protection
- Sydney Regional Environmental Plan 20. (No.2 - 1997) - Hawkesbury Nepean River
- Hawkesbury Local Environmental Plan 2012
- Hawkesbury Local Environmental Plan 1989
- Hawkesbury Development Control Plan 2002

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

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

a. The provisions of any:

i Environmental Planning Instrument:

State Environmental Planning Policy No. 44 - Koala Habitat Protection

An assessment into the proposed flora and fauna removal has been undertaken identifying the species of trees proposed to be removed. In this respect, only a small portion of vegetation onsite consists of koala feed species identified under this plan. It is considered that support of the proposal would not result in the significant disturbance to koala feed species and it would be unlikely that the development would impact "Potential Koala Habitat".

It is considered that the applicant has satisfactorily demonstrated that the proposed development would not involve the disturbance of 'core koala' habitat as identified by this plan. Council is not prevented from granting consent to the proposal under this plan. It is therefore considered that the development is consistent with the overall aims and objectives of this plan.

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

An assessment of the proposal against this plan has been undertaken and it is considered that the development is consistent with the general and specific matters for consideration, specific planning policies and recommended strategies and development controls of this plan.

Hawkesbury Local Environmental Plan 2012 (HLEP 2012)

The subject land is zoned RU4 Rural Small Holdings under this plan. The proposed development is ancillary to the normal domestic use of the land and is permissible with development consent. Nevertheless the application was lodged prior to the gazettal of this plan and Clause 1.8A - Savings provision relating to development applications states:

"If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced."

As a result of Clause 1.8A the application has been assessed against Hawkesbury Local Environmental Plan 1989 in the report below.

Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

The subject property is zoned rural living and the proposal would enable the lots approved under DA0607/08 to have suitable access to a proposed water supply which connects to Bellbird Creek. The clearing of native vegetation is permitted with development consent under this plan.

The proposal is consistent with the overall objectives of the zone which are to provide for rural residential development and ensure that the development would not have a significant adverse impact on water catchments or important ecosystems.

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Furthermore the works involved with the proposal would not result in any adverse conflicts with adjoining land uses as the proposal is associated with the proposed rural residential use of the lots approved under DA0607/08.

The following clauses of Hawkesbury Local Environmental Plan 1989 were taken into consideration as part of the assessment of the application:

- Clause 2 - Aims, objectives etc
- Clause 5 - Definitions
- Clause 9 - Carrying out of development
- Clause 18 - Provision of water, sewerage services, etc
- Clause 36 - Clearing of land in certain environmental and other zones
- Clause 37A - Development on land identified on Acid Sulfate Soils Planning Map

Based on the above assessment the proposal is considered to be consistent with the requirements of Hawkesbury Local Environmental Plan 1989.

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

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

iii Development Control Plan applying to the land:

Hawkesbury Development Control Plan 2002

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

General Information Chapter

The application provides adequate information for the assessment of the proposal and is therefore consistent with the requirements of this chapter.

Notification Chapter

The application was notified to adjacent property owners in accordance with HDCP 2002 and one submission was received as a result of the notification of the development. The issues raised in the submission have been discussed under the submissions section of this report.

Car Parking and Access Chapter

The application proposes that the access trail would be used occasionally to install and maintain a water supply pipeline proposed as part of the subdivision of the land. Given the infrequent use of the access trail it is considered unnecessary that the access be constructed to the same standard as what would be required for dwelling access.

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

Not applicable.

v Matters prescribed by the Regulations:

Developer contribution fees are not applicable to the development under the Environmental Planning and Assessment Regulation 2000 as the estimated cost of development is not greater than the minimum levy threshold of \$100,000 set by Hawkesbury City Council Section 94A Development Contribution Plan 2006.

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

An assessment into the key issues relating to the proposal has been undertaken below.

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Context

The surrounding locality is used for a combination of rural residential and agricultural purposes. The proposal is compatible with surrounding developments and would unlikely significantly change the nature of development within the locality. The application proposes to retain significant vegetation within the existing access trail which would provide access to the proposed water supply.

Flora and Fauna

A flora and fauna assessment undertaken by Dr Trevor J Hawkeswood, dated 22 August 2012, supports the application.

The assessment details that a survey of the development area has found that the vegetation community located on the site consists of Sydney Sandstone Ridgetop Woodland and Sandstone Gully Forest. These vegetation communities do not form part of any identified endangered ecological communities under the Threatened Species Conservation Act.

After a review of the flora fauna assessment and a site inspection it is considered that the proposed vegetation removal would not result in any significant impact on any flora or fauna communities.

Traffic

As discussed under the HDCP assessment section of this report the proposal to utilise an existing overgrown access trail is satisfactory for its intended use.

Cumulative Impacts

It is unlikely that there would be any adverse cumulative impacts associated with supporting the proposal as the works are associated with the rural residential use of the land and subdivision of the property approved under Development Consent No. DA0607/08.

c. Suitability of the site for the development:

A summary of the suitability of the site for the development has been undertaken and it is considered that the proposal is consistent with the planning controls which relate to the land.

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

Public Submissions

The application was publicly notified from 13 to 27 September 2012. One submission was received in response to the proposal raising the following concerns:

- Removal of native vegetation on the site
- Visual impact the proposal would have from adjoining properties
- Potential use of the access trail by the public

The submission also provided four alternatives in regards to how access could be provided to the proposed water supply pump.

An assessment into the issues raised above has been undertaken and it is considered that the proposal would not result in any significant impacts that would prohibit the development.

Whilst a number of alternative access trails have been provided in the submission the proposal is consistent with the subdivision approved under Development Consent No. DA0607/08 and the location of an existing access trail. It is further noted that the construction of an access trail elsewhere on the land would require earthworks to be undertaken over a heavily vegetated gully.

Given that the application involves the removal of a number of trees it is recommended that replacement trees be provided along property boundaries to provide a vegetation buffer between the proposed access trail and the northern property boundary. Suitable conditions have been included as part of the recommendations of this report.

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It is considered that the matters raised in the submission received does not warrant refusal of the application.

e. The Public Interest:

It is considered that the support of the application is not contrary to public interest as the proposal is directly associated with the rural residential use of the land and Development Approval No. DA0607/08.

Planning Decision

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

RECOMMENDATION:

That Development Application DA0419/12 at Lot 216 DP 751649, 268 Carters Road, Grose Vale for Clearing Native Vegetation for an access trail be approved subject to the following conditions:

General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application as amended in red and as modified by these further conditions.
2. This consent is limited to the removal of vegetation only along the access trail shown on the stamped plans and does not cover the construction of a driveway.

Prior to Commencement of Works

3. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
4. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
5. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.

During Construction

6. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
7. No material, including soil, shall be imported or removed from the site.
8. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.

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9. Trees greater than 1m in diameter must be retained.
10. The waste material from the vegetation removal is to be mulched and re-used as proposed in the documents submitted as part of this application.

Note: The material is not to be burnt in the open.

11. Two replacement trees shall be planted along the northern property boundary property for each tree removed from the access trail. Replacement trees shall:
 1. Consist of endemic species the same as those removed from the site;
 2. Have a minimum height at maturity of not less than 10 meters;
 3. Be planted no later than three months after tree removal has taken place; and,
 4. Be protected and maintained by the developer/landowner so as to ensure that they reach maturity.

Photographic evidence of the replacement trees shall be provided to Council no later than one month after the replacement tree planting occurs.

12. No bush rock shall be removed from the site. Any bush rock to be moved shall be placed in the native vegetation areas to be retained on the site.

Use of the land

13. The development shall be limited to the area shown on the submitted plans.
14. Care is to be taken at all times not to interfere or damage the root structure of the trees to be retained.

Advisory Notes

- Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- The applicant is advised to make detailed inquiries as to whether approval by the Australian Government Minister for the Environment and Heritage is necessary under the Environment Protection and Biodiversity Conservation Act

ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Aerial Photograph

AT - 3 Plans

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AT - 2 Aerial Photograph

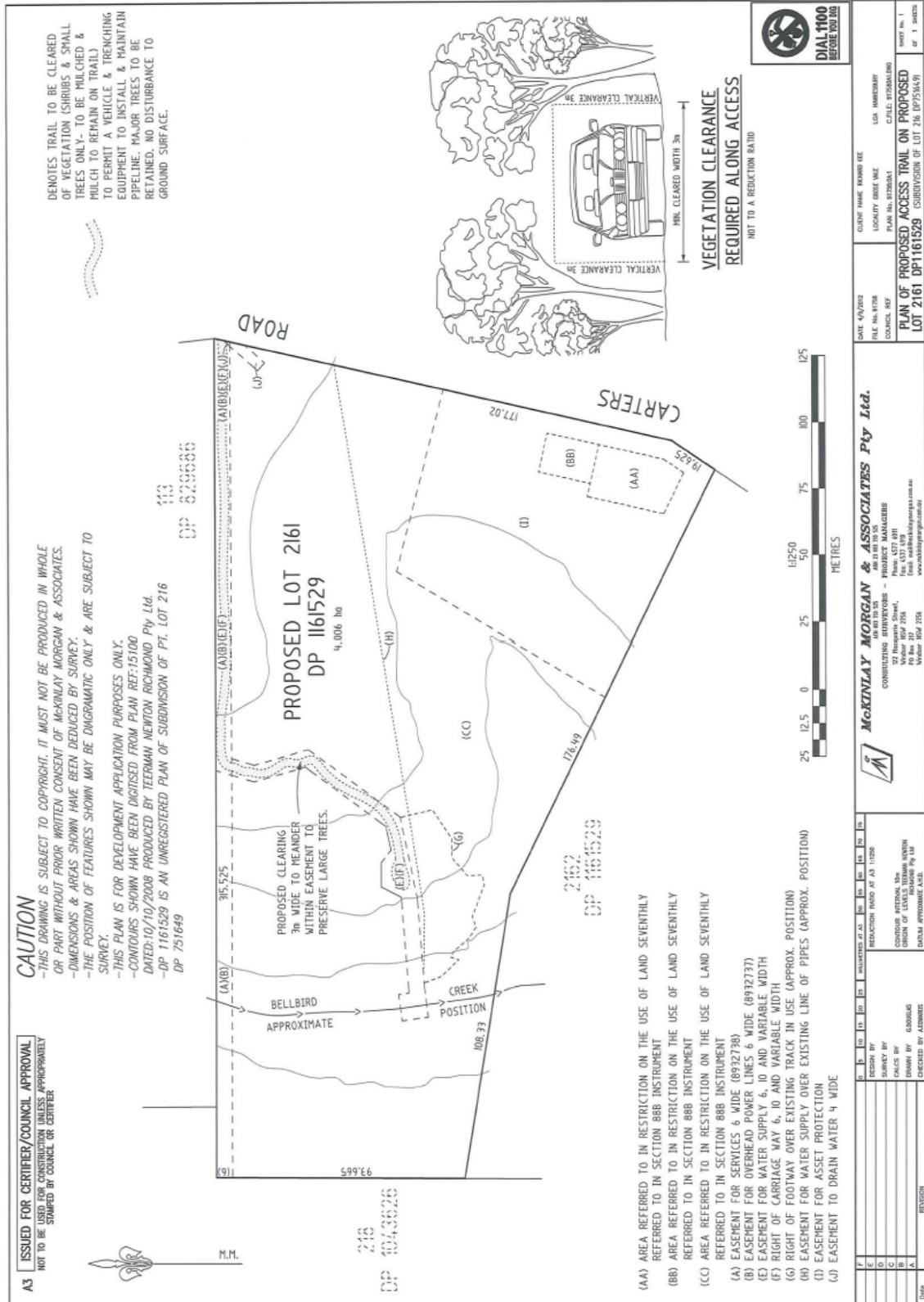


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AT - 3 Plans

Proposed Access Plan



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Item: 29 **CP - Development Report - DA0425/12A - Lot 11 DP 716742 - 159 Bells Line of Road, North Richmond - Deletion of Condition of Development Consent Requiring Payment of S94A Development Contributions - (95498, 74563, 14632)**

Development Information

File Number: DA0425/12A
Property Address: 159 Bells Line of Road, North Richmond
Applicant: Falson & Associates Pty Ltd
Owner: Rural Press Ltd
Proposal Details: Deletion of Condition of Development Consent Requiring payment of S94A Development Contributions
Estimated Cost: \$9.5 million
Zone: RU1 Primary Production under Hawkesbury Local Environmental Plan 2012
Date Received: 21 December 2012
Advertising: Not required under HDCP 2002

Recommendation: Refusal

REPORT:

Executive Summary

This modification application is requesting the deletion of Condition Number 9 imposed as part of Development Consent DA0425/12. Development Consent DA0425/12 for an extension to an existing Printing Press Facility (extension to the existing Rural Press Facility) was issued on 20 November 2012.

Condition Number 9 of this consent required the payment of development contributions fees consistent with Councils Section 94A Development Contributions Plan 2006. Based on the development's estimated cost of \$9.5 million the required contribution amount was calculated as \$95,000. A contribution was levied on DA0425/12 under the S94A Contributions Plan introduced in 2006.

Council's Section 94A Development Contributions Plan 2006 does not provide a provision to waive, discount or modify any contribution rate that has been levied. Accordingly, the proposed modification to delete this condition is not supported.

The purpose of this report is to advise Council of the requirements of the adopted Contributions Plan and of the obligations that the Plan imposes.

Issues Relevant to the Decision

- Section 94A of the Environmental Planning and Assessment Act
- Section 94E Ministerial Directions

Description of the Proposal

Development Consent No. DA0425/12 for an Industry – Extensions to an Existing Printing Press Facility was issued on 20 November 2012. The subject application proposes the deletion of Condition Number 9 of Development Consent DA0425/12 which reads as follows:

9. *Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$95 000.00 shall be paid to Hawkesbury City Council.*

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The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the Principal Certifying Authority.

This condition was imposed on the development consistent in accordance with the requirements of Hawkesbury City Council Section 94A Development Contributions Plan 2006.

Section 79C Assessment

The proposed deletion of Condition Number 9 of Development Consent No. DA0425/12 does not affect the physical matters associated and approved under the original consent or its external impacts. The development's compliance with relevant planning instruments and development controls are not affected by this application. Matters relating to the public interest are further considered in the reviewing of the application of S94A development contributions to the development as further discussed below.

Section 96(1A) Assessment

The proposal has been submitted pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979, which allows Council to modify an application based on the following:

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*

Comment: The proposed modification will not change the nature or physical characteristics of the development.

- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment: The development will remain unchanged following the proposed modification.

- (c) *it has notified the application in accordance with:*

- i. the regulations, if the regulations so require, or
- ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comment: Hawkesbury Development Control Plan does not require the notification/advertisement of applications to modify development consent in accordance with Section 96(1A) of the Act.

- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comment: The application was not required to be notified under the provisions of Hawkesbury Development Control Plan 2002.

Section 94A Assessment

It is highlighted that the levying of contributions on developments towards local infrastructure must be carried out in accordance with S94A of the Environmental Planning and Assessment Act 1979. Section 94B specifies that a condition may be imposed under S94A only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

The modification request seeks the deletion of Condition No. 9 – S94A Contribution of Development Consent DA0425/12, which requires payment of a \$95,000.00 contribution under Section 94A of the Environmental Planning and Assessment Act, 1979. Contribution fees were imposed as part of the original consent consistent with the requirements of Hawkesbury City Council Section 94A Development Contributions Plan 2006.

Purpose of the Plan

The primary purpose of this contributions plan as stated is as follows:

- *to authorise the imposition of a contribution on development consents and complying development certificates requiring the payment of a contribution pursuant to section 94A of the Environmental Planning and Assessment Act, 1979;*
- *to assist the council to provide the appropriate public facilities, which are, required to maintain and enhance amenity and service delivery within the area; and*
- *to publicly identify the purposes for which the levies are required.*

Applicant's Reasons for Deletion of S94A Condition

The applicant's reasons to delete Condition No. 9 - S94 contribution are detailed as follows:

- *At no time during our numerous pre-lodgement meetings/discussions was the likely payment of a S94A contribution indicated despite that we were given a detailed list of Council's requirements etc.*
- *Council's S94 plan is set up on the basis of payment of a levy "to meet the demands of new development" whereas the S94A plan requires a levy payment for "all types of development". We were under the impression that the two plans had the same basic requirement for payment of a levy for "new development". The proposed development is not new. No new processes are involved and the land use is exactly the same. The proposal is merely an extension of an existing development and we feel should not be subjected to a levy requirement that would be imposed for a new development.*
- *The condition does not indicate how the levy will be spent. Whilst the S94A plan indicates a general type of expenditure many of the facilities that are proposed have date expired (as the plan was made in 2006) and we can not properly see how levies will now be accounted for when many of the expenditure items have already expired. Why is not there an annual update of expenditure items indicated in the S94A plan?*
- *None of the areas of expenditure indicated in the S94A plan would be required as a result of the Fairfax Media development.*
- *Fairfax Media is one of the largest and oldest employers in the Hawkesbury LGA. The approved extensions will ensure that the use continues. We believe that some special consideration should be given as an encouragement of continued use.*
- *The extensions will not significantly increase impact on the environment. All services and facilities exist. Whilst there will be some limited employment increase, the impact on traffic etc will be minimal due to the spread of hours through various shifts.*

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- *The extensions proposed and the continued operation of Fairfax Media in the community has a positive impact in terms of employment and the multiplier affect due to dollars spent in the community. Many of the staff reside in the Hawkesbury LGA.*
- *In short the existing community is not burdened by the existence of Fairfax Media but rather the opposite. One of the basic premises of S94 is that development should not burden the existing community and thus should be required to pay a levy so that facilities etc can be provided commensurate with the demand generated by the development. As mentioned Fairfax Media's complex is an existing development. The extensions are akin (albeit on a larger scale) of an existing house having an extension provided to enable better living. Such doesn't increase the need for additional community facilities and no levy would be required. It is submitted that the same concept should apply here.*

Comment:

Having regard to the comments provided in relation to the non-disclosure of the likelihood that a S94A contribution would be required, the fee estimate provided to Turner Hughes Architects Pty Ltd prior to lodgement of the development application on 3 September 2012 did include information relating to the operation of Council's S94A Contributions Plan and included a link to the Plan on Council's website.

The applicant's reasons to delete Condition No. 9 - S94A contribution are formulated primarily from the perspective that the approved development does not generate additional demand for the provision of facilities and services for which the Contributions Plan has been prepared therefore putting forward an argument that no nexus exists.

The applicant submits that the application of the S94A plan should not apply to the approved development. The submission argues that for the S94A plan to be applicable, the approved development must firstly be:

- (a) a new development; and;
- (b) development that results in a net increase in demand for facilities and services.

The submission seems to have mixed the fundamental principles of S94 and S94A and bases much of their argument on the principles of S94 (nexus to demand generated) rather than the S94A principles of a broader levy that does not have the same nexus requirements.

Part C of Hawkesbury City Council Section 94A Development Contributions Plan 2006 defines the types of development that are subject to the provisions of this Plan. The plan applies to all land within the local government area of Hawkesbury City Council with the exception of the Pitt Town Development Area or development applications or complying development applications received by Hawkesbury City Council prior to the commencement of that plan.

There have been a number of Section 94E Ministerial Directions that have had the effect of amending the type of development subject to Section 94/94A contributions and thresholds at which contributions apply. The changes do not introduce any "discretion on the application of development contributions" in this case and the proposed development does not qualify for an exemption from payment of such contributions.

Some of the matters raised by the applicant may be relevant when preparing a Development Contribution Plan and considering the types of development that may be excluded from the Plan. However, any exclusions would relate to charity organisations, schools, community service providers, etc, rather than a commercial operation such as the subject development. In the current Hawkesbury Section 94A Development Contribution Plan there are no exemptions from payment of the levy. As such the levy was applied in conjunction with the subject development consent. The implications of this are discussed in the following section.

Administration and Operation of the Section 94A Contributions Plan

Hawkesbury City Council Section 94A Development Contributions Plan 2006 commenced operating on 10 May 2006. As detailed above the Plan applies to all land in the Hawkesbury City Local Government Area with the exception of Pitt Town (Section 94 Plan applies) and development and complying development applications received by Council prior to 10 May 2006.

The Contribution Plan applies a levy on most development at the rate of 1% of the development cost. The Minister for Planning restricted this rate to 0.5% on certain types of residential development. However, in relation to commercial and non-residential development, with the exemption of development for the purposes of the Building Code of Australia Class 10 structures, a general levy of 1% of development costs applies if the estimated cost exceeds \$200,000.

The operation of Contribution Plans, either Section 94 or 94A Plans, are governed by procedures incorporated in the Environmental Planning and Assessment Act 1979 and Regulations 2000. The requirements are different for each of these plans and it is not intended to cover all these within this report. The requirements generally relate to what Council can include in a contributions plan, what development can be exempted from the plan, the nexus of the contribution to the development, rates levied, accounting and payments. In Council's current Plan there is no provision for the exemption of certain types of development such as community/educational facilities, or industrial/commercial development from the levy. (A review of this plan is expected to commence shortly that will consider community/educational development exceptions, but this is not proposed to be extended to commercial development).

During the preparation of a Contributions Plan the estimated income is stated and the Plan also includes a schedule of works where the monies collected are to be spent. The Practice Note issued by the Department of Infrastructure Planning and Natural Resources (Now the Department of Planning and Infrastructure) in July 2005 made the following comments in relation to refunding contributions:

The EP&A Act does not refer to refunds, and a number of decisions in the NSW Land and Environment Court (e.g. Frevcourt Pty Ltd & Anor v Wingecarribee Shire Council, [2005] NSWCA 107) indicate that there is no express power for a council to refund s94 contributions even if there is an excess of funds.

In relation to Development Consent DA0425/12, the prescribed S94A contribution was required to be applied on the consent and was levied in accordance with the adopted Section 94A Contributions Plan. As stated in the Practice Note referred to above Council cannot waive that requirement as the Plan is a Statutory Plan. The contribution amount was paid on 14 December 2012 and the monies have been placed in the S94A contribution account. As mentioned above, Council does not have any power to remove this condition from the development consent or refund the contribution that has been paid in accordance with the provisions of the Contributions Plan.

Conformance to Strategic Plan

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

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

Funding

As specified previously in this report, Council does not have the authority to waive or refund contributions levied in accordance with the adopted Development Contributions Plan.

Should Council determine it appropriate to refund monies to Fairfax Printing then the refund would need to be via another avenue. It is noted that Council had favourably considered a request to refund contributions that were levied in conjunction with Development Application DA0658/08 for new classrooms, associated paving, drainage and landscape works at St Monica's Catholic Primary School 1A Bourke Street, Richmond. In this instance the Community Sponsorship Program was available to provide financial assistance by Council under Section 356 of the Local Government Act 1993.

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The opportunity to provide financial assistance by Council was required to be transacted in accordance with the Community Sponsorship Program (CSP) policy and procedures (as recommended by ICAC guidelines for the granting provision of sponsorship by public sector agencies).

The type of development associated with DA0658/08 for new classrooms, associated paving, drainage and landscape works and that approved in association with DA0425/12 being an extension to an existing commercial printing press facility differ significantly in that the former would be classified as a community institution whilst the latter is best defined as a commercial enterprise.

Should a "refund" of the contributions be considered appropriate funding would need to be reallocated from another source.

Public Interest

The proposal is inconsistent with Hawkesbury City Council Section 94A Development Contributions Plan 2006. This Plan has been established to assist Council in providing appropriate public facilities within the Hawkesbury. Support of the proposal would be contrary to the Council's S94A contributions plan and as such would be considered to be contrary to the general public interest.

Planning Decision

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

RECOMMENDATION:

That pursuant to the provisions of Clause 122 of the Environmental Planning and Assessment Regulation 2000, the application to modify the development consent it is recommended that the application be refused for the following reasons:

1. The proposal to delete the Section 94 contributions payable under the Hawkesbury Section 94A Contributions Plan 2006 would be in contravention of the provisions of the Plan and would not be in the public interest.
2. The contribution fee imposed on the approved development has been calculated in accordance with the Hawkesbury Council Section 94A Contributions Plan 2006 as adopted:

Particulars

The Hawkesbury Section 94A Contributions Plan 2006, as adopted, provides that a Section 94A Contribution fee be imposed for development as follows:

Type of Development	Levy (%)
Class 2 – 9	Less than \$100 000 – nil \$100 001 - \$200 000 – 0.5% of development cost \$200 000 and above - 1% of development cost

With respect to the contribution rates contained within the Hawkesbury Section 94A Contributions Plan 2006, a contribution fee to the value of \$95,000 is required. Condition No. 9 of Development Consent No. DA0425/12 reflects the contribution rates applicable under the Contributions Plan.

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3. Council does not have the power to reduce, or otherwise alter the contribution fee payable on the development, where the contribution has been applied in accordance with the provisions of an adopted Section 94 Contributions Plan prepared under Section 94 of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 30 **CP - Development Report - DA0546/12 - Lot 1 and 2 DP 250979 - 40 - 42 Turnbull Avenue, Wilberforce - Three Lot Torrens Title Subdivision - (95498, 102260, 14734, 14735)**

Development Information

File Number: DA0546/12
Property Address: 40 Turnbull Avenue, Wilberforce
Applicant: Montgomery Planning Solutions
Owner: Mr DJ and Mrs JP Lindon
Proposal Details: Three Lot Torrens Title Subdivision
Estimated Cost: \$10,000
Zone: R2 Low Density Residential
Date Received: 12 November 2012
Advertising: 19 November - 3 December 2012

Recommendation: Approval

REPORT:

Executive summary

The application seeks approval for a three Lot Torrens Title Subdivision of Lot 1 and 2 DP 250979, 40 and 42 Turnbull Avenue, Wilberforce. The site currently comprises two allotments, one being a corner allotment and it is proposed that two lots will accommodate the existing dwellings facing Turnbull Avenue and one new vacant lot, would be facing Coburg Street.

Following a detailed assessment of the application it is recommended that the proposal be supported as the development complies with the overall objectives of R2 Low density Residential zone and the minimum allotment size requirements of Hawkesbury Local Environmental Plan 2012.

The application is being reported to Council for determination as the application involves a variation to the minimum allotment size requirement of Council's recently adopted Wilberforce Subdivision and Development Policy.

Issues Relevant to the Decision

- Lot size
- Wilberforce Subdivision and Development Policy

Description of Proposal

The application proposes a three lot Torrens Title Subdivision of Lot 1 and 2 in DP 250979, 40 and 42 Turnbull Avenue, Wilberforce. It is proposed that the existing allotments would be subdivided as follows:

- Lot 11 would contain the existing dwelling located on 40 Turnbull Avenue and have a total area of 609m².
- Lot 12 would be a corner allotment fronting Turnbull Avenue, contain the existing dwelling located on 42 Turnbull Avenue and have a total area of 633m².
- Lot 13 would contain an existing garden shed and metal garage, front Coburg road and have a total area of 815m².

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The application is supported by a Statement of Environmental Effects, dated November 2012, prepared by Montgomery Planning Solutions.

Description of the Land and its Surroundings

The subject site is situated on the corner of Turnbull Avenue and Coburg Road, has a total area of 2057m² and contains two single storey dwellings, a double garage and a garden shed. The site slopes towards Turnbull Avenue and has up to nine mature Eucalyptus trees greater than 15m in height.

The surrounding area is occupied by residential properties on lots ranging in size from 702m² to 1000m².

Council Policies, Procedures and Codes to Which the Matter Relates

- Sydney Regional Environmental Plan No 20 (No.2 - 1997) - Hawkesbury Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan 2012
- Hawkesbury Development Control Plan 2002
- Wilberforce Subdivision and Development Policy

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

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

a. The provisions of any:

i. Environmental Planning Instrument:

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

An assessment of the proposal against this plan has been undertaken and it is considered that the proposed development is consistent with the general and specific matters for consideration, specific planning policies and recommended strategies and development controls of this plan.

Hawkesbury Local Environmental Plan 2012

The proposal is consistent with the requirements of Hawkesbury Local Environmental Plan 2012. The subject property is zoned R2 Low Density Residential. The lot size map shows a minimum allotment size of 450m² for the land.

The proposal is consistent with the overall objectives of the zone in that the subdivision would provide additional opportunities for low density housing in the locality without impacting the character of the traditional residential development of the area or the streetscape.

The proposal has been assessed against the matters for consideration under Clause 6.4 of Part 6 – Terrestrial biodiversity. It is considered that the future erection of a dwelling on proposed lot 13 would, whilst resulting in removal of many of the existing trees, be unlikely to significantly impact the ecological value of vegetation on the land or locality.

In addition to the above, the proposal is consistent having regard to following clauses of Hawkesbury Local Environmental Plan 2012:

- Clause 1.2 of Part 1 – Aims of Plan
- Clause 1.4 of Part 1 – Definitions
- Clause 4.1AA of Part 4 – Principal development Standards

Clause 4.1 of Part 4 – Minimum Subdivision lot size
Clause 6.1 of Part 6 - Acid sulphate soils

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

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

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (HDCP) 2002

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

Part A Chapter 2 - General Information

The subject application provides adequate information for the assessment of the proposal and therefore complies with this chapter.

Part A Chapter 3 - Notification

The application was notified to adjacent property owners in accordance with HDCP 2002. One submission was received and is discussed under the public submission section of this report.

Part D Chapter 2 – Subdivision

The proposal is generally in accordance with the requirements of this chapter. The proposed lots would be able to suitably accommodate both the existing dwellings on the land and a new dwelling on the proposed additional lot without impacting any significant bushland or significant flora and fauna habitat.

The development would not impact the visual amenity of the surrounding residential area and the proposal complies with the lot size requirements of this policy and HLEP 2012.

The proposed lots would provide sufficient space on site for residential development in accordance with the residential development requirements of Hawkesbury Development Control Plan Part D Chapter 1.

Access to the proposed lots is considered satisfactory. The proposal would not result in the loss of parking available to the dwelling at 40 Turnbull Avenue and there is sufficient space available on 42 Turnbull Avenue to provide for the parking of vehicles on the site.

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

Not applicable.

v. Matters prescribed by the Regulations:

The Environmental Planning and Assessment Regulation 2000 requires that the proposal be levied against Council's Section 94A Development Contributions Plan.

As the estimated cost of development is below \$100,000 the development is not required to be levied against Hawkesbury City Council's Section 94A Development Contributions Plan 2006.

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

It is considered unlikely that the proposed development would have any adverse environmental or social impacts on the locality. The subdivision would allow for the suitable residential development of the land without fragmenting any existing bushland.

The subdivision is not located within close proximity to any listed heritage items and the application is supported by sufficient information to demonstrate that the proposed lots would be able to be appropriately serviced.

c. Suitability of the site for the development:

The land is not affected by bushfire, landslip or flooding and the information provided suggests that the land has not been used for any purposes that would raise any issues in terms of land contamination.

The application has been assessed in reference to Council's Subdivision controls and the proposal is able to comply with Council's standard subdivision conditions.

A summary of the suitability of the site for the development has been undertaken in the report above and it is considered that the proposal is consistent with the planning controls which relate to the land. An assessment of the proposal in relation to Council's Wilberforce Subdivision and Development Policy has been undertaken as follows:

Wilberforce Subdivision and Development Policy

This policy was adopted by Council on 31 July 2012 in order to provide a guide to decision making on applications in the residential zoned area of Wilberforce village covered by the Priority Sewerage Program (PSP).

Council prepared this policy to ensure that new allotments to be covered by the PSP take into consideration the limited capacity the system has. This policy provides following criteria to be used when assessing development applications for subdivision and residential development proposals submitted to Council:

- *Available capacity, based on the number of subdivision approvals that have proceeded to Subdivision Certificate stage and other approvals beyond a single dwelling on a single allotment, is to be recorded and considered upon lodgement of any new applications. In this regard, a tally is to be kept by Council and approvals are not to result in an allocation over 100 ET in the area covered by the PSP.*

Comment: At the time of writing this report Council has not approved more than 100 additional lots or approvals beyond a single dwelling within the Wilberforce village. Therefore the proposal is not contrary to this rule.

- *Lot size - new lots to be created in the housing zone are to have a minimum area of 750m², in those areas not affected by the 1 in 100 year flood, or 1.1ha, in areas affected by the 1 in 100 year flood, as shown in Appendix A. Allotments in areas affected by the 1 in 100 year flood must have a building platform, suitable for the construction of a dwelling, at a level equal to or greater than the 1 in 100 year flood. This building platform must be either naturally occurring or may be obtained by filling, via a separate development approval, with a maximum fill depth of 1m.*

Comment: The application proposes the creation of three (3) lots totalling 609m² 633m² and 815m². The additional lot proposed to be used for a future dwelling is greater than 750m² which complies with this rule. However the two lots containing the existing dwellings would be below the minimum allotment size recommended in this policy.

The applicant has requested a variation to the minimum allotment size based on the merits of the proposal. A summary of the reasons for support of the subdivision has been included below:

- *The two existing dwellings would be located on the smaller lots which comply with the residential development chapter of HDCP 2002,*
- *Proposed vacant lot 13 is greater than the 750m² specified in this policy,*
- *Both existing lots are connected to sewer,*

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- *There is sufficient capacity to service the lots in the PSP,*
- *The development is minor infill development and is in character with the surrounding locality,*
- *The proposal is consistent with HLEP 2012, and*
- *Support of the proposal would be unlikely to set an undesirable precedent given the characteristics of the site.*

It is considered that the reasons listed above are valid reasons for supporting a variation to this policy. The smaller lots propose an 18.8% and 15.6% variation respectively to this policy. It is considered that the variation is minor in nature and the lots have been divided in an orderly manner that would ensure that the additional lot along Coburg Road would be consistent with the surrounding locality. The streetscape of Turnbull Avenue would not change as a result of the subdivision.

As the proposed lots are not below the 1:100 year flood level and there is sufficient area on the proposed lots to support residential development it is recommended that the variations to the policy be supported.

In relation to this proposal setting a precedent for variations to this Policy, any variation to a Policy of Council has the potential to set a precedent for future variations. However, in this case the variation is acceptable due to the site being on a corner where the existing and future allotment pattern will not result in a significant variation to the existing character of the locality. If the proposal was not on a corner site then the potential for significant character variation due to battle-axe driveway and allotment creation would not be acceptable and a variation would not be supported.

- *Residential development in excess of a single dwelling house (for the purposes of secondary dwellings, dual occupancies, seniors housing and for community purposes (if permitted by the relevant zoning or Legislation)) is encouraged within the 800m radius from existing community facilities, i.e., shops.*

Comment: The application does not involve residential development of the type outlined above. Therefore this clause does not apply to the development. .

- *Development applications lodged with Council prior to 15 February 2011 (as listed in the Council report dated 15 February 2011 and any subsequent related motions of Council) will not be subjected to this Policy.*

Comment: Not applicable.

Based on the assessment above it is recommended that the subdivision be supported. It is noted that not all of the proposed lots comply with the minimum allotment size requirements of this policy. However, the development is generally consistent with the overall objectives of this plan which are to provide efficient subdivision layouts that do not substantially alter the established character of Wilberforce. This is achieved as the existing dwellings will remain on the smaller allotments so the impact on streetscape is minimised.

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

Public Submissions

One submission was received in respect to the notification of the development requesting that Council notify the customer of the determination of the application. It is considered that the submission received does not include grounds for objection and therefore there are no matters to consider from this submission.

However, it would seem that the tone of the submission (and given that the return address was a P.O. Box) may indicate that the submission is monitoring this proposal to determine the potential for other variations to the Policy. As mentioned above this proposal should not be viewed as setting a precedent in Policy variation due to the characteristics of this site being on a corner allotment and not introducing battle-axe allotments or variations to the rhythm of allotment widths in the locality.

e. The Public Interest:

An assessment of the proposal against the Wilberforce Subdivision and Development Policy has been undertaken as set out in the report above. It is recommended that the application be supported as the applicant has been able to demonstrate that the lots would be able to be developed in a manner that is not contrary to the public interest.

Conclusion

The environmental impacts anticipated with the proposal are those relating to minimum allotment size, and residential amenity. The management of these impacts has been addressed in the information submitted with the application and in the report above.

The variation request to the Wilberforce Subdivision and Development Policy has been considered and is considered worthy of support given the circumstances of this case.

Planning Decision

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

RECOMMENDATION:

That development application DA0546/12 at Lot 1 and 2 in DP 250979, 40 and 42 Turnbull Avenue, Wilberforce for a Three Lot Torrens Title Subdivision be approved subject to the following conditions:

General Conditions

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.

Prior to Issue of the Subdivision Certificate

2. Sewerage reticulation, including junctions, shall be constructed to each lot in the subdivision where not already provided.
3. A footway vehicular crossing to suit the existing layback crossing shall be constructed to proposed lots 11 and 12. The crossing shall be constructed in accordance with Hawkesbury Development Control Plan Appendix E, Civil Works Specification.

Prior to works commencing the applicant shall consult with Asset Services and Recreation regarding fees to be paid, the works required and to organise inspections for a Compliance Certificate.

4. A Certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
5. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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6. Written clearance from an electricity provider shall be submitted to the Principal Certifying Authority.
7. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Council, with four copies.
8. A survey plan showing all existing services on the lots including sewer connections, water connections and stormwater disposal shall be submitted. The plan shall demonstrate that there are no encroachments over remaining or proposed boundaries.
9. Payment of a Subdivision Certificate Release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.

Advisory Notes

- The applicant is advised to consult with the relevant:
 - (a) Water and sewer provider
 - (b) Electricity provider
 - (c) Natural gas provider
 - (d) Telecommunications carrier
 - (e) Road authority

Regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.

- The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

ATTACHMENTS:

AT - 1 Locality Plan

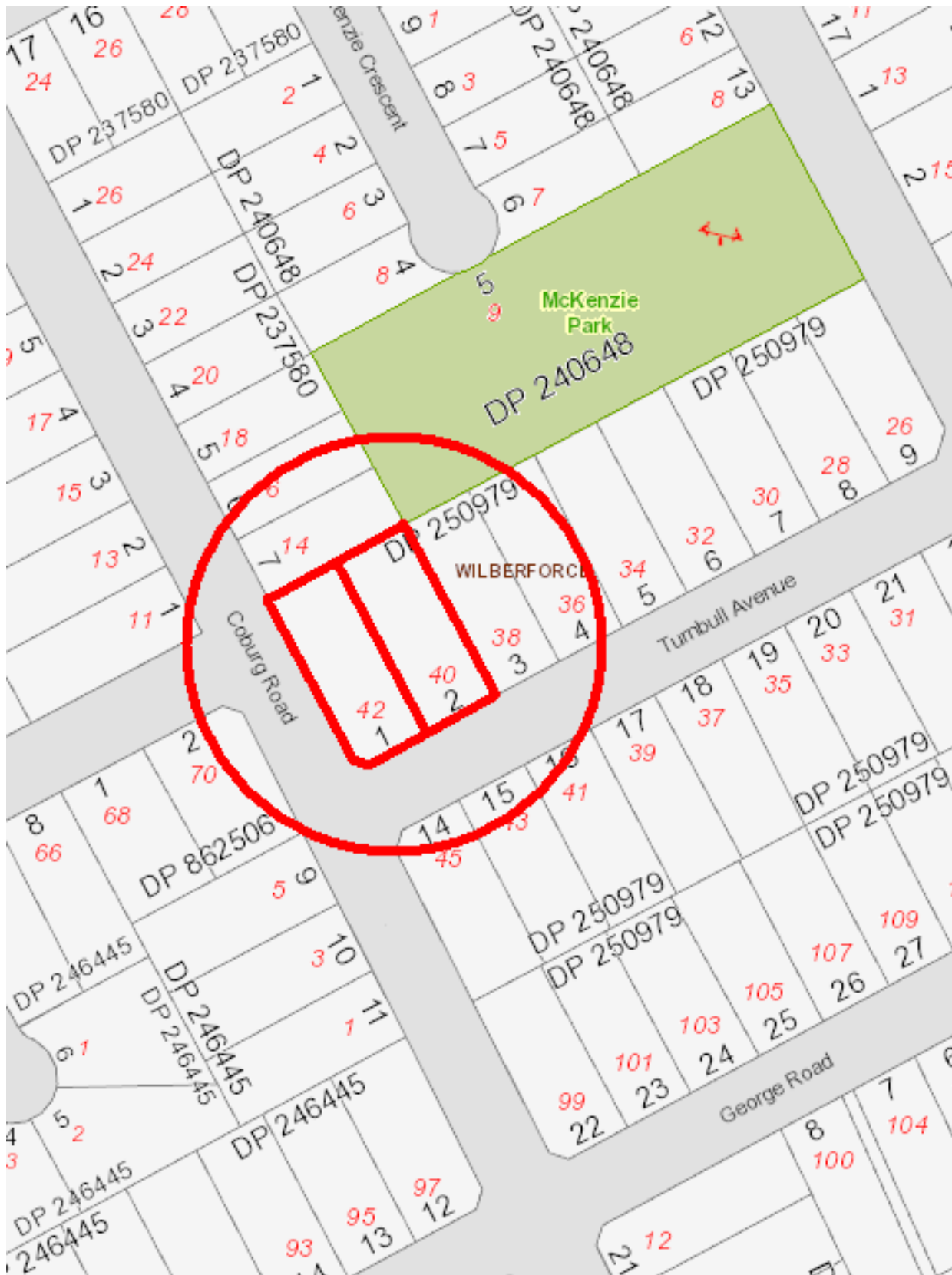
AT - 2 Aerial Photo

AT - 3 Subdivision Plan

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AT - 1 Locality Plan



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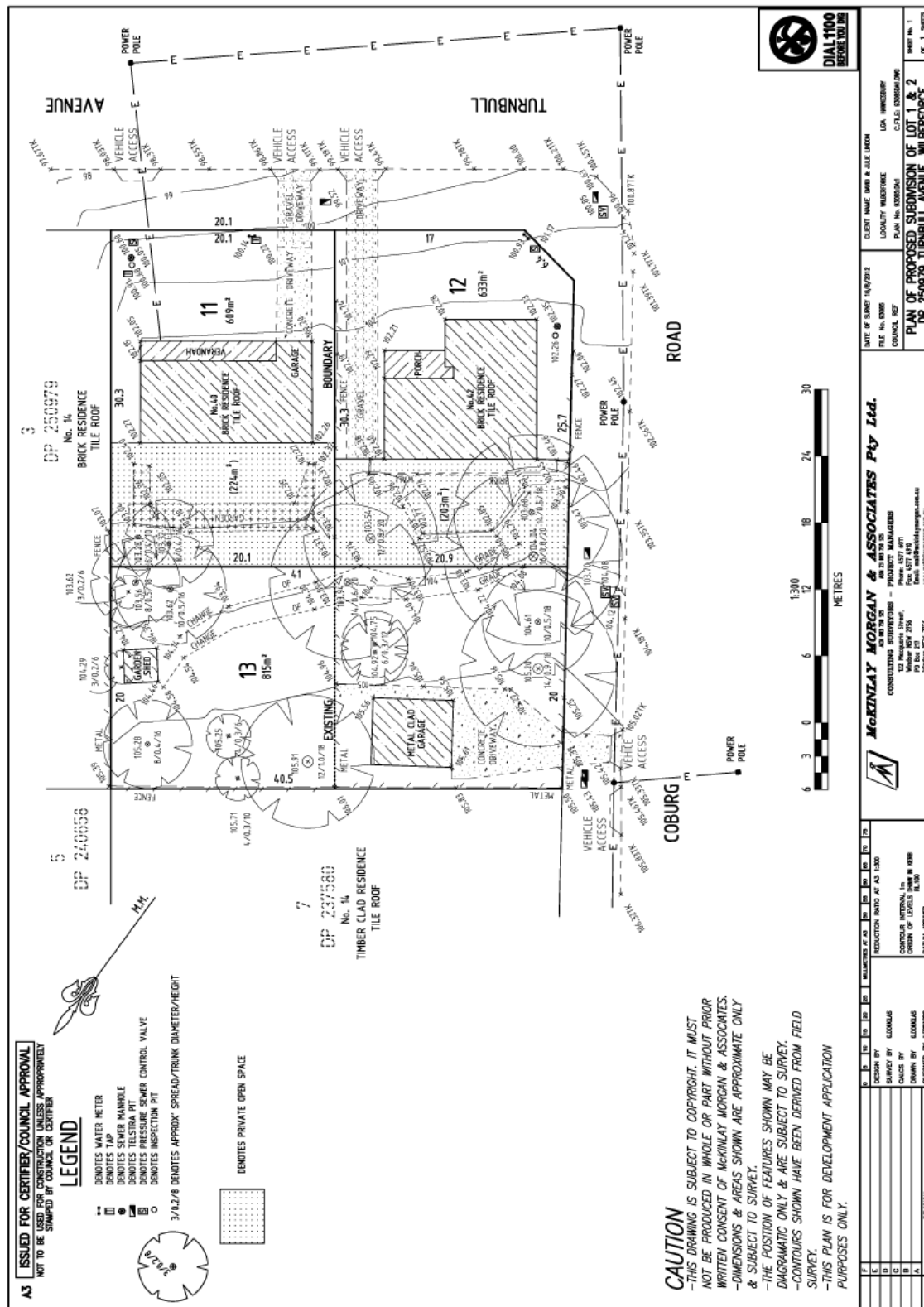
AT - 2 Aerial Photo



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AT - 3 Subdivision Plan



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Item: 31 **CP - Councillor Representation - Human Services Advisory Committee - (95498, 123486)**

Previous Item: 168, Extraordinary (25 September 2012)
 205, Ordinary (27 November 2012)

REPORT:

Executive Summary

Council, at its Extraordinary Meeting on 25 September 2012 appointed Councillors to various Committees for the 2012/2013 Mayoral Term, including the Human Services Advisory Committee (HSAC).

As the Councillors appointed to the HSAC, namely Councillor Lyons-Buckett and Councillor Calvert, are unable to accept their appointments, consideration is now required to appoint other Councillors to the Committee.

Consultation

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

Background

Council, at its Extraordinary Meeting on 25 September 2012 appointed Councillors to various Committees for the 2012/2013 Mayoral Term, including the Human Services Advisory Committee (HSAC).

At that meeting Councillor Lyons-Buckett and Councillor Calvert were appointed to the HSAC. As Councillor Lyons-Buckett had subsequently advised she was unable to accept her appointment, and Councillor Calvert has resigned from the Committee, the HSAC is devoid of Councillor representation. Hence, consideration is now required to appoint other Councillors to the Committee.

Conformance to Community Strategic Plan

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

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

Financial Implications

There are no financial implications to this report.

RECOMMENDATION:

That Council nominate two Councillors to be appointed to the Human Services Advisory Committee in accordance with its Constitution.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 32 **CP - Proposed Licence Agreement with North West Disability Services Inc for use of portion of Pound Paddock, 46 Bourke St, Richmond (Lot 1 DP 1041524) - (95498, 96328)**

Previous Item: 108, Ordinary (31 May 2011)
 205, Ordinary (13 September 2011)
 18, Ordinary (Con) (14 February 2012)
 119, Ordinary (10 July 2012)

REPORT:

Executive Summary

This report has been prepared to seek Council's approval to give public notice of Council's intention to enter into a licence agreement with North West Disability Services Inc (NWDS) for the exclusive use of a portion of Pound Paddock, Bourke Street, Richmond in accordance with Section 47 of the *Local Government Act 1993*. The report provides an update of the status of the partnership proposal between Council and NWDS for the funding and construction of a Disability Services Centre on a portion of Pound Paddock including proposals to improve the amenity of Pound Paddock to increase its utilisation by residents. The report also identifies licence conditions appropriate to the proposed Licence Agreement with NWDS.

Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy as the matter deals with a proposal to which a statutory public notice process is required. Council has undertaken previous consultations in relation to this matter including a Neighbourhood Survey distributed to all households within a 500 metre radius of Pound Paddock, consultation with adjoining owners and stakeholders, and a Section 40A Public Hearing meeting. It is proposed that in this instance Council undertake the public notice requirements as prescribed in Section 47 of the *Local Government Act 1993* in conjunction with a further mail-out to all households within a 500 metre radius of Pound Paddock.

Background

Brief Chronology of Partnership Proposal

- December 2010 - North West Disability Services approached Council with proposal to build disability services centre on Council land with NWDS funding, constructing and managing the building.
- May 2011 - Proposal reported to Council. Council resolved to implement consultation strategy as first step to inviting Expression of Interests (EOIs) from not-for-profit groups to fund construction of community facility.
- June to September 2011 - Consultation strategy implemented. Neighbourhood Survey distributed. Stakeholders and adjoining owners consulted. Results reported to Council indicating that 76% of survey respondents were in favour of Council exploring the partnership proposal. Council resolved to proceed to call for EOIs.
- October to December 2011 - Not for Profit Community Agencies invited to lodge EOIs.

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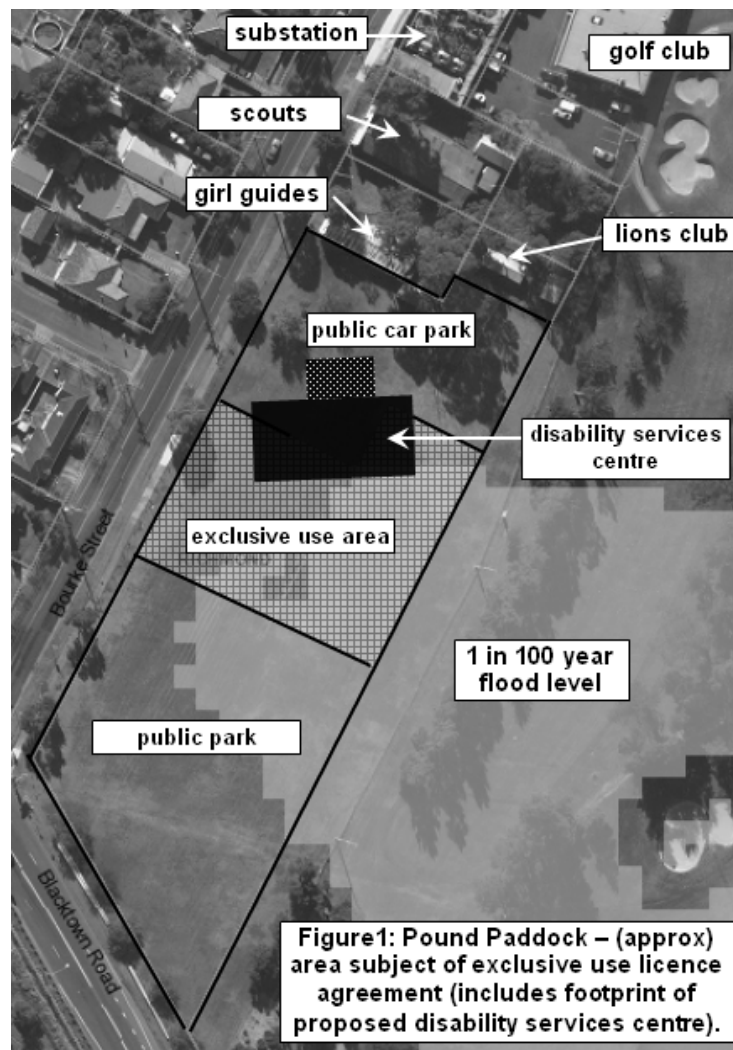
- February 2012 - EOI's reported to Council. Council accepted an 'in principle' EOI from NWDS to construct a 550m² single level \$1.135M disability services centre and resolved to proceed with re-categorisation of Pound Paddock from 'Sportsground' to 'General Community Use' to progress the proposal.
- April 2012 - Public Hearing under Section 40A of Local Government Act conducted into re-categorisation of Pound Paddock with the outcomes reported to Council in July 2012. In considering the outcomes of the public hearing, Council resolved as follows:

"That:

- 1. Council approve amending Council's Generic Plans of Management for Community Lands by altering the categorisation of Pound Paddock from 'Sports Ground' to 'General Community Use' as outlined in this report.*
- 2. Council commence negotiations with North West Disability Services Inc. on the terms and conditions of a proposed lease of a portion of Pound Paddock as would be required by NWDS to operate a disability services centre.*
- 3. The proposed terms and conditions for the lease of Pound Paddock to be reported to Council for consideration, prior to the commencement of the public notification process required under Section 47 of the Local Government Act 1993."*

Current Situation

Council staff have met with representatives of NWDS to negotiate conditions for a licence agreement for the exclusive use of a portion of Pound Paddock to enable NWDS to operate a Disability Services Centre. NWDS staff have also met with Council's Planning staff to discuss the proposal and to seek guidance in relation to relevant planning requirements and development controls.



On the basis of discussions with Council staff, NWDS have prepared an indicative concept plan which broadly outlines the proposed building footprint of the Disability Services Centre and an adjoining exclusive use fenced area. The concept plan will of course be subject to refinement if the project proceeds to the DA stage, but provides sufficient detail to determine the approximate area of Pound Paddock which may be subject to the exclusive use Licence Agreement. Pound Paddock is just over two acres in size (9300m²) and the concept plan envisages the following nominal spatial allocations:

NWDS exclusive use area (including footprint of proposed disability services centre) - 32% of Pound Paddock (approximately 3000m²).

Public Car Park - 22% of Pound Paddock (approximately 2000m²).

Public Parklands - 46% of Pound Paddock approximately 4300m²).

The concept plan will not impinge on the current uses of adjoining parcels of land currently occupied by the Richmond Girl Guides, Richmond Scouts and the Richmond Lions Club.

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Redevelopment of Pound Paddock

As part of the partnership proposal between NWDS and Council, it is proposed to undertake improvements to Pound Paddock to increase its amenity and use by residents. Council staff are currently working with NWDS on design options for the redevelopment of Pound Paddock. Options to be considered include a fenced off-leash dog area, public BBQ facilities and shelter, pathways, bicycle training path for young children, tree plantings, landscaping, seating, sensory garden, and a covered half basketball court. An integrated approach to the redevelopment of Pound Paddock will ensure that facilities to be funded by NWDS on the exclusive use portion of Pound Paddock will complement facilities to be funded by Council within the adjoining public park area.

The adopted works program within the S94A Development Contribution Plan provides for enhancement to Picnic/Recreational Areas in a number of localities including East Richmond - approximately \$100,000 is therefore available to fund appropriate works to Pound Paddock.

It is proposed that a draft redesign plan for Pound Paddock be distributed to local residents for comment (in conjunction with the public notice process to advertise Council's intention to enter into a licence agreement with NWDS) with the outcomes reported to Council.

Proposed Licence Conditions

Following negotiations with NWDS, and in keeping with the provisions of the Act pertaining to the lease and use of community land, the following licence conditions are proposed. The proposed conditions are based in part on lease conditions which Council negotiated with respect to the construction and leasing of the KFC building in McGrath's Hill:

Licensor:	Hawkesbury City Council (Council)
Licensee:	North West Disability Services Inc. (NWDS)
Licensed Area:	Portion of Pound Paddock as per concept plan (subject to final confirmation following determination of Development Application for proposed Disability Services Centre).
Permitted Use:	Disability Services Centre (Non-residential)
Commencement Date:	Upon issue of Development Consent
Term of Agreement:	21 years
Option:	Nil In final year of agreement Council to enter non-binding discussion with NWDS on future arrangements for use of the site.
Rental:	\$1 per annum
Insurance:	\$20M Public Liability Insurance
Outgoings:	NWDS to pay 100% of all outgoings relating to exclusive use areas. NWDS also agrees to: <ul style="list-style-type: none">• maintain public car park and keep in good repair• undertake routine grounds maintenance of public park
Licence Agreement Preparation Fees:	Hawkesbury City Council

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Other Conditions:

4 spaces within public car park to be allocated for secure parking of NWDS vehicles.

The Licence Agreement is subject to NWDS obtaining Development Consent from Council for the construction of the proposed Disability Services Centre.

Licence Agreement to commence on the date of issue of the development consent for the construction of the proposed Disability Services Centre.

No building construction work to commence until licence agreement has been finalised by both parties.

A bank guarantee in favour of Council to an amount \$50,000 will be required (equivalent to cost of demolishing any building construction work should NWDS cease construction work) until such time as the proposed Disability Services Centre has been constructed.

During term of licence, the building remains in the ownership of NWDS, however at the end of the licence term the ownership of the building will be transferred to Council at no cost.

During term of licence, NWDS to maintain building to standard deemed acceptable to Council. NWDS to refurbish building every ten years.

Equipment and internal fittings remain property of NWDS with any damage caused by removal to be repaired by NWDS to Council's satisfaction and NWDS cost

During the term of the licence, NWDS is to establish a consultation mechanism to facilitate communication between local residents, adjoining owners and NWDS to identify and respond to any reasonable concerns or issues regarding the operation of the facility and its potential impact on the amenity of local residents.

All other reasonable conditions as considered appropriate by Council's Solicitors

Public Notice Process

As previously advised, under Section 47 of the *Local Government Act 1993*, Council is required to give public notice of its intention to enter into a lease or licence with respect to community land.

To give effect to these provisions, it is proposed that, in addition to the placement of a notice in the local paper and the placement of a notice on Pound Paddock, that Council undertake a mail-out to residents living within a 500m radius of Pound Paddock (ie those residents who received the *Pound Paddock Neighbourhood Survey* as part of previous consultations relating to this matter) to provide information about the proposed licence, the proposed licence conditions, and the draft design plan for the redevelopment of Pound Paddock. Other stakeholders previously consulted about the proposal would also be included in the mail-out.

The Public Notice process provides for Council to receive and consider submissions regarding the proposal to enter into a licence agreement. The outcomes of the public notice process will therefore be reported back to Council for its determination.

It is also proposed that Council refer the proposed licence conditions to Council's Solicitors to commence the drafting of the Licence Agreement as it may be necessary to forward a copy of the agreement to the

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Minister for Local Government if any submission seeking Ministerial consent to the Licence Agreement should this be required.

Conformance to Community Strategic Plan

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

- Have friendly neighbourhoods, connected communities, and supported households and families

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

- Identify community needs, establish benchmarks, plan to deliver and advocate for required services and facilities; and
- Work with public and private sectors to ensure funding and delivery of improved services and infrastructure

The Community Strategic Plan requires Council to work with community agencies and other levels of government to improve local services and infrastructure. The report advocates that Council give public notice of Council's intention to enter into a licence agreement with North West Disability Services Inc. to facilitate the construction and operation of a Disability Services Centre which will achieve a community outcome, through the leveraging of external investment, which otherwise might not be possible.

Financial Implications

There are no financial implications arising directly from this report. The report proposes the implementation of a public notice process which will require the allocation of staff resources which can be negotiated in conjunction with normal workload demands. Should the partnership proposal proceed to the construction phase, the costs of the proposed Disability Services Centre will be wholly met by NWDS. The proposed improvements to Pound Paddock are to be funded from the Section 94A Development Contribution Reserve.

RECOMMENDATION:

That:

1. Council give public notice of its intention, under Section 47 of the *Local Government Act 1993*, to enter into a licence agreement with North West Disability Services Inc. with respect to a portion of Pound Paddock in accordance with the licence conditions outlined within this report.
2. As part of the public notice process, Council distribute information to local residents on the proposed redesign plan for Pound Paddock and provide opportunity for residents to comment on the proposals with the outcomes reported to Council in conjunction with the outcome of the public notice process.
3. Council refer the proposed licence conditions to Council's Solicitors to commence the drafting of a Licence Agreement incorporating the proposed licence conditions outlined within this report.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 33 **CP - Delivery Program 2012 - 2016 - Progress Report 1 July - 31 December 2012 - (95498)**

REPORT:

Executive Summary

The purpose of this report is to inform Council of progress in implementing Council's Delivery Program 2012 – 2016 for the period 1 July to 31 December 2012.

Consultation

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

Background

Council's Delivery Program 2012 – 2016 details the principal activities to be undertaken by Council over a four year period to implement the strategies of the Hawkesbury Community Strategic Plan 2010 - 2030.

Section 404 of the Local Government Act 1993 requires that "regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months". The Delivery Program states that the projects, programs and activities of the relevant Operational Plan will be used as the basis of this report.

The Delivery Program 2012 – 2016 and the Operational Plan 2012 – 2013 commenced on 1 July 2012. The table attached to this report shows the progress in achieving the Delivery Program activities for the period 1 July – 31 December 2012.

Conformance to Community Strategic Plan

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

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

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

- Have an ongoing engagement and communication with our community, governments and industries.

Financial Implications

There are no funding implications from the preparation of this report.

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RECOMMENDATION:

That this report be received.

ATTACHMENTS:

AT - 1 Delivery Program 2012 – 2013 Progress Report: 1 July – 31 December 2012 - (*Distributed Under Separate Cover*).

oooO END OF REPORT Oooo

Item: 34 CP - Regional Flood Mitigation - Hawkesbury Nepean Valley - (95498)

REPORT:

Executive Summary

At the Floodplain Risk Management Advisory Committee (FRMAC) meeting of 11 February 2013 the adopted Floodplain Risk Management Study and Plan was reported to the Committee for the purposes of commencing its implementation.

During discussion at the FRMAC meeting the Committee noted the State Government was in the process of reviewing all major flood mitigation options available including raising the Warragamba Dam wall to significantly reduce the potential economic and social impact of flooding in the Hawkesbury Nepean Valley.

The purpose of this report is to support the resolution of the Committee that recommends that Council write to the Premier of New South Wales requesting mitigation measures such as raising the Warragamba Dam wall and dredging of the Hawkesbury Nepean River be given high priority in that review.

Consultation

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

Background

At the Floodplain Risk Management Advisory Committee meeting of 11 February 2013 the adopted Floodplain Risk Management Study and Plan was reported to the Committee for the purposes of commencing its implementation.

During discussion at the FRMAC meeting the Committee noted the State Government was in the process of reviewing all major flood mitigation options available including raising the Warragamba Dam wall to significantly reduce the potential economic and social impact of flooding in the Hawkesbury Nepean Valley.

At the meeting it was resolved (in part):

"That Council write to the Premier of New South Wales with the understanding a review of the State Infrastructure Strategy was taking place and requesting that regional mitigation measures such as raising the height of the wall at Warragamba Dam and dredging the Hawkesbury Nepean River, be given high priority."

The minutes from that Committee meeting are a separate item in this agenda.

Accordingly, it is recommended the Committee's request is put to Council for determination.

Conformance to Community Strategic Plan

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

- Have an effective system of flood mitigation, fire and natural disaster management and community safety which protects life, property and infrastructure.

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

- Develop disaster response and community safety plans

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Financial Implications

There are no financial implications applicable to this report.

RECOMMENDATION:

That Council write to the Premier of New South Wales with the understanding a review of the State Infrastructure Strategy is taking place and request that regional mitigation measures such as raising the height of the wall at Warragamba Dam and dredging the Hawkesbury Nepean River, be given high priority.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date: 26 February 2013****SUPPORT SERVICES****Item: 35****SS - Monthly Investments Report - January 2013 - (96332, 95496)****REPORT:****Executive Summary**

According to Clause 212 of the Local Government (General) Regulation 2005, the Responsible Accounting Officer must provide the Council with a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must include a certificate as to whether or not investments have been made in accordance with the Act, the Regulation and the Council's Investment Policy.

This report indicates that Council held \$36 million in investments at 31 January 2013.

It is recommended that this report be received and noted.

Consultation

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

Background

The following table indicates that Council held \$36 million in investments as at 31 January 2013. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
On Call								
ANZ	A1+	AA-	31-Jan-13		4.35%	2,700,000	7.50%	
CBA	A1+	AA-	31-Jan-13		3.50%	50,000	0.14%	
Total On-call Investments								2,750,000
Term Investments								
ANZ	A1+	AA-	24-Oct-12	23-Oct-13	4.62%	1,000,000	2.78%	
ANZ	A1+	AA-	20-Nov-12	17-Apr-13	4.65%	1,000,000	2.78%	
ANZ	A1+	AA-	07-Nov-12	24-Apr-13	4.70%	1,000,000	2.78%	
ANZ	A1+	AA-	07-Nov-12	24-Apr-13	4.70%	1,000,000	2.78%	
ANZ	A1+	AA-	07-Nov-12	22-May-13	4.70%	2,000,000	5.56%	
ANZ	A1+	AA-	05-Dec-12	04-Jun-13	4.65%	1,000,000	2.78%	
Bankwest	A1+	AA-	21-Mar-12	20-Mar-13	5.90%	500,000	1.39%	

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Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
Bankwest	A1+	AA-	08-Aug-12	06-Feb-13	5.10%	3,000,000	8.33%	
CUA	A-2	BBB	07-Mar-12	06-Feb-13	6.05%	250,000	0.69%	
NAB	A1+	AA-	25-Jul-12	24-Jul-13	4.92%	1,000,000	2.78%	
NAB	A1+	AA-	20-Nov-12	08-May-13	4.65%	2,000,000	5.56%	
NAB	A1+	AA-	20-Nov-12	15-May-13	4.65%	1,000,000	2.78%	
NAB	A1+	AA-	05-Dec-12	04-Jun-13	4.65%	2,500,000	6.94%	
NAB	A1+	AA-	30-Jan-13	19-Dec-13	4.43%	1,500,000	4.17%	
NAB	A1+	AA-	16-Jan-13	15-Jan-14	4.43%	1,000,000	2.78%	
NAB	A1+	AA-	30-Jan-13	29-Jan-14	4.43%	2,000,000	5.56%	
St George	A1+	AA-	15-Aug-12	21-Aug-13	5.15%	2,000,000	5.56%	
St George	A1+	AA-	22-Aug-12	18-Sept-13	5.16%	2,000,000	5.56%	
St George	A1+	AA-	22-Aug-12	16-Oct-13	5.16%	1,500,000	4.17%	
Westpac	A1+	AA-	05-Sep-12	20-Feb-13	5.05%	1,500,000	4.17%	
Westpac	A1+	AA-	05-Sep-12	04-Mar-13	5.05%	2,500,000	6.94%	
Westpac	A1+	AA-	26-Sep-12	20-Mar-13	5.00%	1,000,000	2.78%	
Westpac	A1+	AA-	10-Oct-12	08-Apr-13	4.80%	1,000,000	2.78%	
Total Term Investments								33,250,000
TOTAL INVESTMENT AS AT 31 JANUARY 2013								36,000,000

Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	2,750,000	4.33%	Reserve Bank Cash Reference Rate	3.00%	1.33%
Term Deposit	33,250,000	4.85%	UBS 90 Day Bank Bill Rate	2.94%	1.91%
Total	36,000,000	4.81%			

Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	7,500,397
External Restrictions - Other	4,602,468
Internal Restrictions	16,916,177
Unrestricted	6,980,958
Total	36,000,000

Funds subject to external restrictions cannot be utilised for any purpose other than that specified, in line with legislative requirements. Externally restricted funds include funds relating to Section 94 Contributions, Domestic Waste Management, Stormwater Management and Grants.

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Internal restrictions refer to funds allocated through a Council Resolution for specific purposes, or to meet future known expenses. Whilst it would 'technically' be possible for these funds to be utilised for other purposes, such a course of action, unless done on a temporary internal loan basis, would not be recommended, nor would it be 'good business practice'. Internally restricted funds include funds relating to Tip Remediation, Plant Replacement, Risk Management and Election.

Unrestricted funds may be used for general purposes in line with Council's adopted budget.

Investment Commentary

The investment portfolio decreased by \$2.08 million for the month of January 2013. During January 2013, income was received totalling \$3.07 million, including rate payments amounting to \$1.28 million, while payments to suppliers and staff costs amounted to \$5.41 million.

The investment portfolio currently involves a number of term deposits and on-call accounts. Council's current investment portfolio is not subject to share market volatility.

As at 31 January 2013, Council has invested \$9 million with second tier financial institutions, that are wholly owned subsidiaries of major trading banks, and \$0.25 million invested with a second tier institution that is not a wholly owned subsidiary of a major Australian trading bank, with the remaining funds being invested with first tier institutions. Council's adopted Investment Policy allows Council to invest funds with second tier Authorised Deposit-taking Institutions that are wholly owned subsidiaries of major Australian trading banks, subject to conditions stipulated in the Policy. Investments in second tier financial institutions, that are not wholly owned subsidiaries of major trading banks, are limited to the amount guaranteed under the Financial Claims Scheme (FCS) for Authorised Deposit-taking Institutions (ADIs), in line with Council's Investment Policy.

The FCS protects depositors by guaranteeing deposits (up to the cap) held in ADIs incorporated in Australia, and allows quick access to deposits if an ADI becomes insolvent. A permanent guarantee cap, per account holder, per ADI, of \$250,000, has been in place since 1 February 2012.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Independent advice is sought on new investment opportunities, and Council's investment portfolio is independently reviewed by Council's investment advisor each calendar quarter.

Council's investment portfolio complies with Council's Investment Policy, adopted on 26 June 2012.

Investment Certification

I, Emma Galea (Responsible Accounting Officer), hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

Conformance to Community Strategic Plan

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

- Be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services

and is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Maintain and review a sustainable long term financial framework.

Financial Implications

Funds have been invested with the aim of achieving budgeted income in 2012/2013.

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RECOMMENDATION:

The report regarding the monthly investments for January 2013 be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 36 **SS - December 2012 Quarterly Budget Review Statement - (96332, 95496)**

Previous Item: Item 90, (Extraordinary 19 June 2012)

REPORT:

Executive Summary

Within two months of the end of each quarter, Council is required to review its progress in achieving the financial objectives set out in its Operational Plan. This report, and the relevant attachment, provides information on Council's financial performance and financial position for the second quarter of the 2012/2013 financial year, and the resulting financial position including the Budget variations proposed.

The Quarterly Budget Review Statement - December 2012 (QBRS) recommends a number of variations that result in a balanced budgeted position being maintained.

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

The QBRS has been prepared in accordance with the Division of Local Government Circular 10/32 dated 10 December 2010.

Consultation

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

Background

Council adopted its Operational Plan for 2012/2013, including the Statement of Revenue Policy, on 19 June 2012.

Clause 203 of the Local Government (General) Regulation 2005 stipulates that the Responsible Accounting Officer of a council must prepare and submit to the Council, a Budget Review Statement within 2 months after the end of each quarter (except the June quarter).

The QBRS has been prepared in accordance with the Division of Local Government Circular 10/32 dated 10 December 2010 and is attached for Council's information.

Financial Position

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

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

The more significant items of the December 2012 review include:

- **Sundry Income – Favourable Variance \$85K**
(Adopted Operational Plan –Part 2 – CP Pg 18; SS Pg 19)

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A favourable adjustment of \$85K for sundry income has been included in this QBRS due to the receipt of unbudgeted income items. Unbudgeted income of \$27K resulted from the receipt of a dividend from the Southern Phone Company. Income from applications for variations to the Local Environment Plan were also greater than anticipated, with a favourable variance of \$52.5K as at the end of December 2012. The remaining \$5.5K favourable variance is a result of various minor adjustments across Council.

- **Plant and Leaseback (Capital) – Net Favourable Variance \$115K**
(Adopted Operational Plan –Part 2 – SS Pg 24; CP Pg 13; IS Pg 9, Pg 25)

Adjustments made in relation to the timing and amounts including insurance claims relating to the sale, purchase of plant and vehicles, have resulted in a favourable variance of \$115K.

- **Construction Certificates – Unfavourable Variance \$49K**
(Adopted Operational Plan – CP Pg 21)

An unfavourable variance of \$49K for construction certificate income is included in this QBRS. The reduction is in line with the projected full year result as indicated by the Year To Date (YTD) actual income of \$116K as against a Full Year (FY) Budget of \$334K. This income line will continue to be monitored during the year and further adjustments will be made in future reviews, if required.

- **Infringements Income – Net Unfavourable Variance \$44K**
(Adopted Operational Plan – CP Pg 10, Pg 15)

Included in this QBRS is a reduction of \$50K for infringement income in relation to car-parking fines. The actual income as at the end of December 2012 of \$118K, indicates a trend lower than the current FY Budget of \$420K. This variance is a result of both staff vacancies and the delay in the implementation of an automated ticketing system. A favourable variance of \$6K in relation to additional Health Inspection Infringement Income, resulting from increased inspections, partially offsets the unfavourable variance.

- **Plant Running Costs – Unfavourable Variance \$63K**
(Adopted Operational Plan –Part 2 – IS Pg 25, Pg 30)

An unfavourable variance of \$63K has been included in this QBRS in relation plant running costs, which based on the YTD actuals of \$502K, are expected to exceed the FY Budget of \$829K. This line will be closely monitored and further adjustments may be required in later reviews.

- **Internal Plant Hire Income – Unfavourable Variance \$75K**
(Adopted Operational Plan –Part 2 – IS Pg 9, Pg 25)

In line with the trend exhibited with YTD actuals of \$568K against a FY Budget of \$1.3M, an unfavourable variance of \$75K has been included in this QBRS for internal plant hire income charged to works where Council's plant is being used.

- **Employment Agencies – Unfavourable Variance \$29K**
(Adopted Operational Plan –Part 2 – CP Pg 21; GM Pg 10)

Included in this QBRS is an unfavourable variance of \$20K to cover unbudgeted expenditure on Employment Agencies in the Town Planning Branch. Additional external resources are required to assist in addressing the increased workload relating to development applications and planning proposals currently awaiting assessment. The additional \$9K variance was a result of agency hire costs in other departments to cover leave arrangements.

- **Animal Shelter – Unfavourable Variance \$38K**
(Adopted Operational Plan –Part 2 – CP Pg 13)

A net unfavourable variance of \$38K has been included in this QBRS due to adjustments required to both income and expenses at the Animal Shelter. Animal Shelter income was reduced by \$18K as a result of it tracking under budget with \$162K being achieved as at the end of the second quarter compared to the FY

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Budget of \$521K. Due to additional expenditure as a result of the policy adopted to sell only desexed animals, expenditure in relation to the associated veterinarian fees has escalated, required an increase to the FY Budget of \$20K.

Grants

A number of adjustments relating to variations between grant funding received and amount budgeted, are included in this QBRS. These adjustments have a nil effect on the budget position. The major adjustments relating to grant funding are outlined below:

- *2013-2015 Multi Year Arts NSW Funding Program* – Council has been successful in attaining funding from Arts NSW for programs to be conducted at the Hawkesbury Regional Gallery and the Hawkesbury Regional Museum totalling \$104K per annum for the next three years.
- *Digital Local Government Grant for the National Broadband Network (NBN)* – As part of the NBN Program, the Department of Broadband, Communications and Digital Economy has granted Council \$345K to install infrastructure to run identified programs via the NBN.
- *Improve Aquatic Ecosystems* – Adjustments totalling \$28K have been included in this QBRS for an Improve Aquatic Ecosystems grant approved from the Hawkesbury Nepean Catchment Management Authority. This grant will be used for projects relating to the Half Moon Farm Lagoon, Bushell's Lagoon and Glossodia Riparian Zone.

Reserve Funded Adjustments

The following adjustments are within internal or external restricted funds, and consequently have a net nil impact on Council's overall position:

- *Sullage Program* – The impact of properties in Freemans Reach, Wilberforce and Glossodia connecting to sewerage provided by Sydney Water on the income generated through the Sullage Program, has resulted in a drop in Sullage income budgeted for 2012/2013. Included in this QBRS is an unfavourable variance for this income line of \$28K.
- *Domestic Waste Management Program* – In line with observed trends, a net unfavourable variance of \$59.5K in relation to the Domestic Waste Program is included in this QBRS. The variance is attributable to an unfavourable variance of \$19.5K resulting from income being less than budgeted, and plant running costs tracking to exceed the FY Budget by \$40K.
- *Hawkesbury Waste Management Facility* – A net unfavourable adjustment of \$281K is included in this QBRS in relation to the Waste Management Facility. Income from Gate Takings and Recycling contracts has been reduced by \$229K due to lower than anticipated waste disposal at the Facility. Expenditure relating to operating expenditure at the Facility is tracking to exceed the FY Budget and has been increased by \$33K. Also included in this QBRS is a budget allocation of \$19K to fund the purchase of critical software at the facility requiring urgent replacement.
- *Sewerage Reserve* – A net unfavourable adjustment of \$128K is incorporated in this QBRS in relation to the Sewerage Program. A favourable adjustment of \$103K in line with trend is included in relation to Trade Waste income, with a further \$70K being included to reflect higher than budgeted income from internal plant hire. Offsetting these favourable variations, an amount of \$158K has been added to address operating expenditure relating to sewerage infrastructure and pumping stations tracking to exceed the current FY Budget. Further unfavourable variations of \$143K are included to fund contract variations relating to the Dewatering Facility project, and the purchase of an unbudgeted plant item.
- *Stormwater Reserve* – Included in this QBRS is an unfavourable adjustment of \$70K relating to the Stormwater Reserve. Additional funding is required to be funded from this Reserve in the current financial year due to the maintenance expenditure on Gross Pollutant Traps being expected to exceed the annual budgeted allocation of \$57K.

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- *Information Technology Reserve* – Council maintains an internally restricted reserve aimed at providing a contingency to address situations where unbudgeted expenditure is required to be undertaken in relation to information technology related matters. As at the end of December 2012, the Reserve has a budgeted balance of \$196K and is deemed to be an appropriate funding source for the outright purchase of printing equipment at the end of the lease term. A business case undertaken by management supports the purchase of an upgraded machine, as opposed to entering into a leasing agreement for an equivalent machine. The whole of life costing analysis and the expected output of the upgraded machine, warrant the utilisation of the Reserve to fund the optimum solution, being the purchase of the machine at \$48K.
- *Workers Compensation Reserve* – Council is self-insured with regards to Workers Compensation Claims. Consequently it is required to maintain a Provision reflecting its potential liability as determined by the Actuary as at the end of each financial year. Movements in this Provision from one year to another, or as a result of an unexpected claim, are funded through an internally restricted Reserve. A favourable adjustment of \$477K has been included in this QBRS to fund drawings from the Provision, resulting from a Workers Compensation pay out.

The QBRS includes a number of minor adjustments and reallocation of funds that have not been detailed above. Further details can be found in the attachment to this report.

Conformance to Community Strategic Plan

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

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

And is also consistent with (or is a nominated) strategy in the Community Strategic Plan being:

- Maintain and review sustainable long term financial framework.

Funding

Funding and budget impacts have been specified within this report and attachment.

RECOMMENDATION:

That:

1. The information contained in the report be received.
2. The Quarterly Budget Review Statement – December 2012, be adopted.

ATTACHMENTS:

AT - 1 The Quarterly Budget Review Statement – December 2012 - (*distributed under separate cover*)

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date:** 26 February 2013

Item: 37 **SS - Consultants Utilised by Council - 1 July 2012 to 31 December 2012 - (95496, 79337)**

Previous Item: 187, Ordinary (14 June 2005)

REPORT:**Executive Summary**

At the meeting of Council held on 14 June 2005, consideration was given to a report regarding the consultants utilised by Council in 2003/2004 and 2004/2005. Subsequently, in recent years Council has been provided with reports outlining consultants utilised by Council on a six monthly basis.

The purpose of this report is to provide details of the various firms, or persons, the Council has utilised as consultants for the period from July to December 2012.

Consultation

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

Background

At the meeting of Council held on 14 June 2005, consideration was given to a report regarding the consultants utilised by Council. The report detailed various consultants, the purpose of the engagement, and the expenditure in 2003/2004 and 2004/2005.

Subsequently, in recent years Council has considered reports outlining consultants utilised by Council for six monthly periods, being January to June and July to December each year.

The following table provides details of the various firms, or persons, the Council has utilised as consultants for the period from July to December 2012, detailing the purpose of the consultancies and the amount paid in this period:

Firm	Purpose	Funding Source	External Requirement	6 Months to 31/12/2012
Allen Management Solutions	Community Strategic Plan Review	General Funds	No	\$22,775.00
APrince Consulting Pty Limited	Garden Organics Tender and contract documentation - WASIP	Grant Funds	No	\$9,026.25
Asset Technologies Pacific	Asset Management System Project Management	Reserve Funds	No	\$14,400.00
BCA Logic	BCA Assessment	General Funds	No	\$1,000.00
Clouston Associates	Open Space and Recreation Strategy	General Funds / Grant Funds	No	\$1,200.00

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Firm	Purpose	Funding Source	External Requirement	6 Months to 31/12/2012
Consulting Earth Scientists Pty Ltd	WMF monthly and quarterly environmental monitoring and Annual Report	Internal Reserve	Environment Protection Authority	\$28,581.33
David G Hart Consulting Pty Ltd	Workers Compensation Actuary services	General Funds	WorkCover Authority of NSW	\$6,000.00
Elton Consulting	Disability Access Plan	Grant Funds	No	\$5,540.00
Kirsten Davies and Associates Consultants	Development of Hawkesbury Cultural Plan and review of achievements against current Cultural Plan	General Funds	No	\$6,400.00
Landarc	McQuade Park Draft Plan of Management	General Funds / Grant Funds	No	\$7,250.00
Landarc	Holmes Drive Reserve Draft Plan of Management	General Funds	No	\$4,500.00
Minerva Consulting Group	WH&S Professional Services	General Funds	No	\$5,649.00
OCP Architects Pty Ltd	Heritage advisory services May - December 2012	General Funds	No	\$13,030.50
Olsson & Associates Architects Pty Ltd	Urban Design services	General Funds	No	\$1,500.00
The Playground Doctor	Council playground site inspections July – December 2012	General Funds	No	\$4,270.00
C C Reeves	Heritage advisory services	General Funds	No	\$2,185.00
Spectra Financial Services	Investment advisory services July to December 2012	General Funds	Division of Local Government	\$8,000.00
Vekta Pty Ltd	Waste Management Facility volumes June 2012 and Plan	Internal Reserve	Environment Protection Authority	\$10,900.00
Worley Parsons	Dredging investigations of Hawkesbury River	General Funds / Grant Funds	No	\$18,960.00
TOTAL				\$171,167.08

Conformance to Community Strategic Plan

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

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

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Funding

This is an information report requested by Council and costs detailed have been met within existing budgets.

RECOMMENDATION:

That the information concerning consultancies utilised by Council during the period July to December 2012 be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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CONFIDENTIAL REPORTS

Item: 38 SS - Property Matter - Lease to Mr Hui Liang Chen - Shop 1 McGraths Hill Shopping Centre - (89525, 119085, 9587) CONFIDENTIAL

Reason for Confidentiality

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act, 1993, and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to 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

section 5

reports
of committees

ORDINARY MEETING
Reports of Committees

SECTION 5 - Reports of Committees

ROC - Hawkesbury Civic and Citizenship Committee - 5 December 2012

The meeting commenced at 6:30pm in Council's large committee room.

Present:	Councillor Kim Ford Councillor Tiffany Tree Councillor Barry Calvert Councillor Warwick Mackay OAM Barry Adams
Apologies:	Alan Aldrich David Bertenshaw Todd Miladinovic
In Attendance:	Jillian Bentham - Public Relations Coordinator

REPORT:

Apologies for absence were received from Alan Aldrich, David Bertenshaw and Todd Miladinovic

RESOLVED on the motion of Councillor Tiffany Tree and seconded by Councillor Barry Calvert that apologies be accepted.

Councillor Kim Ford informed the committee he is an acquaintance of Sally Hatcher, nominee for Sports Person of the Year. He declared he has knowledge of her work through his participation in the Yarramundi Rural Fire Brigade. She also lives in his street.

The Committee acknowledged his disclosure and determined Councillor Kim Ford would still partake in voting.

SECTION 1 - Confirmation of Minutes

Minutes of last meeting

RESOLVED on the motion of Councillor Barry Calvert and seconded by Councillor Kim Ford.

That the minutes of Hawkesbury Civic and Citizenship Committee Meeting held on the Wednesday, 18 July 2012, be accepted.

SECTION 2 - Reports for Determination

ITEM: 1 Selection of Australia Day Award Recipients

Motion: Citizen of the Year

RESOLVED on the motion of Councillor Warwick Mackay and seconded by Councillor Tiffany Tree.

Refer to RESOLUTION

RESOLUTION:

RESOLVED on the motion of Councillor Warwick Mackay OAM and seconded by Councillor Tiffany Tree.

That Audrey Blood OAM be awarded the 2013 Citizen of the Year Award.

The resolution was carried unanimously by the Committee.

Motion: Young Citizen of the Year

RESOLVED on the motion of Barry Adams and seconded by Councillor Tiffany Tree.

Refer to RESOLUTION

RESOLUTION:

RESOLVED on the motion of Barry Adams and seconded by Councillor Tiffany Tree.

That Cassidy Strickland be awarded 2013 Young Citizen of the Year Award.

Motion: Sport Person of the Year

RESOLVED on the motion of Councillor Tiffany Tree and seconded by Councillor Barry Calvert.

Refer to RESOLUTION

RESOLUTION:

RESOLVED on the motion of Councillor Tiffany Tree and seconded by Councillor Barry Calvert.

That Jaycee McLaughlin be awarded the 2013 Sport Person of the Year Award.

Motion: Community Arts Award

RESOLVED on the motion of Councillor Tiffany Tree and seconded by Councillor Warwick Mackay OAM.

Refer to RESOLUTION

RESOLUTION:

RESOLVED on the motion of Councillor Tiffany Tree and seconded by Councillor Warwick Mackay OAM.

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That The Friends of the Hawkesbury Art Community and Regional Gallery Inc be nominated and awarded the 2013 Community Arts Award.

Motion: Commemorative Plaque

RESOLVED on the motion of Barry Adams and seconded by Councillor Tiffany Tree.

Refer to RESOLUTION

RESOLUTION:

RESOLVED on the motion of Barry Adams and seconded by Councillor Tiffany Tree.

That George William Evans be awarded the 2013 Commemorative Plaque Award.

Motion: Community Organisation of the Year

RESOLVED on the motion of Councillor Warwick Mackay OAM and seconded by Councillor Barry Calvert.

Refer to RESOLUTION

RESOLUTION:

RESOLVED on the motion of Councillor Warwick Mackay OAM and seconded by Councillor Barry Calvert.

That the Rotary Club of Windsor and the Rotary Club of North Richmond receive a joint Community Organisation of the Year Award for 2013 for their Graffiti Removal Projects.

Motion: Special Achievement Award

RESOLVED on the motion of Councillor Barry Calvert and seconded by Councillor Warwick Mackay OAM .

Refer to RESOLUTION

RESOLUTION:

RESOLVED on the motion of Councillor Barry Calvert and seconded by Councillor Warwick Mackay.

That Richmond Players and the Hawkesbury Historical Society be awarded the 2013 Special Achievement Award.

Motion: Cultural Heritage Award

RESOLVED on the motion of Councillor Tiffany Tree and seconded by Councillor Barry Calvert

Refer to RESOLUTION

RESOLUTION:

RESOLVED on the motion of Councillor Tiffany Tree and seconded by Councillor Barry Calvert

ORDINARY MEETING
Reports of Committees

That John Miller be nominated and awarded the 2013 Cultural Heritage Award.

ITEM: 2 Review Criteria for Citizen of the Season and Young Citizen of the Season and Hawkesbury Sports Award Program

Motion:

RESOLVED on the motion of Councillor Tiffany Tree and seconded by Councillor Warwick Mackay.

Refer to RESOLUTION

RESOLUTION:

RESOLVED on the motion of Councillor Tiffany Tree and seconded by Councillor Warwick Mackay.

That:

1. The Current criteria for the Citizen of the Season, Young Citizen of the Season and Hawkesbury Sports Award Program be maintained in its current form.
2. The Mayor engage sporting associations to encourage nominations for the Hawkesbury Sports Awards programs to increase the range and scope of nominations received. Engagement is to specifically target Hawkesbury Netball Association in the coming year.

SECTION 3 - Reports for Information

ITEM: 1 Annual Report Hawkesbury Civics and Citizenship Committee

Motion:

RESOLVED on the motion of Councillor Warwick Mackay OAM and seconded by Barry Adams.

Refer to RESOLUTION

RESOLUTION:

RESOLVED on the motion of Councillor Warwick Mackay OAM and seconded by Barry Adams.

That the Annual Report of the Hawkesbury Civics and Citizenship Committee 2011-2012 as reported to Council at its Extraordinary Meeting held 25 September 2012 be noted.

Next Meeting

TBA

The meeting closed at 7.05pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Floodplain Risk Management Advisory Committee Minutes - 11 February 2013 - (86589)

The meeting commenced at 4:08pm in Council Chambers

Present:	Councillor Bob Porter, Chairperson Councillor Tiffany Tree, Deputy Chairperson Councillor Jill Reardon, Hawkesbury City Council Councillor Mike Creed, Hawkesbury City Council Mr Harry Panagopoulos, Office of Environment and Heritage Mr Peter Cinque, SES Mr Kevin Jones, SES Mr Geoffrey Bessell, Community Representative Mr Les Sheather, Community Representative Mr Trevor Devine, Community Representative Mr Ted Books, Community Representative
Apologies:	Mr Damian Moon Councillor Warwick Mackay, Hawkesbury City Council
In Attendance:	Mr Matthew Owens, Hawkesbury City Council Councillor Kim Ford - Mayor, Hawkesbury City Council Mr Phillip Pleffer, Hawkesbury City Council Mr Chris Amit, Hawkesbury City Council Ms Katie Moulton - SES Mr Bart Bassett MP - Member for Londonderry Ms Rebekah Faith - representing Federal Member for Macquarie Ms Robyn Kozjak - Minute Taker
Non Attendance:	Mr Chris Ransom, RAAF Mr Robert Bowman, Department of Primary Industries

REPORT:

Mr Owens opened the meeting by welcoming the Committee and advising members of the process for the election of Chairperson and Deputy Chairperson. Item 1 of the Business Paper was subsequently brought forward for the purposes of electing a Chairperson and Deputy Chairperson.

ITEM: 1 Election of Chairperson and Deputy Chairperson

Mr Matthew Owens called for nominations for the position of Chairperson, one nomination was received, being:

Councillor Porter

Nominated by Mr Trevor Devine
Seconded by Councillor Reardon

MOTION:

RESOLVED on the motion of Mr Trevor Devine seconded by Councillor Reardon

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That an election for the position of Chairperson of the Hawkesbury Floodplain Risk Management Advisory Committee for the 2012/2013 term of the Committee be carried out.

Mr Matthew Owens declared Councillor Porter elected as the Chairperson of the Hawkesbury Floodplain Risk Management Advisory Committee for the 2012/2013 term of the Committee.

Mr Matthew Owens called for nominations for the position of Deputy Chairperson, one nomination was received, being:

Councillor Tree	Nominated by Councillor Kim Ford (in attendance as observer)
	Seconded by Mr Les Sheather

MOTION:

RESOLVED on the motion of Mr Trevor Devine seconded by Mr Les Sheather

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That an election for the position of Deputy Chairperson of the Hawkesbury Floodplain Risk Management Advisory Committee for the 2012/2013 term of the Committee be carried out.

Mr Matthew Owens declared Councillor Tree elected as the Deputy Chairperson of the Hawkesbury Floodplain Risk Management Advisory Committee for the 2012/2013 term of the Committee.

Mr Owens handed the meeting over to the Chair.

The Chair acknowledged the presence of Mr Bart Bassett MP, Member for Londonderry, and also noted the attendance of a representative from the office of the Federal Member for Macquarie. The Chair thanked the parties for their attendance at the meeting.

The Chair welcomed the Committee and invited all attendees to introduce themselves.

Apologies were noted from Mr Damian Moon, Councillor Mackay and Mr Ray Williams MP.

RESOLVED on the motion of Councillor Creed and seconded by Mr Trevor Devine that the apologies be accepted.

ORDINARY MEETING
Reports of Committees

Member	11/02/13				
Councillor Bob Porter	✓				
Councillor Mike Creed	✓				
Councillor Jill Reardon	✓				
Councillor Warwick Mackay	A				
Councillor Tiffany Tree	✓				
Mr Peter Cinque OAM - (SES Sydney Western Division)	✓				
Mr Harry Panagopoulos - (Office of Environment and Heritage)	✓				
Mr Chris Ransom – (Dept of Defence)	X				
Snr Inspector Robert Bowman - (Industry & Investment NSW) -Primary Industries	X				
Mr Kevin Jones - (SES Headquarters)	✓				
Mr Les Sheather - (Community Member)	✓				
Mr Geoffrey Bessell - (Community Member)	✓				
Mr Damian Moon (Community Member)	A				
Mr Trevor Devine (Community Member)	✓				
Mr Ted Books (Community Member)	✓				

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

Declarations of Interest

A declaration of interest was received from Mr Devine as he owns land which is affected by the PMF.

Mr Books was uncertain if he should declare an interest, advising his driveway was below the current 1:100 flood level. After discussion and debate it was determined he would not declare an interest.

4:18pm Councillor Tree arrived at the meeting.

The Chair acknowledged the arrival of Councillor Tree and informed her of her nomination and election (in her absence) as Deputy Chair. Councillor Tree thanked the Chair and accepted the position as Deputy Chairperson.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Reardon and seconded by Mr Les Sheather that the Minutes of the Floodplain Risk Management Advisory Committee held on the 23 July 2012, be confirmed.

SECTION 4 - Reports for Information

ITEM: 2 Hawkesbury Floodplain Risk Management Study and Plan

DISCUSSION:

- Mr Devine raised concern the Hawkesbury Floodplain Risk Management Study and Plan ("the Plan") did not appear to provide for the rebuilding of properties damaged by flood. Mr Owens responded planning controls had not changed and referred Mr Devine to Part 3 of the Council resolution (page 13 of the Business Paper), whilst reminding the Committee the recommendations in Part 4 of the Plan relating to planning controls were not adopted. Mr Owens further reported any amendments made to planning controls would most likely need to be rewritten as major changes to the planning system were afoot with the pending release of the White Paper from the Department of Planning and Infrastructure.
- Mr Bassett suggested once that report was released from the Department and measures such as mitigation or evacuation were recommended, that those items be dealt with in a staged manner in order for the Committee to set priorities and work towards achieving those goals.
- Discussion and debate arose regarding various points of the adopted Plan, including 2(g), which recommends the provision of additional evacuation capacity through Llandilo. Mr Cinque responded the purpose of that recommendation was to reduce the pressure on the Northern Road. Mr Owens reminded the Committee the purpose of presenting the adopted plan to the Committee was to commence its implementation.

Mr Devine tabled the following documents:

- Submission / report from Mark Livingston - Insurance Broker
- Petition from residents concerning proposed amendments to planning instrument in relation to flood heights

Mr Devine asked that each of the Committee members receives a copy of the tabled documentation.

- A suggestion was raised from some members that the matter be deferred until the release of the White Paper or until the State Government completes its studies on mitigation. Mr Owens raised concern comments had largely been focussed on Part 4 of the Plan, a part of the Plan which Council had not adopted.
- Mr Panagopoulos agreed, adding whilst Council does have a duty of care, and it was important all comments were taken into account, however, he believed many of the recommendations could go forward regardless of the State Government's movements.
- The issue of rising insurance premiums for flood coverage was raised and it was agreed a representative from the insurance industry be invited to attend the next FRMAC meeting to ascertain how they assess properties as potential flood hazards.

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Councillor Tree, seconded by Councillor Reardon.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. This Committee recommend that Council write to the Premier of New South Wales with the understanding a review of the State Infrastructure Strategy was taking place and requesting that regional mitigation measures such as raising the height of the wall at Warragamba Dam and dredging the Hawkesbury Nepean River, be given high priority.
2. Staff prepare a report to the Committee outlining priorities and actions as per recommendations in the Floodplain Risk Management Study and Plan.
3. A representative from the Insurance Council be invited to address this Committee at a future meeting.

ITEM: 3 Draft Hawkesbury Community Strategic Plan 2013 - 2032

DISCUSSION:

Mr Owens advised the purpose of this report was to advise members the draft Community Strategic Plan 2013 - 2032 was currently on exhibition and should any individual wish to make comments, the closing date for submissions was 15 March 2013.

RECOMMENDATION TO COMMITTEE:

That the information contained in this report be received.

MOTION:

RESOLVED on the motion of Councillor Creed, seconded by Mr Les Sheather..

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information contained in this report be received.

SECTION 5 - General Business

Hawkesbury City Council's Code of Conduct

Mr Owens advised a revised draft Code of Conduct was reported to Council on 5 February 2013 wherein it was resolved to adopt the Code, to become effective on and from 1 March 2013. Mr Owens advised the new Code would be distributed to members once it becomes effective.

Floodplain Risk Management Advisory Committee Constitution

The Constitution was provided with the Business Paper.

Future Meeting dates for 2013

- 15 April
- 3 June
- 22 July
- 30 September
- 18 November

Councillor Creed left the meeting at 5.45pm.

- Mr Sheather asked if Council could investigate the feasibility of cleaning out our creeks for the purpose of mitigation. Mr Owens responded he would bring a report back to the Committee in this regard.
- The Minute Taker brought to the Chair's attention a request from Mr Panagopoulos (prior to the meeting) to amend the previous Minutes. The Committee was referred to Page 5 of the Business Paper, second bullet point which states:

"No. 6 in respect to voluntary house raising. Mr Panagopoulos advised the OEH did not have a policy that endorsed redevelopment and he believed the NSW government needed to make a decision on providing subsidies for redevelopment. Mr Panagopoulos advised he'd added some suggested wording in this regard."

Mr Panagopoulos suggested a portion of the minute be struck out to read:

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Reports of Committees

"No. 6 in respect to voluntary house raising. Mr Panagopoulos advised the OEH did not have a policy that endorsed redevelopment. Mr Panagopoulos advised he'd added some suggested wording in this regard."

RESOLVED on the motion of Councillor Reardon and seconded by Mr Les Sheather that the amendment to the previous Minutes of the Floodplain Risk Management Advisory Committee meeting on 23 July 2012 be confirmed.

The meeting closed at 5:55pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC - Local Traffic Committee - 11 February 2013 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on Monday, 11 February 2013, commencing at 3:00pm.

ATTENDANCE

Present:	Councillor Kim Ford (Chairman) Mr Bart Bassett, MP (Londonderry) Snr Constable Debbie Byrnes - NSW Police Force Mr David Lance, Roads and Maritime Services
Apologies:	Mr Kevin Conolly, MP (Riverstone) Mr Ray Williams, MP (Hawkesbury) Mr Richard McHenry, Roads and Maritime Services Snr Constable Romelda McInerney, NSW Police Force Ms Jodie Edmonds, Westbus Mr Carlos DeSousa, Hawkesbury Valley Bus Service Ms Jill Lewis, NSW Taxi Council Ms Judy Wong, Community Safety Coordinator
In Attendance:	Mr C Amit, Manager, Design & Mapping Services Ms Laurel Tweedie, Administrative Officer, Infrastructure Services

The Chairman tendered an apology on behalf of Mr Kevin Conolly (Riverstone) Mr Ray Williams, MP, (Hawkesbury), advising that Mr Kevin Conolly (Riverstone) Mr Ray Williams, MP, (Hawkesbury), concurred with recommendations as contained in the formal agenda and had granted proxy to himself to cast vote(s) on their behalf.

SECTION 1 - Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the motion of Snr Constable D. Byrnes, seconded by Councillor Kim Ford, that the minutes from the previous meeting held 14 January 2013 be confirmed.

Item 1.2 Business Arising

There was no business arising from the previous minutes.

SECTION 2 - Reports for Determination

Item 2.1 LTC - 11 February 2013 - Item 2.1 - Convict 100 (formerly Dirt Works 100) Endurance Mountain Bike Ride 2013- St Albans (Hawkesbury) - (80245, 85193)

REPORT:

An application has been received from Maximum Adventure Pty Ltd seeking approval (in traffic management terms) to conduct the Convict 100 (formerly Dirt Works 100) Endurance Mountain Bike Ride 2013 - St Albans, on Saturday 4 May 2013 (from 6.30am to 5.00pm).

The event organiser has advised;

- The event is a Mountain Bike Endurance Ride in and around the St Albans and Macdonald Valley areas, in conjunction with the St Albans Rural Fire Brigade as part of their fundraising activities;
- The event has been previously known as the Dirk Works 100 Kilometres Classic which has been run for the last 8 years;
- Approximately 1700 participants are expected for the event;
- Approximately 200 spectators and their vehicles are expected. Parking will be available on private land;
- There are 2 courses for the event; 100 kilometres (starting at 6.30 am) and 50 kilometres (starting at 9.00am);
- The event route is identical to the 2012 event;
- The start and finish of the race will be in the town of St Albans, on Bulga/Wharf Street;
- The first participants will start at 6.30am, with all participants to finish by 5.00pm;
- The start of the event will be staggered to reduce the amount of traffic on the roads and trails at any one time. As the event progresses, the competitors will spread out further;
- It is proposed to close a section of Bulga Street, between Wharf Street and Wollombi Road, St Albans (135 metres long sealed section), commencing from 1.00pm, 3 May, 2013, through to 6.00pm, 4 May, 2013.
- Consultation has been undertaken with the adjoining property owners and they have no objections.
- The event will take place on clearly marked trails that are currently used for horses in 'The Shahzada';
- Participants will compete on a two-leaf clover route format, covering approximately 100 kilometres of fire trail, single track and dirt roads through the National Parks, private properties and public roads;
- The course will be clearly marked for riders to follow;
- Marshalls with high visibility vests and radios will be positioned at junctions, warning cyclists of on coming traffic and the track ahead;

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- Signs will be positioned throughout the course to warn other users of the event;
- St Albans Fire Brigade will be providing safety, communication and support;
- The event route will cross the Macdonald River at the two points shown on the Event Route Plans contained in Attachment 1 & 2. Crossing of the Macdonald River will be undertaken utilising a 'pontoon bridge' configuration at each location. Permission will be obtained from the adjoining property owners on either side of the River.
- The endurance ride is predominantly on tracks within the Parr State Recreational Area, Yengo National Park, Darug National Park, private properties and on the following public roads;
 - Bulga Street – Sealed and Unsealed Road.
 - Settlers Road – Sealed and Unsealed Road.
 - Shepherds Gully Road – Unformed Road.
 - St Albans Road – Sealed Road.
 - Upper Macdonald Road – Unsealed Road.
 - Webbs Creek Mountain Road - Unsealed Road
 - Wharf Street – Sealed Road.
 - Wollombi Road – Sealed and Unsealed Road.
 - Wrights Creek Road - Unsealed Road.
 - Macdonald River – Two river crossing points.
- The event is also traversing along the Great Northern Road, which is under the care and control of the National Parks and Wildlife Service - (Office of Environment and Heritage).

Discussion:

It would be appropriate to classify the event as a “**Class 2**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA) as the event may impact minor traffic and transport systems due to the proposed road closure and along the specified route, and there is a low scale disruption to the non-event community.

The Transport Management Plan (TMP) and the associated Traffic Control Plan (TCP) is to be submitted to the Roads and Maritime Services - RMS (formerly RTA) for authorisation due to the proposed road closure of Bulga Street, between Wharf Street and Wollombi Road, St Albans (135 metres long sealed section).

The event organiser has submitted the following items in relation to the event: Attachment 3 (ECM Document Nos: 4265911 & 4307665):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Hazard and Risk Assessment, and Traffic Control Plans (TCP).
5. Event Route Plans,
6. Public Liability Insurance Policy to the value of \$20,000,000, which expired on 27 January 2013,
7. Copy of the Advertisement for the Event – which does not mention the proposed road closure.

The event organiser will be required to liaise with the Upper Hawkesbury Power Boat Club (contact number 0424151056), who is the event organiser of the Bridge to Bridge Power Boat Race - Brooklyn to Windsor 2013 event, which is being held on 4 & 5 May 2013, along the Hawkesbury River and affecting the operation of the ferries.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Snr Constable Debbie Byrnes, seconded by Mr David Lance.

Support for Recommendation - Unanimous

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/organising-an-event>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Convict 100 (formerly Dirt Works 100) Endurance Mountain Bike Classic 2013 - St Albans, event planned for Saturday 4 May 2013 be classified as a "**Class 2**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted – which includes the road closure of a section of Bulga Street between Wharf Street and Wollombi Road, St Albans from 1.00pm, 3 May, 2013 through to 6.00pm, 4 May, 2013) - and the following conditions:

Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route / site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route / site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**

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- 4d. the event organiser is to obtain approval from the Roads and Maritime Services - RMS (formerly RTA) as a road closure is proposed for a section of Bulga Street between Wharf Street and Wollombi Road, St Albans from 1.00pm, 3 May, 2013 through to 6.00pm, 4 May, 2013; **a copy of the Roads and Maritime Services - RMS (formerly RTA) approval to be submitted to Council,**
- 4e. the event organiser **is to submit a Transport Management Plan (TMP) for the entire route/event to Council and the Roads and Maritime Services - RMS (formerly RTA)** for acknowledgement.
- 4f. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4g. As the event involves the closure of a public road and the traverse of public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with the associated fee, to occupy and close the road.
- 4h. the Event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be addressed and outlined in the TMP;
- 4i. the event organiser is to obtain the relevant approval to conduct the event from the Roads and Maritime Services - RMS (formerly NSW Maritime) to cross the Macdonald River; **a copy of this approval to be submitted to Council;**
- 4j. the event organiser is to obtain the relevant approval from the Office of Environment and Heritage to cross the Macdonald River; **a copy of this approval to be submitted to Council;**
- 4k. the event organiser is to obtain approval from the National Parks and Wildlife Service (Office of Environment and Heritage) for the use of the Parr State Recreational Area, Yengo National Park, Darug National Park and the Great Northern Road. If the use of a Council Park/Reserve is required, written approval is required from Councils' Parks and Recreation section;; **a copy of this approval to be submitted to Council;**
- 4l. the event organiser is to obtain approval from the NSW Department of Primary Industries for the use of any Crown Road or Crown Land; **a copy of this approval to be submitted to Council;**
- 4m. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; **a copy of this approval to be submitted to Council;**
- 4n. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, road closure, detour route, and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4o. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4p. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road closure, detour route, and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**

- 4q. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road closure, detour route, and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 4r. the event organiser is required to liaise with the Upper Hawkesbury Power Boat Club (contact number 0424151056), who is the event organiser of the Bridge to Bridge Power Boat Race - Brooklyn to Windsor 2013 event, which is being held on 4 & 5 May 2013, along the Hawkesbury River and affecting the operation of the ferries
- 4s. the event organiser is to **submit** the completed " Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" **to Council;**

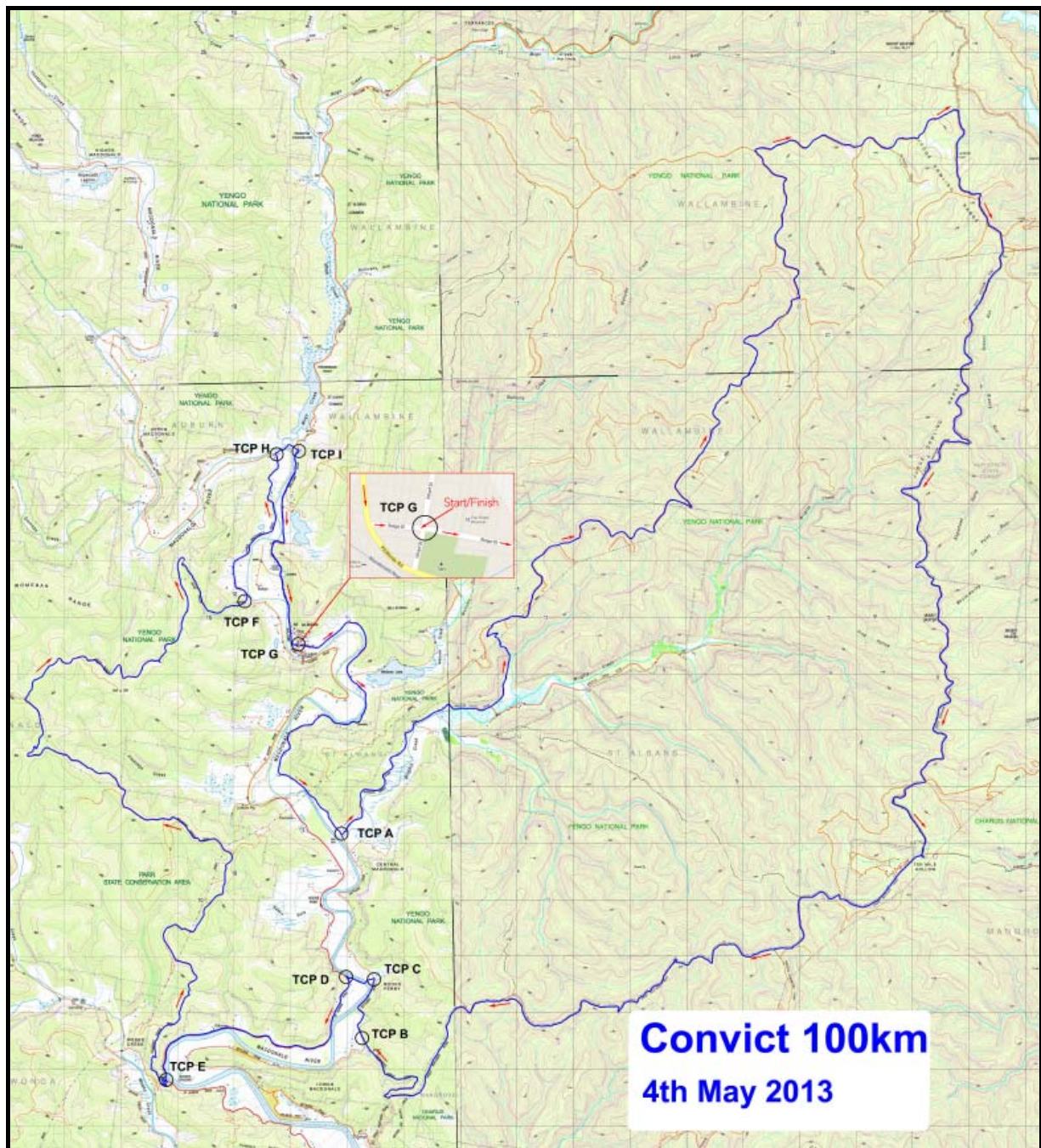
During the event:

- 4t. access is to be maintained for businesses, residents and their visitors;
- 4u. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4v. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4w. the cyclist are to be made aware of and are to follow all the general road user rules whilst cycling on public roads;
- 4x. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route, including the road closure points, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4y. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4z. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity, and,
- 4aa. the Event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be undertaken as outlined in the TMP.

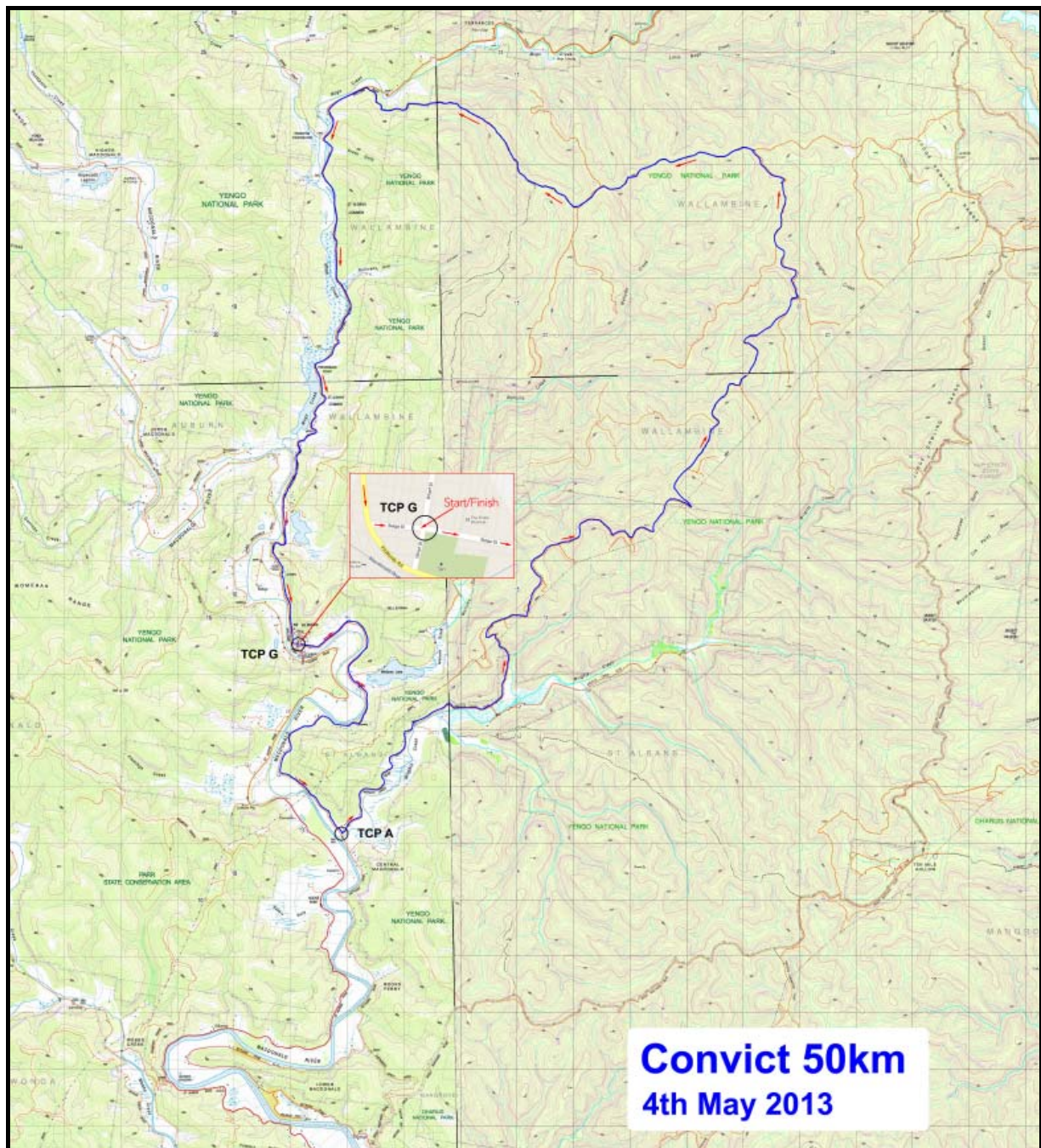
APPENDICES:

- AT - 1** Event Route Plan – 100 Kilometre Route - Convict 100 (formerly Dirt Works 100) Endurance Mountain Bike Classic 2013 - St Albans.
- AT - 2** Event Route Plan – 50 Kilometre Route - Convict 100 (formerly Dirt Works 100) Endurance Mountain Bike Classic 2013 - St Albans
- AT – 3** Special Event Application - (ECM Document Nos. 4265911 & 4307665) - *see attached*

AT – 1 Event Route Plan - 100 Kilometre Route - Convict 100 (formerly Dirt Works 100) Endurance Mountain Bike Classic 2013 - St Albans.



**AT – 2 Event Route Plan - 50 Kilometre Route - Convict 100 (formerly Dirt Works 100) Endurance
Mountain Bike Classic 2013 - St Albans**



Item 2.2 LTC - 11 February 2013- Item 2.2 - Speed Review of Bathurst Street, Pitt Town between Chatham Street and Buckingham Street - (80245, 79953, 79958)

Previous Item: Item 4.2, LTC (10 September 2012)

REPORT:

Introduction

At the Local Traffic Meeting on 10 September 2012, Mr Bart Bassett, MP advised the Committee that there are issues with speeding vehicles along Bathurst Street, Pitt Town between Chatham Street and Buckingham Street and requested for traffic counters to be placed.

Following recommendation by the Local Traffic Committee, Council, at its meeting held on 09 October 2012 resolved the following;

That

1. *Traffic counters be placed in Bathurst Street, Pitt Town, with a counter each within the road sections of Chatham Street/Grenville Street and Grenville Street/Buckingham Street.*
2. *Windsor Police be requested to patrol Bathurst Street, Pitt Town between Chatham Street and Buckingham Street.*
3. *The results of the traffic counters be forwarded to Windsor Police and reported back to the Local Traffic Committee when available.*

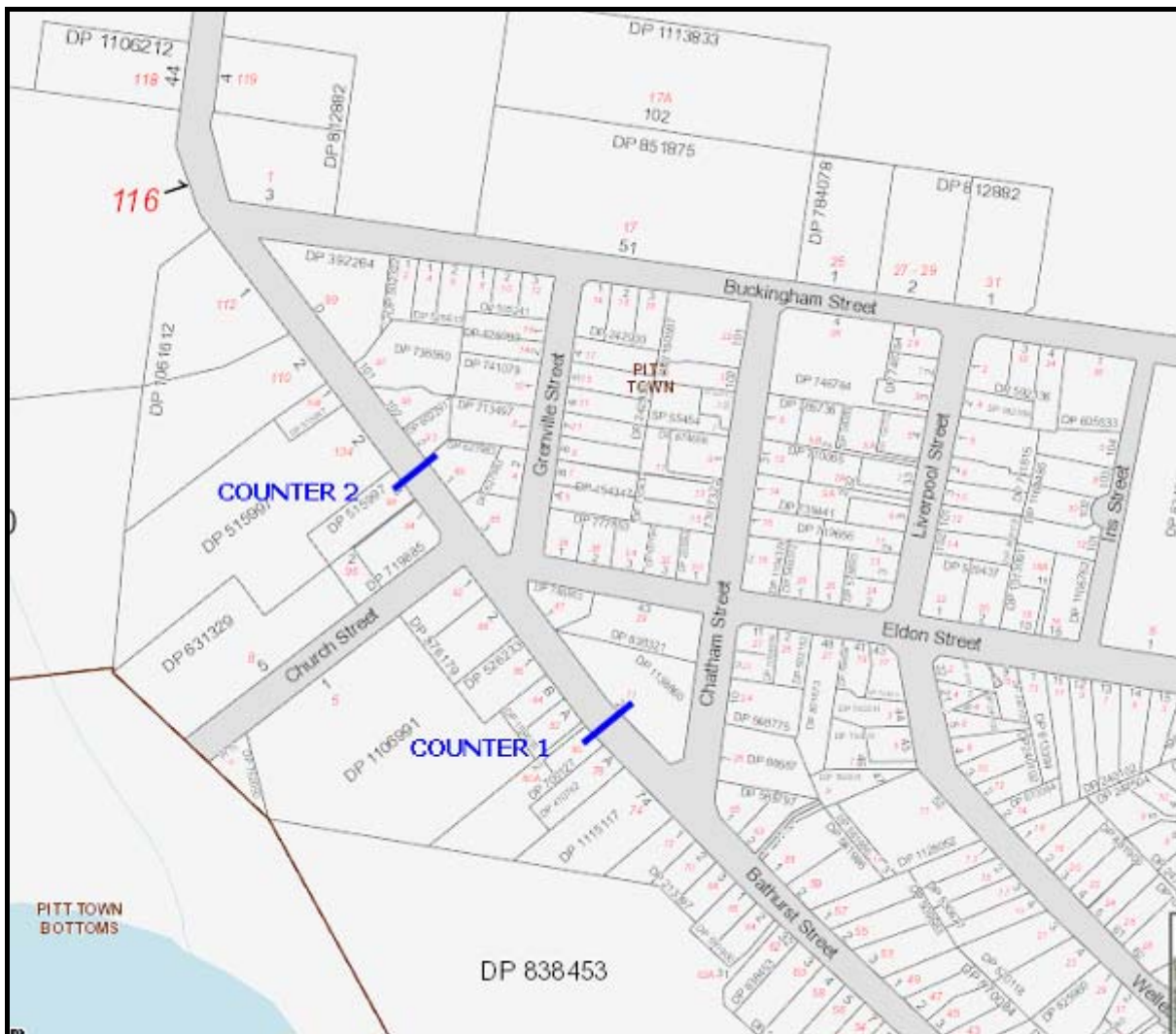
Traffic counts have been undertaken in Bathurst Street between Chatham Street and Buckingham Street during the period of 24 November 2012 to 01 December 2012. The results of traffic counts undertaken are outlined in Table 1 below;

Table 1: Traffic Counts, Bathurst Street – Chatham Street to Buckingham Street.

Traffic Counter Location	Speed Limit	ADT (average daily traffic)	Mean (Ave) speed	85th % speed
Between Chatham Street and Eldon Street (Counter 1)	50kph	2412	42.8 kph	52.9 kph
Between Eldon Street and Buckingham Street (Counter 2)	50kph	2201	53.3 kph	62.3 kph

Based on the results of the traffic counts, the average speeds travelled are within the expected range for the posted speed limit. The 85th % speeds travelled are in the range of 3kph to 12kph over the prescribed speed limits during these times as well. *(The 85th % speed is the speed at or below which 85% of motorists travel under free flow conditions).*

ORDINARY MEETING
Reports of Committees



The RTA Accident Database indicates a total of 5 accidents in Bathurst Street between Chatham Street and Buckingham Street. The accidents include 2 injury accidents and 3 minor accidents during the period from July 2006 to June 2011. 2 accidents are at the intersection of Chatham Street (1 Injury), 1 accident at the intersection of Buckingham Street (1 injury) with 2 accidents between Church Street and Buckingham Street.

The implementation of traffic calming measures is not warranted at this stage based on the speeds travelled being at an acceptable range and the low number of accidents.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Snr Constable Debbie Byrnes, seconded by Mr David Lance.

Support for Recommendation - Unanimous

That:

1. The information be received.

ORDINARY MEETING
Reports of Committees

2. Traffic Calming devices not be provided in Bathurst Street, Pitt Town between Chatham Street and Buckingham Street based on the average speeds recorded being within the expected range for the posted speed limit.
3. Windsor Police be requested to continue their patrols of Bathurst Street, Pitt Town between Chatham Street and Buckingham Street

APPENDICES:

There are no supporting documents for this report.

Item 2.3 LTC - 11 February 2013 - Item 2.3 - SIDS Stampede 2013- Windsor (Riverstone) - (80245, 79749, 106039)

REPORT:

An application has been received seeking approval (in traffic management terms) to conduct the Sids Stampede 2013 - Windsor, on Sunday 1, September 2013.

The event organiser has advised;

- This is a running (fun run) event and community fair to raise funds for the Westmead Children's Hospital Sids & Sleep Apnoea Department;
- This is the second year the event is being run – original event was undertaken in 2012;
- Approximately 500 participants are expected for the event;
- The number of spectators is unknown;
- The start and finish point for the event will be within McQuade Park in Windsor;
- The event will be conducted between 6.00am and 12.00noon, with event set up at 4.30am;
- Participants will arrive at McQuade Park between 6.00am and 7.00am;
- Participants vehicles will be parked on McQuade Park and will enter via the driveway in Moses Street;
- There will be 3 stages to the fun run consisting of a 10 kilometre run, 5 kilometre run and a 5 kilometre walk;
- The first stage will start at 7.00am with all 3 stages completed and the roads reopened by 10.00am – (details of proposed road closures are outlined below);
- At the conclusion of the fun run a family fair will be held at McQuade Park to finish the event;
- Details of the course/circuit, which is 5 Kilometres (5000 metres), is as follows:
 - McQuade Park to Greenway Crescent = 100 metres

ORDINARY MEETING
Reports of Committees

- Greenway Crescent to Cornwallis Road = 400 metres
- Cornwallis Road to Cooley Creek (near Cordners Lane) = 2000 metres
- Turn around at Cooley Creek and return to McQuade Park in reverse.
- Details of each Stage is as follows:
 - Stage 1 = 10 kilometre run will commence at 7.00am and will do the circuit twice.
 - Stage 2 = 5 kilometre run will commence between 7.30am and 7.45 am. This group will do the circuit once and will start when the 10 kilometre runners have completed the first circuit.
 - Stage 3 = 5 kilometre walk will commence between 8.00am and 8.30am. This group will do the circuit once and will start when the majority of the runners have completed the run.
- The safety of the event will be improved with the removal of through traffic to sections of Moses Street, Greenway Crescent and Cornwallis Road.

Road Closure Details:

- Moses Street is only closed at Greenway Crescent which will provide access to St Matthews Anglican Church and parking along Moses Street.
- Greenway Crescent between Moses Street and Cornwallis Road,
- Cornwallis Road between Greenway Crescent and Cordners Lane.
- Road Closures will be between 6.00am and 10.00am.
- The speed limit within the road closure precinct is 50 kph.
- Authorised Traffic Controllers will be used to close off Moses Street at Greenway Crescent before the start of the event; they will also close off Cornwallis Road at Cordners Lane, motorists travelling along Cornwallis Road heading east will be detoured along Cupitts Lane to Percival Street and then onto Hawkesbury Valley Way;
- Vehicles within the road closures will need to leave the area by 6.30am;
- Consultation has been undertaken with adjoining property owners including St Matthew's Anglican Church;
- The majority of residents have responded in a positive manner and are supportive of the event. Not all residents have responded;

Details of the Event Route Plan and Event Layout Plan for McQuade Park are contained in Attachments 1 and 2.

Discussion:

It would be appropriate to classify the event as a “**Class 2**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA) as the event may impact minor traffic and transport systems due to the proposed road closures and there may be a low scale disruption to the non-event community.

The Transport Management Plan (TMP) and the associated Traffic Control Plan (TCP) is to be submitted to the Roads and Maritime Services - RMS (formerly RTA) for authorisation due to the proposed road closures.

Event Road Closure Details:

ORDINARY MEETING
Reports of Committees

Road Closures for Sunday 1, September 2013 between 6.00am and 10.00am:

- Moses Street, Windsor is only closed at Greenway Crescent which will provide access to St Matthews Anglican Church and parking along Moses Street.
- Greenway Crescent, Windsor, between Moses Street and Cornwallis Road,
- Cornwallis Road, Windsor/Cornwallis, between Greenway Crescent and Cordners Lane.

The event organiser has submitted the following items in relation to the event: Attachment 3 (ECM Document No: 4308574):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Traffic Management Plan (TMP),
5. Risk Assessment for the event,
6. Event Route Plan,
7. Copy of the application to the NSW Police Force,
8. Copy of Consultation letter to Residents and Business Owners with the results of the Resident Poll.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Snr Constable Debbie Byrnes, seconded by Mr David Lance.

Support for Recommendation - Unanimous

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/organising-an-event>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Sids Stampede 2013 – Windsor, event planned for Sunday 1, September 2013 between 6.00am and 12.00noon be classified as a "**Class 2**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted, the following road closures and traffic control measures:
 - Road Closure; Moses Street, Windsor, only at Greenway Crescent which will provide access to St Matthews Anglican Church and parking along Moses Street.

ORDINARY MEETING
Reports of Committees

- Road Closure; Greenway Crescent, Windsor, between Moses Street and Cornwallis Road
- Road Closure; Cornwallis Road, Windsor/Cornwallis, between Greenway Crescent and Cordners Lane.
- Road Closures only permitted for Sunday 1, September 2013, between 6.00am and 10.00am.
- No other road closures are permitted.

and the following conditions

Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route / site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route / site by the event organiser prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to obtain approval from the Roads and Maritime Services - RMS (formerly RTA) as road closures are proposed; **a copy of the Roads and Maritime Services - RMS (formerly RTA) approval to be submitted to Council;**
- 4e. the event organiser **is to submit a Traffic Control Plan (TCP)** which needs to include details such as the specific position of barriers, signs etc, required for the proposed road closures and traffic diversions **to Council and the Roads and Maritime Services - RMS (formerly RTA)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4f. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**

ORDINARY MEETING
Reports of Committees

- 4g. As the event involves the closure and the traverse of public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with the associated fee, to occupy and close the road;
- 4h. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of McQuade Park;
- 4i. the event organiser is to obtain written approval from Hawkesbury Sports Council Inc for the use of their section of McQuade Park; **a copy of the correspondence to be submitted to Council;**
- 4j. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, road closures, detour routes, and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4k. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4l. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road closures, detour routes, and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4m. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road closures, detour routes, and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 4n. the event organiser is to **submit** the completed " Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" to Council;

During the event:

- 4o. access is to be maintained for businesses, residents and their visitors;
- 4p. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4q. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4r. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the detour route (including the road closure points), during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4s. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4t. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

APPENDICES:

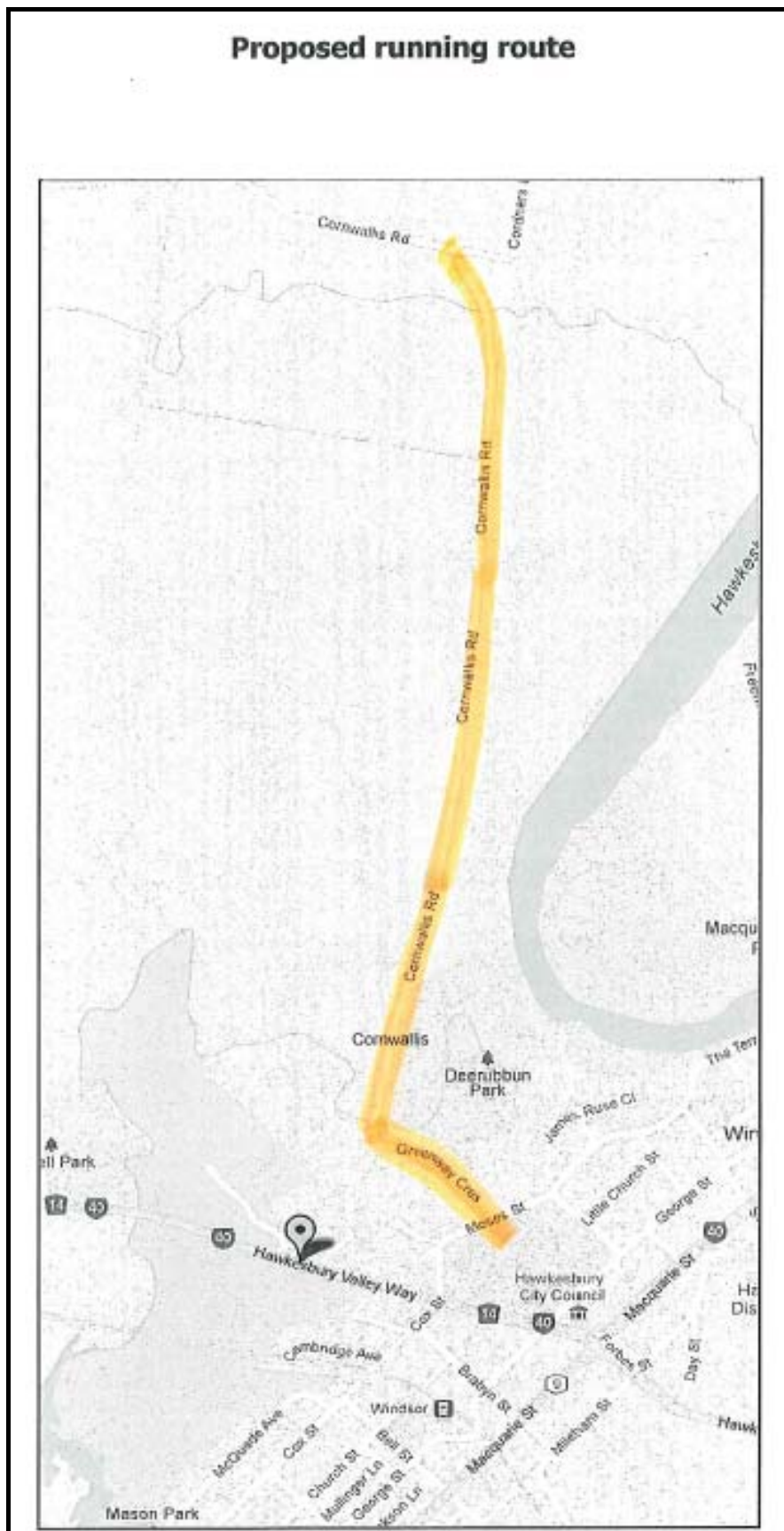
There are no supporting documents for this report.

AT – 1 Event Route Plan - Sids Stampede 2013, Windsor.

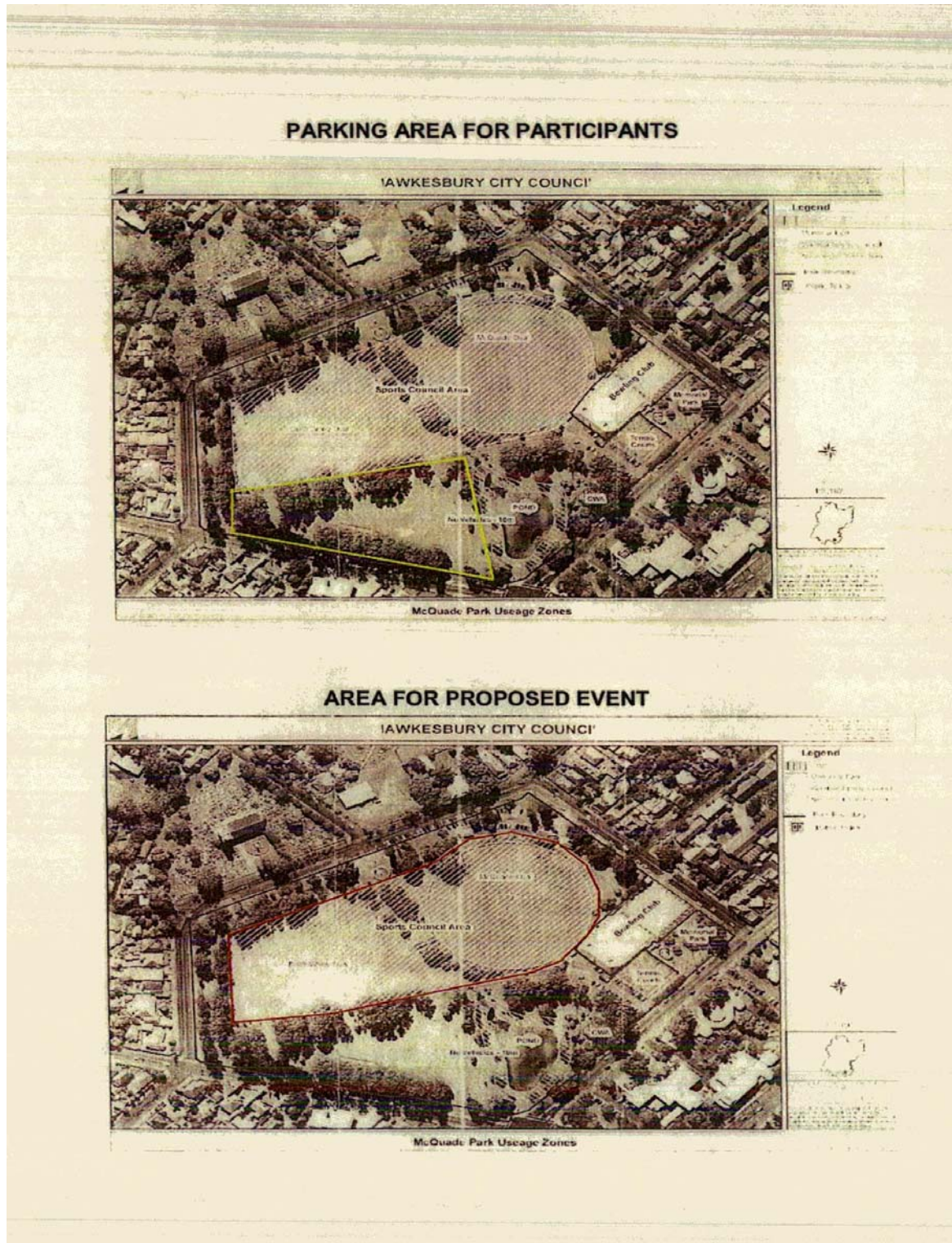
AT - 2 Sids Stampede 2013, Windsor - Event Layout Plan for McQuade Park.

AT – 3 Special Event Application - (ECM Document No: 4308574) - *see attached*

AT – 1 Event Route Plan – Sids Stampede 2013, Windsor.



AT - 2 Sids Stampede 2013, Windsor - Event Layout Plan for McQuade Park



Item 2.4 LTC - 11 February 2013 - Item 2.4 - Bridge to Bridge 2013 - Power Boat Time Trial Event from Brooklyn to Windsor (Hawkesbury, Londonderry & Riverstone) - (80245, 73829)

REPORT:

Introduction

An application has been received from the Upper Hawkesbury Power Boat Club, seeking approval (in traffic management terms) to conduct the Bridge to Bridge 2013 - Power Boat Time Trial from Brooklyn to Windsor on Saturday, 04 and Sunday, 05 May 2013.

The event organiser has advised;

- This is an annual power boat time trial event along the Hawkesbury River between Brooklyn Bridge and Windsor Bridge;
- This annual event has been held for approximately eighty years;
- There is a Test and Tune day on Saturday, 04 May 2013 - Dry Boat Inspections;
- The Power Boat Time Trial is on Sunday, 05 May 2013, between the hours of 8.00am and 1.00pm;
- The suspension of ferry services, controlled by the Roads and Maritime Services - RMS (formerly RTA) and Council, is required on Sunday, 05 May 2013 as listed below:

Wisemans Ferry (RMS):	9.00am – 12.00noon
Webbs Creek Ferry (RMS):	9.00am – 12.00noon
Lower Portland Ferry (HCC):	9.15am – 12.15pm
Sackville Ferry (RMS):	9.15am – 12.15pm
- The suspension of the ferry services is required for safety reasons. The ferries will operate in the event of an emergency and competitors will be stopped to ensure the safety of all;
- On occasion, fog causes the race to have a delayed start and accordingly the ferry closure times will be adjusted;
- The Club is expecting approximately 120 participants/boats to compete in the event;
- There will be groups consisting of 1, 2 and 3 participants each;
- The club is expecting approximately 4000 spectators on the day of the event, at Governor Phillip Reserve;
- Parking will be at Governor Phillip Reserve with additional parking available off street utilising vacant land adjacent to Governor Phillip Reserve. Parking is available for approximately 4000 vehicles.

ORDINARY MEETING

Reports of Committees

Discussion

Even though the event will be held along the Hawkesbury River and within the Governor Phillip Reserve, this event and the spectators travelling to the event may impact heavily on the state road network on Windsor Road, Macquarie Street, Wilberforce Road and Bridge Street as well as the local roads such as George Street and Court Street. Furthermore the suspension of the Ferry services and subsequent road closures leading to these ferries (3 RMS Ferries) will have an impact on the adjacent road network in the vicinity of these ferries. It would be appropriate to classify the event as a “**Class 1**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).

The event organiser is seeking Council and Roads and Maritime Services - RMS (formerly RTA) approval for the suspension of the following Ferry Services on Sunday, 05 May 2013:

Wisemans Ferry (RMS):	9.00am – 12.00noon
Webbs Creek Ferry (RMS):	9.00am – 12.00noon
Lower Portland Ferry (HCC):	9.15am – 12.15pm
Sackville Ferry (RMS):	9.15am – 12.15pm

Lower Portland Ferry Service is under the care and control of Hawkesbury City Council. The Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry Services are the under the care and control of the Roads and Maritime Services - RMS (formerly RTA) and hence, RMS approval is to be sought directly by the event organiser for any alterations to the operation of ferry services maintained by them.

The application for the 2012 event did not require the suspension of any ferry services. The applicant has advised the suspension of the ferry services is required for safety reasons. The ferries will operate in the event of an emergency and competitors will be stopped to ensure the safety of all.

The event organiser has submitted the following items in relation to the event: Attachment 1 (ECM Document Nos: 4222087 & 4307690):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Copy of Insurance Policy to the value of \$20,000,000, which is valid to 31 August 2013,
5. Copy of the application to the NSW Police Force;
6. Copy of the correspondence forwarded to the NSW Ambulance Service.

The event organiser will be required to liaise with Maximum Adventure Pty Ltd (contact number 0423 735 779) who is the event organiser of the Convict 100 (formerly Dirt Works 100) Endurance Mountain Bike Ride 2013 - St Albans event, which is being held on 4 May 2013, within the St Albans area.

Reserve Matters:

Council resolved on 27 November 2012, to grant the exclusive use of Governor Phillip Reserve for the event.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr David Lance, seconded by Snr Constable Debbie Byrnes.

Support for Recommendation - Unanimous

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/organising-an-event>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Bridge to Bridge 2013 - Power Boat Time Trial event from Brooklyn to Windsor planned for Saturday 04 and Sunday, 05 May 2013 be classified as a "**Class 1**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route / site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route / site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to obtain approval from the Traffic Management Centre - (TMC) as this is a "**Class 1**" event; **a copy of the Traffic Management Centre approval to be submitted to Council;**
- 4e. the event organiser **is to submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP) to Council and the Roads and Maritime Services - RMS (formerly RTA)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;

- 4f. As the event involves the closure of public roads due to the suspension of Ferry services, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with the associated fee, to occupy and close the road.
- 4g. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from the Roads and Maritime Services - RMS (formerly NSW Maritime); **a copy of this approval to be submitted to Council;**
- 4h. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; **a copy of this approval to be submitted to Council;**
- 4i. the event organiser is to advise all adjoining Councils such as Gosford, The Hills and Hornsby of the event and in particular the ferry closures and obtain any necessary approvals from these Councils; **a copy of this approval to be submitted to Council;**
- 4j. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, ferry closures the impact on ferry services, and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4k. the event organiser is to notify the details of the event to the Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4l. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, ferry closures, the impact on ferry services, and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4m. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, ferry closures, the impact on ferry services, and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; **a copy of the correspondence to be submitted to Council;**
- 4n. the event organiser is to liaise with Maximum Adventure Pty Ltd (contact number 0423 735 779) who is the event organiser of the Convict 100 (formerly Dirt Works 100) endurance Mountain Bike Ride 2013 - St Albans event, which is being held on 4 May 2013, within the St Albans area.
- 4o. the event organiser is to **submit** the completed " Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" **to Council;**

During the event:

- 4p. access is to be maintained for businesses, residents and their visitors;
- 4q. a clear passageway of at least 4 metres in width is to be maintained at all times for emergency vehicles;
- 4r. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);

ORDINARY MEETING

Reports of Committees

- 4s. in accordance with the submitted TMP and associated TCP, appropriate advisory and traffic control devices are to be placed along the route (including the road closure points for the Ferry closures), during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4t. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4u. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

Ferry Services

5. The applicant is to seek Roads and Maritime Services - RMS (formerly RTA) approval for the suspension of the Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry Services. No objection is held to the suspension of the Lower Portland Ferry Service on Sunday, 05 May 2013 between 9.15am and 12.15pm. Suspension of the ferry services as listed below:

Wisemans Ferry (RMS):	9.00am – 12.00noon
Webbs Creek Ferry (RMS):	9.00am – 12.00noon
Lower Portland Ferry (HCC):	9.15am – 12.15pm
Sackville Ferry (RMS):	9.15am – 12.15pm

is subject to the applicant complying with the following conditions, as well as any conditions imposed by the Roads and Maritime Services - RMS (formerly RTA):

- 5a. the applicant is to contact Hawkesbury City Council's Construction and Maintenance Section and the Ferry operator, three weeks prior to the event with regard to the suspension of the Lower Portland Ferry service maintained by Hawkesbury City Council,
- 5b. Advertising of the proposed event is to be undertaken at the expense of the event organiser in both Sydney and Local newspapers, two weeks prior to the event, in relation to :
 - traffic impact and delays,
 - exclusive use of Governor Phillip Reserve,
 - timings of suspension/operation of ferry services,

such notice is to be incorporated in the news sections of those newspapers and to be approximately 1/8 (one-eighth) page size;

- 5c. signs are to be erected at the expense of the event organiser in locations indicated in the approved Transport Management Plan and Traffic Control Plan and at a size indicated in the same, on all roads leading to the ferries, as well as on each ferry, for at least two weeks prior to the event;
- 5d. safety precautions are to be outlined in the TMP and are to be in place at all ferry locations, such to include a boat and crew upstream and/or downstream from each ferry as applicable with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and the ferry vessel, such procedures are to be implemented to the satisfaction of the Roads and Maritime Services - RMS (formerly RTA and NSW Maritime) and Hawkesbury City Council; and,
- 5e. the Roads and Maritime Services - RMS (formerly RTA) and Council be authorised to alter ferry suspension/operation times if necessary.

ORDINARY MEETING
Reports of Committees

APPENDICES:

AT - 1 Special Event Application - (ECM Document Nos: 4222087 & 4307690) - *see attached*.

SECTION 3 - Reports for Information

There were no reports for information.

SECTION 4 - General Business

**Item 4.1 Business Paper - 2012 - ORD Meeting StandardBusiness Paper - 2012 - ORD Meeting
StandardBusiness Paper - 2012 - ORD Meeting StandardBusiness Paper - 2012 - ORD
Meeting Standard**

REPORT:

Mr Bart Bassett, MP, advised the committee that he has previously requested the Roads and Maritime Services (RMS) to review the speed limit along Racecourse Road, Clarendon. Mr Bassett indicated that RMS have completed their review and have advised him that the speed limit will increase from 60 kph to 70 kph between Richmond Road and Rickaby Street. The section of Racecourse Road between Rickaby Street and Hawkesbury Valley Way will remain as 60 kph.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr B. Bassett, MP, seconded by Snr Constable D. Byrnes.

Support for Recommendation - Unanimous

That the information be received.

APPENDICES:

There are no supporting documents for this report.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Monday 11 March 2013 at 3.00pm in the Large Committee Room.

The meeting terminated at 3.36pm

oooO END OF REPORT Oooo

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillors Questions from Previous Meetings and Responses - (79351)

REPORT:

Questions – 5 February 2013

#	Councillor	Question	Response
1	Mackay	Asked if the shade cloth in the Rest-a-While café at the Visitor Information Centre could be waterproof.	The Director Support Services advised that the sail shade over the dining area at the front of the café was provided specifically for the purpose of providing shade. Previously the café had old and mismatched furniture and umbrellas that provided shade. Following consultation with the tenant, Council erected a shade sail to replace the umbrellas and the tenant replaced the outdoor furniture. Whilst it is possible to replace the existing structure with a fully waterproof structure, this would involve additional costs. It is considered that the current shade structure is satisfactory and complements the indoor seating area.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
2	Reardon	Asked if the Non-Smoking Policy passed by the government could extend to outdoor Community Events.	<p>The Director Infrastructure Services advised that the Tobacco Legislation Amendment prohibits smoking within 10 metres of children's playgrounds, at a swimming pool complex or spectator areas being used for organised sporting events and supports Council's previous resolution of 12 August 2003 which stated, in part, that:</p> <ol style="list-style-type: none">1. Council ban smoking within 10 metres of all Children's playground equipment.2. Council ban smoking around all playing fields and sporting grounds.3. Council erect signage around playground equipment and playing fields to indicate that the areas are smoke-free.4. Council ensure that events run or sponsored by Council should be smoke free. <p>Signs stating "this is a non smoking event" are already displayed at community outdoor events. In addition community event held at indoor venues are also non smoking events.</p>

ORDINARY MEETING
Questions for Next Meeting

#	Councillor	Question	Response
3	Creed	Asked how Council calculates cost of building new homes with regards to determining Council's application fees and at what rate at per square meter is the fee calculated.	<p>The Director City Planning advised that Council calculates the cost of works on the estimated 'market value' for the completed project. This may not necessarily reflect the actual cost of the development to the applicant, for example, an applicant may source materials free or second hand and use their own labour (owner builder). Council uses building cost indicators compiled by the Cordell Housing: Building Code Guide and Rawlinsons: Australian Conjunction Handbook. These guides cover residential and commercial building types. An applicant must provide the areas (in m²) for each of the generic parts of the project e.g., the gross floor areas including any outbuildings such as garages, etc, and the appropriate rate for that building type is applied to each of those quoted areas.</p> <p>The square metre rates vary between building types and quality of finish. There are 45 different square metre rates for a variety of residential, commercial and outbuilding types. Residential structures range for New Dwellings - \$700 - \$1,765, with Dwelling additions - \$1,245 - \$1,860.</p> <p>An "Estimated Cost Guide" explaining this process is available on Council's website.</p>

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo



ordinary
meeting

end of
business
paper

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