



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 25 January 2021

location: council chambers and
by audio-visual link

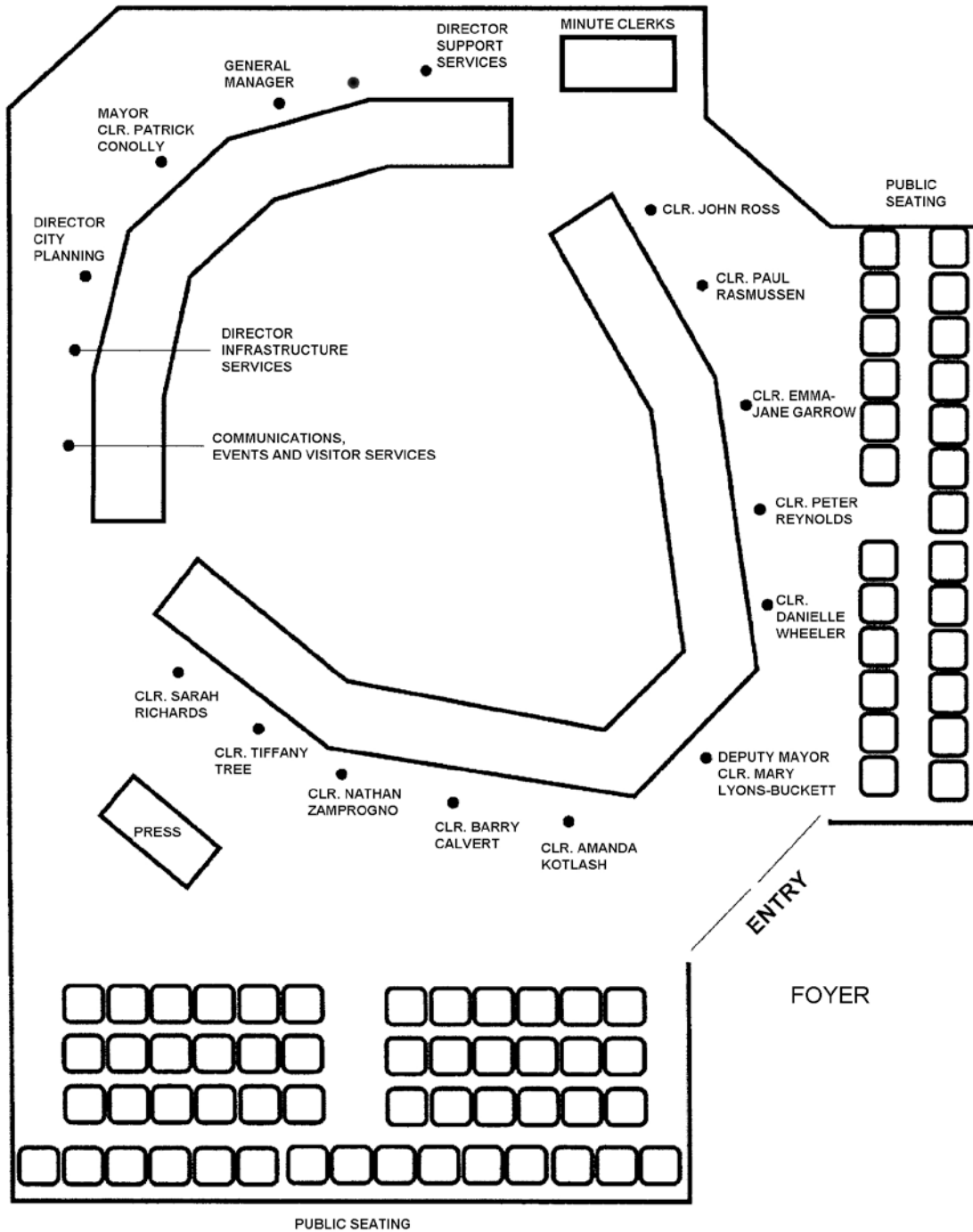
time: 6:30 p.m.



mission statement

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

Hawkesbury City Council



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ORDINARY MEETING
Procedural Matters
Meeting Date: 25 January 2021

PROCEDURAL MATTERS

Welcome

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

The General Manager will address the Council meeting, mentioning:

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

Attendance

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

Apologies and Leave of Absence

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

Declaration of Interest

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

Acknowledgement of Official Visitors to the Council

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

ORDINARY MEETING

Procedural Matters

Meeting Date: 25 January 2021

ordinary

section 1

confirmation of minutes

ORDINARY MEETING

SECTION 1 - Confirmation of Minutes

Meeting Date: 25 January 2021

SECTION 1 - Confirmation of Minutes



Hawkesbury City Council

ordinary meeting minutes

date of meeting: 08 December 2020

location: council chambers and
by audio-visual link

time: 6:30 p.m.

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ORDINARY MEETING

Minutes: 08 December 2020

Minutes of the Ordinary Meeting held at the Council Chambers and by Audio-Visual Link, Windsor, on 8 December 2020, commencing at 6:31pm.

Welcome

The Mayor, Councillor Patrick Conolly acknowledged the Indigenous Heritage.

The Acting General Manager addressed the Council meeting, mentioning:

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

ATTENDANCE

PRESENT:

At Council Chambers: Councillor Patrick Conolly, Mayor.

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

ALSO PRESENT:

At Council Chambers: Acting General Manager - Laurie Mifsud and Director Infrastructure Services - Jeff Organ.

By Audio-Visual Link: Director City Planning - Linda Perrine, Acting Director Support Services - Emma Galea, Development Services Manager - Cristie Evenhuis, Strategic Planning Manager - Andrew Kearns, Manager Communications, Events and Visitor Services - Suzanne Stuart, Manager City Design and Economic Development - Amanda Kearney, Acting Manager Community Services - Meagan Ang, Manager Corporate Services and Governance - Charles McElroy and Administrative Support Coordinator - Tracey Easterbrook.

APOLOGIES AND LEAVE OF ABSENCE

No apologies for absence were received from Councillors.

DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

Acknowledgement of Official Visitors to the Council

There were no official visitors to the Council.

ORDINARY MEETING

Minutes: 08 December 2020

SECTION 1 - Confirmation of Minutes

MOTION:

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

Refer to RESOLUTION

An AMENDMENT was moved by Councillor Lyons-Buckett, seconded by Councillor Wheeler.

That the minutes of the Ordinary Meeting held on 24 November 2020, be confirmed with the following amendment:

- Item: 229 MM - Position of General Manager - to include a record of the amendments moved in closed session and the voting record of those amendments.

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

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

Absent: Nil.

The Amendment was lost on the casting vote of the Mayor.

A MOTION was moved by Councillor Wheeler, seconded by Councillor Reynolds that the minutes be deferred for consideration later in the meeting.

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

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

Absent: Nil.

The Motion was lost on the casting vote of the Mayor.

306 RESOLUTION:

RESOLVED on the motion of Councillor Zamprogno and seconded by Councillor Kotlash that the Minutes of the Ordinary Meeting held on 24 November 2020, be confirmed.

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

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

Absent: Nil.

The Motion was carried on the casting vote of the Mayor.

ORDINARY MEETING

Minutes: 08 December 2020

ADJOURNMENT OF MEETING

The Mayor adjourned the meeting:

- At 7:17pm so that technical support for the audio-visual link could be provided. The meeting resumed at 7:19pm.
- At 9:43pm for a short break. The meeting resumed at 9:58pm.

ORDINARY MEETING

Minutes: 08 December 2020

SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 242 **CP - Proposed Modification of Existing Covenant - Building Envelope Restriction Lot 2, DP 1242010 - 32 Mitchell Park Road, Cattai - (95498, 96329)**

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

307 RESOLUTION:

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

That:

1. Council agree to vary the building envelope covenant over Lot 2 in DP 1242010 at 32 Mitchell Park Road, Cattai to increase the size of the building envelope to incorporate the entire dwelling that includes the alfresco area.
2. The wording of the modified covenant to effect this resolution be determined by the General Manager in consultation with Council's Legal Advisors as is necessary, to ensure compliance with the technical, administrative, and legal requirements of NSW Land Registry Services.
3. Authority be given for the Section 88E 'Variation or Modification of Restriction on the Use of Land' to be executed by the Acting General Manager.
4. All costs associated with the preparation and drafting of necessary documentation and plans and any registration and lodgement fees be borne by the owner of Lot 2 in DP 1242010 at 32 Mitchell Park Road, Cattai.

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

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

Against the Motion: Councillor Ross.

Absent: Nil.

ORDINARY MEETING

Minutes: 08 December 2020

GENERAL MANAGER

Item: 243 **GM - Australian Local Government Women's Association (NSW Branch)**
Annual Conference - (79351, 111930)

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

308 RESOLUTION:

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

That:

1. Consideration be given to the attendance of nominated Councillors and staff as considered appropriate by the Acting General Manager, at the Australian Local Government Women's Association (NSW Branch) Annual Conference from 18 to 20 March 2021.
2. After participating in the Conference, delegates provide a written report to the Acting General Manager detailing the proceedings and findings, as well as any other aspects of the Conference relevant to Council business and/or the local community.

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

Against the Motion: Councillor Ross.

Absent: Nil.

No Councillors nominated to attend the Conference.

ORDINARY MEETING

Minutes: 08 December 2020

Item: 244 **GM - 2nd Sustainable Cities, Urban Regeneration and Sustainability Development Forum (79351)**

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

309 RESOLUTION:

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

That:

1. Consideration be given to the participation of nominated Councillors and staff as considered appropriate by the Acting General Manager, at the 2nd Sustainable Cities, Urban Regeneration and Sustainability Development Forum 9 to 11 February 2021.
2. After participating in the Forum, delegates provide a written report to the Acting General Manager detailing the proceedings and findings, as well as any other aspects of the Forum relevant to Council business and/or the local community.

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

Against the Motion: Nil.

Absent: Nil.

310 RESOLUTION:

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

That Councillors Lyons-Buckett, Kotlash and Wheeler attend the online component of the 2nd Sustainable Cities, Urban Regeneration and Sustainability Development Forum as Council's nominated delegates.

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

Against the Motion: Nil.

Absent: Councillor Reynolds.

ORDINARY MEETING

Minutes: 08 December 2020

CITY PLANNING

Item: 245 **CP - Draft Net Zero Emissions and Water Efficiency Strategy - (95498, 124414)**

Previous Item: 163, Ordinary (10 September 2019)

Directorate: City Planning

Ms Helen Sobiesiak addressed Council, speaking for the recommendation in the Business Paper.

MOTION:

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

Refer to RESOLUTION

311 RESOLUTION:

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

That Council:

1. Receive and note the Draft Net Zero Emissions and Water Efficiency Strategy.
2. Endorse the Draft Net Zero Emissions and Water Efficiency Strategy attached as Attachment 1 to this report, to be placed on public exhibition in accordance with Council's Community Engagement/Participation Plan for a period of not less than 56 days.
3. Receive a post exhibition report with a summary of issues raised through submissions.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

Minutes: 08 December 2020

Item: 246 **CP - Hawkesbury Employment Lands Strategy - (95498, 124414)**

Previous Item: 149, Ordinary (11 August 2020)

Directorate: City Planning

Mr Andrew Thomas and Ms Natalie Richter addressed Council, speaking for the recommendation in the Business Paper.

MOTION:

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

Refer to RESOLUTION

312 RESOLUTION:

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

That Council:

1. Receive the outcome of the public exhibition of the Draft Hawkesbury Employment Lands Strategy.
2. Adopt the Hawkesbury Employment Lands Strategy, attached as Attachment 3 to this report.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

Minutes: 08 December 2020

Item: 247 **CP - Hawkesbury Local Housing Strategy - (95498, 124414)**

Previous Item: 94, Ordinary (26 May 2020)
 150, Ordinary (11 August 2020)

Directorate: City Planning

Ms Alaine Roff addressed Council, speaking against the recommendation in the Business Paper.

A MOTION was moved by Councillor Zamprogno, seconded by Councillor Richards.

That Council:

1. Receive the outcome of the public exhibition of the Draft Hawkesbury Local Housing Strategy.
2. Adopt the Hawkesbury Local Housing Strategy, attached as Attachment 3 to this report.
3. Submit the adopted Hawkesbury Local Housing Strategy to the Department of Planning, Industry and Environment for endorsement.
4. That Council recognises many submissions have raised the possibility of Oakville/Maraylya being an area for future residential development. As such, Council undertakes consultation with the communities of Oakville and Maraylya to determine if there is support in the community for residential development in the future. The consultation should be similar to the process used for the Kurrajong Kurmond Investigation Area, in that it should seek to engage as many people as possible in these communities to gain an understanding of what type of residential development they would like to see in these areas, if any.
5. The results of the consultation be reported back to Council for consideration.

For the Motion: Councillors Conolly, Richards, Tree and Zamprogno.

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

Absent: Nil.

The Motion was lost.

MOTION:

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

Refer to RESOLUTION

313 RESOLUTION:

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

That Council:

1. Receive the outcome of the public exhibition of the Draft Hawkesbury Local Housing Strategy.
2. Adopt the Hawkesbury Local Housing Strategy, attached as Attachment 3 to this report.

ORDINARY MEETING

Minutes: 08 December 2020

3. Submit the adopted Hawkesbury Local Housing Strategy to the Department of Planning, Industry and Environment for endorsement.
4. Receive a draft of the Hawkesbury Affordable Housing Strategy early in 2021 that:
 - Captures the valuable work done in the Hawkesbury Local Housing Strategy on affordable housing particularly the statistics and characterisation of the problem;
 - Gives details around which of the affordable housing mechanisms (e.g. planning incentives, inclusionary zoning, planning agreement, contributions schemes) outlined in the Hawkesbury Local Housing Strategy, that are able to be applied to the Hawkesbury; and
 - Runs in parallel to our participation in the development of the Western City District Affordable Housing Strategy.

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

Against the Motion: Councillors Conolly, Richards and Tree.

Absent: Nil.

ORDINARY MEETING

Minutes: 08 December 2020

Item: 248 **CP - Draft Rural Lands Strategy - (95498, 124414)**

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

314 RESOLUTION:

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

That Council:

1. Receive and note the Draft Hawkesbury Rural Lands Strategy.
2. Endorse the Draft Hawkesbury Rural Lands Strategy attached as Attachment 1 to this report, to be placed on public exhibition in accordance with Council's Community Participation Plan for a period of not less than 56 days.
3. Receive a post exhibition report with a summary of issues raised through submissions.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

Minutes: 08 December 2020

Item: 249 **CP - South Windsor Shop Fronts and Facades - (95498, 147666)**

Previous Item: 237, Ordinary (25 September 2018)
 183, Ordinary (29 September 2020)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

315 RESOLUTION:

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

That Council:

1. Note the findings of the investigation to work with South Windsor business operators and owners in South Windsor to improve facades and shop fronts.
2. Include the feedback from the local businesses into the design phase of the Liveability Program to revitalise South Windsor.
3. Council notes that there are significant improvements that could be made to the shop fronts and facades in South Windsor and calls for a report to outline the options available for Council to work with the property owners to improve the facades and shop fronts.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

Minutes: 08 December 2020

INFRASTRUCTURE SERVICES

Item: 250 **IS - Pesticide Notification Plan - (95495, 79354)**

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

316 RESOLUTION:

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

That:

1. The Draft Pesticide Notification Plan, attached as Attachment 1 to the report be publically exhibited, seeking feedback from the community, for 28 days.
2. The matter be reported back to Council following the public exhibition period.
3. A full list of all pesticides used by Council and its agencies, including the Hawkesbury River County Council and Hawkesbury Sports Council, including quantities used and cost for the period 2019/2020, be provided to Council.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

Minutes: 08 December 2020

Item: 251 **IS - Management of Council Parks and Reserves on Weekends and Public Holidays - (79351, 125612, 95495, 79354)**

Previous Item: NM1, Ordinary (13 October 2020)

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

317 RESOLUTION:

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

That:

1. The report regarding additional resources for the management of Council's parks and reserves on weekends and public holidays be received and noted.
2. A trial including evaluation of enhanced cleaning and parking patrol be undertaken at key reserves over the December 2020/January 2021 period including weekends and public holidays, based on additional hours and a roving crew.
3. Funding be incorporated in the December 2020 Quarterly Review.
4. Local options for St Albans and Bilpin also be investigated and incorporated if possible.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

Minutes: 08 December 2020

Item: 252 **IS - Road Naming Proposal Associated with Subdivision S960003/19 (16 Dight Street) Richmond - (95495, 79346, 73916)**

Previous Item: 195, Ordinary (13 October 2020)

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

318 RESOLUTION:

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

That the name Hillside Court in the suburb of Richmond and associated with subdivision S960003/19, 16 Dight Street, Richmond be adopted for use.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

Minutes: 08 December 2020

SUPPORT SERVICES

Item: 253 **SS - Proposed Redevelopment - North Richmond Community Precinct - (95496)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

319 RESOLUTION:

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

That Council endorse the redevelopment of the existing North Richmond Community Precinct site, as detailed in this report, to enable preparation of detailed designs and costings, and obtaining of the requisite planning approvals.

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

Against the Motion: Nil.

Absent: Nil.

320 RESOLUTION:

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

ORDINARY MEETING

Minutes: 08 December 2020

Item: 254 **SS - Returns of Interests of Councillors and Designated Persons - (95496, 96333)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

321 RESOLUTION:

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

That Council note the proposal to publish "Disclosures by Councillors and Designated Persons Returns" on Council's website.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

Minutes: 08 December 2020

SECTION 4 – Reports of Committees

Item: 255 **ROC - Infrastructure Committee Meeting - 4 November 2020 - (95495, 143704)**

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

322 RESOLUTION:

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

That in relation to the Minutes of the Infrastructure Committee Meeting held on the 4 November 2020:

1. Council receive and note the Infrastructure Committee in respect to items 1 and 2.
2. Council endorse the Committee Recommendations in respect of Item 3, namely:

“That the Committee:

1. *Note the information on the proposed Declared Dams levy.*
2. *Note the making of a submission on the levy.*
3. *Make representations to the Local Member for Hawkesbury to have the proposed regulation amended to exempt local government owned flood mitigation works from the levy.”*

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

Minutes: 08 December 2020

SECTION 5 – Notices of Motion

Item: 256

RM - Review of Council Committees - (80093, 138881, 138879)

Mr Graham Edds addressed Council, speaking against the recommendation in the Business Paper.

MOTION:

RESOLVED on the motion of Councillor Calvert, seconded by Councillors Kotlash and Richards.

Refer to RESOLUTION

323 RESOLUTION:

RESOLVED on the motion of Councillor Calvert, seconded by Councillors Kotlash and Richards.

That resolution 295 from the Ordinary Meeting of Council on 24 November 2020 regarding the review of Council Committees, be rescinded.

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

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

Absent: Nil.

The Motion was carried on the casting vote of the Mayor.

MOTION:

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

Refer to RESOLUTION

An AMENDMENT was moved by Councillor Wheeler, seconded by Councillor Lyons-Buckett.

That Council:

1. Recognises the extensive work and consultation on the review of the committee structure, and thanks the relevant officers and committee members for their input.
2. Proposes the following restructures of the following Council committees as per Point 3 subject to the information in the report referred to in Point 8:
 - Access and Inclusion Committee
 - Human Services Advisory Committee
 - Tourism Advisory Committee
 - Waste Management Advisory Committee
 - Civics and Citizenship Committee
 - Floodplain Risk Management Advisory Committee
 - Infrastructure Committee
 - Environmental Sustainability Advisory Committee

ORDINARY MEETING

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3. Establishes the following standing committees from the above committees:

New Committee	Functions
Community Services	Civic and Citizenship Human Services Access and Inclusion
Environment	Waste management Environmental sustainability
Innovation and Partnerships	Tourism Enhancing the Arts Infrastructure New Technologies/Smart city initiatives
Disaster and Emergency	Emergency and disaster management including fire and flooding

4. Asks the Mayor to write to each member of the restructured committees to thank them for their participation to date and to inform them of the restructure and their place on the new committees, should they be willing to continue.
5. Requires that at least one Council Briefing Session every two months cover disaster / emergency management matters. This includes briefings on floods, bushfires and other disasters both natural and human-made.
6. Affirms that the role of Council committees is to provide advice and information to assist with Council decision making, with long term direction set by Council's Community Strategic Plan. Council may set short-term tasks for committees and provide further long-term direction but this will not preclude committee members or staff raising matters for consideration.
7. Up to five Councillors will be appointed to the four standing committees listed above, with additional community members added from restructured committees. The local Darug community will be invited to provide a representative for each committee and where gaps in expertise exist, additional community members will be invited to join the relevant committee.
8. Is to receive a report at the first Ordinary Meeting of 2021 that:
- Informs Council of the outstanding actions of all Council's committees and the Heritage Advisory Committee, so that strategically important work and short-term tasks can be reviewed, reassigned to a newly established committee or reported to Council for a decision
 - Assists Council to review the work of the restructured committees and set objectives, directions and timeframes for each new committee for 2021.
9. Requires that committees shall report regularly to Council in the following ways:
- Provide succinct and clear minutes which include a summary of the committee's progress towards the objectives set for them by Council
 - Provide regular and timely advice including recommended actions.
10. Council may refer matters to the committees either from Council Meetings or from Briefing Sessions.
11. Requires that committee agendas be published in a similar manner to the way that Council Meetings are currently published so that the community has advanced notice of what will be discussed. All members of the public are welcome to make submissions to the committee and can attend and participate in the committee meetings, however, only members of committees will have voting rights.

ORDINARY MEETING

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

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

Absent: Nil.

The Amendment was lost on the casting vote of the Mayor.

324 RESOLUTION:

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

That Council:

1. Recognises the extensive work and consultation on the review of the committee structure, and thanks the relevant officers and committee members for their input.
2. Dissolves the following Council committees as of 31 December 2020:

- Access and Inclusion Committee
- Human Services Advisory Committee
- Tourism Advisory Committee
- Waste Management Advisory Committee
- Civics and Citizenship Committee
- Floodplain Risk Management Advisory Committee
- Infrastructure Committee
- Environmental Sustainability Advisory Committee

3. Establishes the following standing committees:

New Committee	Functions
Community Services	<ul style="list-style-type: none">• Civic and Citizenship• Enhancing the Arts• Human Services• Access and Inclusion
Environment	<ul style="list-style-type: none">• Waste management• Environmental sustainability
Innovation and Partnerships	<ul style="list-style-type: none">• Tourism• Infrastructure• New Technologies
Disaster and Emergency	<ul style="list-style-type: none">• Emergency and disaster management

4. Asks the Mayor to write to each member of the dissolved committees to thank them for their service and to inform them of the opportunity to participate in the new committee structure.
5. Requires that at least one Council Briefing Session every three months be devoted to disaster / emergency management matters. This includes briefings on floods, bushfires and other disasters both natural and human-made. This meeting will constitute the meeting of the Disaster and Emergency Committee.
6. Affirms that the role of Council committees is to provide advice and information to assist with Council decision making. Council shall therefore provide the long-term directions for each committee as well as setting short term tasks.
7. Five Councillors will be appointed to the four standing committees listed above and these five Councillors will be the only members of the committees.

ORDINARY MEETING

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8. Is to receive a report at the first Ordinary Meeting of 2021 that:
 - Informs Council of the outstanding actions of all of the dissolved committees and the Heritage Committee, so that strategically important work and short-term tasks can be reviewed, reassigned to a newly established committee or reported to Council for a decision.
 - Assists Council to review the work of the existing committees and set the longer-term objectives, directions and timeframes for each new committee for 2021.
9. Requires that committees shall report regularly to Council in the following ways:
 - Provide succinct and clear minutes which include a summary of the committee's progress towards the objectives set for them by Council. This summary is to include a self-evaluation of the committee's performance linked to the Community Strategic Plan.
 - Provide regular and timely advice including recommended actions.
10. Notes that the agenda for committee meetings will be set by Council. If the Council does not set any agenda matters then the committees will not meet. Council will refer matters to the committees either from Council Meetings or from Briefing Sessions. This system of committees is designed to imitate the committee system currently operating in State and Commonwealth Parliaments and many other councils. Where possible committees should restrict their meetings to Tuesdays.
11. Requires that committee agendas be published in a similar manner to the way that Council Meetings are currently published so that the community has advanced notice of what will be discussed. All members of the public are welcome to make submissions to the committee and can attend and participate in the committee meetings. Only the five Councillors will have voting rights, with the exception of the Heritage Committee (see point 13).
12. Recognises that committees have the ability to establish issues-based working groups when required. The committees will set the agenda for the working groups and the working groups will report back to the committee. Each working group is to focus on one particular issue and be dissolved when the relevant work has been completed. Working groups may be composed of community members as well as relevant experts.
13. The existing Heritage Advisory Committee will remain unchanged in that it will retain its current membership with full voting rights. The way its agenda is set and its reporting requirements will change to coincide with the other newly formed committees.

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

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

Absent: Nil.

The Motion was carried on the casting vote of the Mayor.

ORDINARY MEETING

Minutes: 08 December 2020

CONFIDENTIAL REPORTS

325 RESOLUTION:

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

That:

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

Item: 257 MM - Staff Matter - (125610)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act, 1993 to personnel matters concerning particular individuals (other than councillors).*

Item: 258 GM - Recruitment of the General Manager - (125610, 79351)

*This report is **CONFIDENTIAL** in accordance with:*

Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning quotations received from agencies 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.

Section 10A(2)(g) of the Local Government Act, 1993 legal advice concerning the disclosure of termination payments to general managers in public reports and the information is regarded as advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

Item: 259 GM - Property Matter - (79351)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act, 1993 as it relates to legal advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

Item: 260 SS - Lease to Higgins and Co Property Specialists - Shop 4, McGraths Hill Shopping Centre - (95496, 112106, 7032)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.*

2. In accordance with the provisions of Section 11(2) & (3) of the Local Government Act, 1993 the reports, correspondence and other relevant documentation relating to these matters be withheld from the Press and public.

326 RESOLUTION:

RESOLVED on the motion of Councillor Richards, seconded by Councillor Calvert that open meeting be resumed.

ORDINARY MEETING

Minutes: 08 December 2020

Item: 257 **MM - Staff Matter - (125610) CONFIDENTIAL**

MOTION:

The Mayor, Councillor Conolly advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Conolly.

Refer to RESOLUTION

327 RESOLUTION:

The Mayor, Councillor Conolly advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Conolly.

That the Mayoral Minute regarding the General Manager's Performance Review for 2019/2020 by the General Manager's Performance Review Panel be received and noted.

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

Against the Motion: Councillor Reynolds.

Absent: Nil.

ORDINARY MEETING

Minutes: 08 December 2020

Item: 258 **GM - Recruitment of the General Manager - (125610, 79351)** **CONFIDENTIAL**

Previous Item: 229, Ordinary (24 November 2020)

Directorate: General Manager

MOTION:

The Acting General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Calvert.

Refer to RESOLUTION

328 RESOLUTION:

The Acting General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Calvert.

That:

1. The quotation submitted by McArthur Management Services, to assist the Mayor facilitate the full end to end recruitment process for the position of General Manager, be accepted.
2. Ms Susanne Lyall from McArthur Management Services be appointed to assist the Mayor with the recruitment and appointment of the General Manager.
3. The position be advertised in accordance with Section 348 of the Local Government Act 1993.
4. The legal advice from Marsdens Law Group regarding the disclosure of termination payments in public reports be received and noted.
5. Council seek a totally independent person to join the Selection Panel, from recommendations from Local Government NSW and Local Government Professionals Australia.

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

Against the Motion: Councillor Kotlash

Absent: Nil.

ORDINARY MEETING

Minutes: 08 December 2020

Item: 259 **GM - Property Matter - (79351) CONFIDENTIAL**

Directorate: General Manager

MOTION:

The Acting General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Richards, seconded by Councillor Zamprogno.

Refer to RESOLUTION

329 RESOLUTION:

The Acting General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Richards, seconded by Councillor Zamprogno.

That:

1. The report regarding the confidential property matter be received and noted.
2. Council arrange for an independent investigation into this matter.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

Minutes: 08 December 2020

Item: 260 **SS - Lease to Higgins and Co Property Specialists - Shop 4, McGraths Hill Shopping Centre - (95496, 112106, 7032) CONFIDENTIAL**

Directorate: Support Services

MOTION:

The Acting General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Calvert.

Refer to RESOLUTION

330 RESOLUTION:

The Acting General Manager advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Calvert.

That:

1. Council agree to enter into a new lease with Higgins & Co Property Specialists in regard to Shop 4, McGraths Hill Shopping Centre, as outlined in this report.
2. Authority be given for the lease and any documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the Lessee, together with the advice that Council is not, and will not, be bound by the terms of its resolution until such time as appropriate legal documentation to put such resolution into effect has been agreed to and executed by all parties.

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

Against the Motion: Councillor Ross.

Absent: Nil.

The meeting terminated on, Wednesday, 9 December 2020 at 12:21am.

Submitted to and confirmed at the Ordinary meeting held on 25 January 2021.

.....
Mayor

ordinary

section 2

mayoral minutes

ORDINARY MEETING
SECTION 2 – Mayoral Minute
Meeting Date: 25 January 2021

SECTION 2 – Mayoral Minutes

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

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

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

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

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

ordinary

section 3

reports
for determination

ORDINARY MEETING

SECTION 3 – Reports for Determination

Meeting Date: 25 January 2021

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 25 January 2021

SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 001 **CP - Draft Voluntary Planning Agreement for Lot 1 DP 120436, 631 Bells Line of Road, Kurrajong - (95498, 124414)**

Previous Item: 69, Ordinary (12 May 2015)
 RM, Ordinary (8 September 2015)
 71, Ordinary (11 April 2017)
 230, Ordinary (24 November 2020)

Directorate: City Planning

VOLUNTARY PLANNING AGREEMENT INFORMATION

File Number: LEP006/14
Property Address: 631 Bells Line of Road, Kurrajong
Applicant: B Millwood
Owner/Developer: W J Karam
Current Minimum Lot Size: 10ha
Proposed Minimum Lot Size: 4Ha
Current Zone: RU1 Primary Production
Site Area: 12.55Ha

PURPOSE OF THE REPORT:

The purpose of this report is to:

- Advise Council of the outcome of public exhibition of the Draft Voluntary Planning Agreement for Lot 1 DP 120436, 631 Bells Line of Road, Kurrajong.
- Recommend that Council endorse the Draft Voluntary Planning Agreement and the Explanatory Note attached to this report, and provide authority for the Voluntary Planning Agreement, and any other documentation in association with this matter to be executed under the Seal of Council.

EXECUTIVE SUMMARY:

Council at the Ordinary Meeting on 24 November 2020, resolved to proceed with plan making for a Planning Proposal to permit large lot subdivision of the subject site into three lots, and publicly exhibit a Draft Voluntary Planning Agreement for a minimum of 28 days.

In accordance with Council's resolution, and relevant statutory provisions, the Draft Voluntary Planning Agreement, an Explanatory Note and other supporting documentation were publicly exhibited between Friday, 11 December 2020 to Friday, 15 January 2021. No submissions were received during the public exhibition, and as such there are no post-exhibition amendments to the exhibited Draft Voluntary Planning Agreement.

The execution of the Voluntary Planning Agreement as recommended in this report will enable Council to require a monetary contribution of \$30,000 per additional lot towards the provision of local and district infrastructure from the future subdivision of the subject site.

ORDINARY MEETING
SECTION 3 – Reports for Determination
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RECOMMENDATION:

That Council:

1. Note the outcome of public exhibition of the Draft Voluntary Planning Agreement for Lot 1 DP 120436, 631 Bells Line of Road, Kurrajong.
2. Endorse the Voluntary Planning Agreement and the Explanatory Note regarding Lot 1 DP 120436, 631 Bells Line of Road, Kurrajong (attached as Attachments 1 and 2 to this report), and authority be given for the Voluntary Planning Agreement, and any other documentation in association with this matter to be executed under the Seal of Council.

BACKGROUND

Council at its Meeting on 24 November 2020 considered a report on the outcome of consultation for a Planning Proposal to permit a three lot subdivision of the subject site into lots with a minimum lot size of 4 Ha. That report included a Draft Voluntary Planning Agreement in support of the Planning Proposal.

Council resolved to proceed with the making of the plan and publicly exhibit the Draft Voluntary Planning Agreement for a minimum of 28 days, and report the outcome of public exhibition.

Based on Council's Resolution from the 24 November 2020 Meeting, the Hawkesbury Local Environmental Plan (Amendment No. 26) was notified on the NSW Legislation website on 4 December 2020 to give effect to the Planning Proposal enabling a maximum of three lots with a minimum lot size of 4 Ha on the subject site.

The future subdivision of the subject site (Lot 1 DP 120436, 631 Bells Line of Road, Kurrajong) will or is likely to increase the demand for local and district infrastructure and facilities in the area, and therefore a developer contribution levy towards the provision of local and district infrastructure to meet the increased demand due to the future subdivision of the subject site is considered warranted.

However, there is no current Development Contribution Plan applying to the subject site. There is also no alternative mechanism currently available for Council to require a development contribution or recover costs associated with the provision of infrastructure in the area from the future subdivision of the subject site other than via a Voluntary Planning Agreement.

Given the current Hawkesbury Section 7.11 (formerly Section 94) Contributions Plan 2015 which came into effect on 4 June 2015 does not apply to the subject site at Lot 1 DP 120436, 631 Bells Line of Road, Kurrajong, the Developer proposed a draft Voluntary Planning Agreement to enable Council to levy a developer monetary contribution for the purposes of infrastructure facilities and services.

The Draft Voluntary Planning Agreement makes provision for Council to require a monetary contribution of \$30,000 for each additional lot created as a consequence of the future subdivision of the subject site into a maximum of three lots with a minimum lot size of 4ha.

Draft Voluntary Planning Agreement for 631 Bells Line of Road, Kurrajong

The parties to the Voluntary Planning Agreement are Hawkesbury City Council and W J Karam known as "the Developer." The objective, nature and effect of the Draft Voluntary Planning Agreement is for the Developer to provide Council with a monetary contribution of \$30,000 for each additional lot created as a consequence of the future subdivision of the subject site into a maximum of three lots with a minimum lot size of 4 Ha.

The Voluntary Planning Agreement will only operate if and when Council grants development approval(s) to the proposed subdivision of the site.

ORDINARY MEETING
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The Voluntary Planning Agreement was prepared based on a template prepared by Council's legal representatives.

COMMUNITY ENGAGEMENT

The Draft Voluntary Planning Agreement, an Explanatory Note and other supporting documentation were placed on public exhibition on Council's website and the "Your Hawkesbury-Your Say" online community engagement site for the period Friday, 11 December 2020 to Friday, 15 January 2021. No submissions were received during the public exhibition.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

The Voluntary Planning Agreement is consistent with the following Focus Area, Direction and Strategies within the CSP.

Our Future

5.3 Shaping our Growth

5.3.2 The diverse housing needs our community will be met through research, active partnerships and planned development.

5.8.2 Plan for a balance of agriculture, natural environment and housing that delivers viable rural production and maintains rural character.

FINANCIAL IMPACT

The execution of the Voluntary Planning Agreement attached to this report makes provision for the Developer to provide a monetary contribution for the provision or improvement of local and district infrastructure and facilities. The funds will be restricted for future infrastructure works and amount to a total contribution of \$60,000.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability, and achieve Fit for the Future financial benchmarks. The proposal has no resourcing implications, outside of Council's adopted Long Term Financial Plan.

PLANNING DECISION

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

ATTACHMENTS:

AT - 1 Voluntary Planning Agreement between Hawkesbury City Council and W J Karam.

AT - 2 Explanatory Note - Voluntary Planning Agreement.

AT - 1 Voluntary Planning Agreement between Hawkesbury City Council and W J Karam

Hawkesbury City Council

AND

Walter Karam

DRAFT

Voluntary Planning
Agreement

631 Bells Line of
Road, Kurrajong.



Hawkesbury City Council

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 25 January 2021

Draft Voluntary Planning Agreement
631 Bells Line of Road, Kurrajong

THIS PLANNING AGREEMENT is made on the day of 2021
BETWEEN:

HAWKESBURY CITY COUNCIL ("the Council")

AND:

WALTER KARAM (known as "the Developer")

Introduction

- A. The Developer is the registered proprietor of the Development Land.
- B. On 18th September 2015 the Council lodged a Planning Proposal Application with the Department of Planning and Environment to amend the *Hawkesbury Local Environmental Plan 2012* Lot Size Map to facilitate subdivision of the Development Land.
- C. The Developer proposes to make Development Applications to Council for Development Approval to carry out the Proposed Development if the Lot Size Map for the Development Land is altered generally in accordance with the Planning Proposal Application.
- D. The Developer has offered to provide a Developer's Contribution in the form of a Cash Contribution on the terms and conditions contained in this agreement if Development Approval is granted to the Proposed Development.

And it is agreed as follows

1 Definitions and Interpretation

In this agreement the following words and letters have the meanings set out below.

- 1.1 **"Act"** means the *Environmental Planning and Assessment Act 1979*.
- 1.2 **"Approval"** means any approvals consents, modifications, certificates (of all types) permits, endorsements, licenses, conditions or requirements (and any variation to them) which may be required by Law for the Proposed Development including road works.
- 1.3 **"Authority"** means a government, semi-government, local government, statutory, public, ministerial, civil, administrative, fiscal or judicial body, commission, department, agency, tribunal or other authority or body.
- 1.4 **"Base CPI"** means the CPI number for the quarter ending immediately before the commencement of this Agreement.
- 1.5 **"Business Day"** means a day that is not a Saturday, Sunday or any other day which is a public holiday or a bank holiday in the place where an act and thing is to be performed or a payment is to be made.
- 1.6 **"Cash Contribution"** means, subject to clause 5 and clause 6, an amount calculated on the basis of \$30,000 per vacant Housing Lot.
- 1.7 **"Completion Certificate"** means the release of the subdivision, either in whole or in stages, to enable the lodgement to and issue of Housing Lot titles by the LPI.

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Draft Voluntary Planning Agreement
631 Bells Line of Road, Kurrajong

- 1.8 "CPI" means the Consumer Price Index released by the Australian Bureau of Statistics for "Sydney - All Groups" or such other consumer price index that might replace it.
- 1.9 "CPI Review Date" means each quarterly anniversary of the date of this agreement.
- 1.10 "Current CPI" means the CPI number for the quarter ending immediately before the relevant CPI Review Date.
- 1.11 "Dealing" in relation to the land means, without limitations, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with land.
- 1.12 "Contributions Plan" means a contributions plan approved under section 7.11 of the Act.
- 1.13 "Council" means Hawkesbury City Council
- 1.14 "Developer" is a person who has:
- a) Sought an instrument change
 - b) Made or proposes to make a development application, or
 - c) Entered into an agreement with or is otherwise associated with, a person to whom paragraph (a) or (b) applies
- 1.15 "Development Contribution" means the kind of provision made by a developer under a Voluntary Planning Agreement, being a monetary contribution, the dedication of land free of cost or the provision of a material public benefit.
- 1.16 "Development Application" has the same meaning as in the Act.
- 1.17 "Development Approval" means a development consent issued under the Act with respect to all or part of the Proposed Development.
- 1.18 "Development Land" means the land comprising Lot 1 DP 120436, 631 Bells Line of Road, Kurrajong
- 1.19 "Dispute" in connection with this agreement means an argument, a controversy, a difference, a dispute including of opinion or interpretation.
- 1.20 "Event of Insolvency" means anyone or more of the following occurrences:
- (a) the Developer becomes bankrupt, is served with a bankruptcy notice or a bankruptcy petition, has committed an act of bankruptcy or has entered into an arrangement within and under the meaning of the *Bankruptcy Act 1976* (Cth); or
 - (b) the Developer becomes subject to any order or declaration under the *Mental Health Act 2007* (NSW) or is otherwise incapable of managing his or her own affairs.
 - (c) if the Developer is a company, if:
 - (i) a resolution is passed for the winding up or liquidation of that company
 - (ii) a liquidator, provisional liquidator, receiver, receiver manager, controller, controlling manager, administrator, voluntary administrator or official manager is appointed to the Developer or a resolution is passed for the purposes of placing that party in the control of an external administrator
 - (iii) it suspends payment of its debts or is unable to pay its debts including of money payable under this agreement or is deemed insolvent

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Draft Voluntary Planning Agreement
631 Bells Line of Road, Kurrajong

- (iv) it fails to or is taken as having failed to comply with a statutory demand under the Corporations Act 2001 (Cth);
 - (v) if anything analogous or having substantially similar effect to any of the events specified above happens under the law of any applicable jurisdiction with respect to the Developer.
- 1.21 **"GST"** has the same meaning as the GST Act and other words or expressions used in the GST Act which have a particular defined meaning (including any applicable legislative determinations and Australian Taxation Office public rulings) have the same meaning.
- 1.22 **"GST Act"** means *A New Tax System (Goods and Services Tax) Act 1999* (Cth) (as amended from time to time).
- 1.23 **"Housing Lot"** means a lot approved by a Development Consent comprising part of the Development Land that is intended to be used for the purposes of a single dwelling house without being further sub-divided.
- 1.24 **"Instrument change"** means a change to an environmental planning instrument whether it to be for the making, amendment or repeal of that instrument.
- 1.25 **"Housing Lot Contribution"** means subject to clause 5 cash to the value of \$30,000 per vacant Housing Lot arising from a Development Consent of the Development Land.
- 1.26 **'Law'** means:
- a) the common law and principles of equity;
 - b) the requirements of legislation, regulations and by-laws; and
 - c) a binding order made by an Authority.
- 1.27 **"LPI"** means Land and Property Information or any other government agency replacing it.
- 1.28 **"Lot Size Map"** means the maps with a corresponding name and forming part of Hawkesbury Local Environmental Plan 2012.
- 1.29 **"Material Public Benefit"** means a benefit that is not a monetary contribution or the dedication of land, but is for a public purpose. A material public benefit does not need to be a physical work.
- 1.30 **"Party"** means a party to this agreement, including their successors and assigns.
- 1.31 **"Planning benefit"** means a development contribution that confers net public benefit, that is, a benefit that exceeds the benefit derived from measures that would address the impacts of particular development on surrounding land or the wider community.
- 1.32 **"Planning Obligation"** means an obligation imposed by a VPA on a developer requiring the developer to make a developer contribution.
- 1.33 **"Planning Proposal Application"** means the application to alter the Hawkesbury Local Environmental Plan 2012 Lot Size Map to allow the Proposed Development on the Development Land.
- 1.34 **"Practice Note"** means the Practice Note on VPA published by the Department of Planning and Environment (November 2016) or the current practice note released by the Department of Planning, Industry and Environment.

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Draft Voluntary Planning Agreement
631 Bells Line of Road, Kurrajong

- 1.35 **"Proposed Development"** means the alteration of the Lot Size Map and subdivision of the Development Land into housing lots and a community lot containing a new road and the existing environmental features.
- 1.36 **"Public"** includes a section of public.
- 1.37 **"Public Benefit"** is the benefit enjoyed by the public as a consequence of a development application.
- 1.38 **"Public facilities"** means public infrastructure, facilities, amenities and services.
- 1.39 **"Regulation"** means the Environmental Planning and Assessment Regulation 2000
- 1.40 **"Subdivision Certificate"** means a certificate issued under section 6.15(1)(d) of the Act with respect to the Proposed Development.
- 1.41 **"Surplus value"** means the value of the developer's provision under a VPA less the sum of the value of public works required to be carried out by the developer under a condition imposed under s.4.17(1) of the Act and the value of developer contributions that are or could have been required to be made under s7.11 or s.7.12 of the Act in respect of the subject of the agreement.
- 1.42 **"Transfer"** means to settle, assign, transfer, convey, alienate, otherwise dispose of or part with possession of.

2 Interpretation:

In this agreement unless the contrary intention appears:

- 2.1 One gender includes the opposite gender.
- 2.2 The singular includes the plural and the plural includes the singular.
- 2.3 A party includes that party's executors, administrators, successors, permitted assigns, permitted legal representatives and substitutes.
- 2.4 Dollars or \$ means Australia dollars and all money payable under this agreement is payable in that currency.
- 2.5 "Including" and similar expressions are not words of limitation.
- 2.6 Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.
- 2.7 Headings, any table of contents or index are for convenience only and do not affect interpretation of this agreement.
- 2.8 An explanatory note which relates to this agreement does not affect the interpretation of this agreement.
- 2.9 A provision of this agreement must not be construed to the disadvantage of a party merely because that party was responsible wholly or partly for the preparation of this agreement or the inclusion of a term or condition in this agreement.
- 2.10 If an act and thing must be done on a specific day which is not a business day, it must be done instead on the next business day.

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- 2.11 A person means and includes a person, a body corporate, Authority, firm, body of persons, association, trust, joint venture or other legal commercial entity or undertaking recognized by law whether or not incorporated.

3 Planning Agreement

- 3.1 This agreement:
- 3.1.1 applies to the Development Land;
 - 3.1.2 is a planning agreement within the meaning set out in section 7.4 of the Act;
 - 3.1.3 is to be registered on the title of the Development Land under section 7.6 of the Act;
 - 3.1.4 is not a confidential document and may be exhibited without restriction by either party.
- 3.2 Subject to clause 3.3, this Agreement operates from the date it is executed.
- 3.3 This agreement will only operate if and when Council grants Development Approval (or Development Approvals as the case may be) to the Proposed Development on the Development Land.

4 Application of s7.11 and s7.12 of the Act to the Development

- 4.1 This agreement excludes the application of section 7.11 and section 7.12 of the Act to the Proposed Development. Should this agreement be terminated section 7.11 and section 7.12 of the Act will apply to the Proposed Development.
- 4.2 Notwithstanding Clause 4.1, should a section 7.11 Plan which applies to the land come into force prior to the issue of any development consent for subdivision of the land, this Agreement shall be terminated immediately and the adopted contribution rate within such section 7.11 Plan shall be applied in place of the Developer's Contribution cited within this Agreement.
- 4.3 Clause 4.2 does not allow the Council or the Developer to retrospectively apply a section 7.11 contribution for the additional allotment for which development contributions have been paid in accordance with this Agreement.
- 4.4 Subject to Clause 16 should this Agreement be terminated in accordance with clause 17, section 7.11 or section 7.12 of the Act, whichever is applicable, will apply to the Proposed Development.

5 Registration of this Agreement

- 5.1 Within 30 days from the commencement of this Agreement the Developer must take all reasonable steps to procure the registration of the Agreement, in accordance with section 7.6 of the Act on the relevant folios of the register held by the LPI pertaining to the Development Land.
- 5.2 The Council agrees:
- a) to provide a release and discharge of this Agreement with respect to the Development Land or the additional lot created on subdivision of the Development Land on satisfaction by the Developer of the obligation to provide the Developer's Contribution; and

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- b) to do all things reasonably necessary, including the execution of any documents, to enable the Developer to remove the notation of this Agreement on the relevant folios of the register, held by the LPI pertaining to the Land.
- 5.3 The Council acknowledges that the registration of this Agreement on the relevant folios of the register held by the LPI pertaining to the Development Land constitutes suitable means of enforcement of this Agreement for the purposes of s93F(3)(g) of the Act.

6 Developer's Contribution

- 6.1 Subject to the terms of this Agreement, including clause 3.3, the Developer agrees to provide the Developer's Contribution, subject to clause 8, in the form of the Cash Contribution via a condition of Development Consent at the rate of \$30,000, subject to clause 9, for the creation of each additional vacant Housing Lot on the Development Land.
- 6.2 For the avoidance of doubt, the parties agree and acknowledge that the Maximum Cash Contribution is calculated on the basis of \$30,000, subject to clause 8, per additional Housing Lot created by subdivision of the Development Land. The existing Development Land allotment does not attract a Cash Contribution through this Agreement by virtue of there being on the land prior to any additional subdivision one lawfully existing dwelling.

7 CPI Adjustment of Developer's Contributions

- 7.1 On each CPI Review Date the Housing Lot contribution will be calculated as follows:

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

Where:

RAC B = The Housing Lot contribution at the commencement of this Agreement (i.e. \$30,000)

RAC C = Adjusted Housing Lot contribution at CPI review date.

8 Staged Provision of Subdivision

- 8.1 The parties acknowledge that the Proposed Development can be undertaken in stages.
- 8.2 For each stage the Developer must provide a Cash Contribution in accordance with this Agreement for each vacant Housing Lot created within the particular stage.

9 Payment of Cash Contribution

The Cash Contribution must be paid to Council, prior to the issue of a Subdivision Certificate, on a 'pro-rata' basis. The pro-rata payment calculation is to be based on the number of vacant Housing Lots included in the Subdivision Certificate for the relevant stage.

10 G.S.T

- 10.1 Unless otherwise expressly stated all money or other sums payable or consideration to be provided under this agreement is inclusive of GST.
- 10.2 Despite Clause 6, to the extent that the Commissioner of Taxation, a Court or Tribunal determines that any supply made under or in connection with this Agreement is a taxable supply, the GST exclusive consideration otherwise to be paid or provided for that taxable supply is increased by the amount of any GST payable in respect of that taxable supply and that amount must be paid at the same time and in the same manner as the GST exclusive consideration is otherwise to be paid or provided and a valid Tax invoice is to be delivered to the recipient of the taxable supply and this clause will not merge on completion or termination of the Agreement.

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11 Dispute Resolution

11.1 Reference to Dispute

If a dispute arises between the Parties in relation to this Agreement, then the Parties must in a reasonable time endeavour to resolve that dispute.

11.2 Notice of Dispute

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

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

11.3 Representatives of Parties to Meet

- a) The representatives of the Parties must promptly (and in any event within 15 Business Days of the written notice provided in accordance with clause 12.2 meet in good faith to attempt to resolve the notified dispute
- b) The Parties may, without limitation:
 - (i) resolve the dispute during the course of that meeting
 - (ii) agree that further material, expert determination in accordance with clause 12.5 or consideration is needed to effectively resolve the dispute (in which event the Parties will, in good faith, agree to a timetable for resolution)
 - (iii) agree that the Parties are unlikely to resolve the dispute and, in good faith, agree to a form of alternative dispute resolution (including expert determination, arbitration or mediation) which is appropriate for the resolution of the relevant dispute.

11.4 No party may constrain

If:

- a) at least one meeting has been held in accordance with clause 12.3
- b) the Parties have been unable to reach an outcome identified in clause 12.3
- c) any of the Parties, acting in good faith, forms the view that the dispute is reasonably unlikely to be resolved in accordance with a process agreed under clause 12.3(b)(iii), then, that Party may, by 15 Business Days written notice to the other Party, terminate the dispute resolution process in respect of that dispute. The termination of the process set out in this clause does not of itself amount to a breach of this Agreement.

11.5 Expert Determination of Dispute

- a) If a Dispute arises between Parties to this Agreement, the Parties may agree to refer the Dispute to expert determination in Sydney, New South Wales administered by the Australian Commercial Dispute Centre (ACDC).
- b) The expert determination will be conducted in accordance with the ACDC Rules for Expert Determination (Rules) in force at the date of this Agreement. The Rules set out the procedures to be adopted, the process of selection of the expert and the costs involved.

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including the Parties' respective responsibilities for the payment of the expert's costs and other costs of the expert determination.

- (c) The expert determination will be final and binding on the Parties.
- (d) This clause survives termination of this Agreement.

11.6 Urgent Relief

At any time, a Party may, without inconsistency with anything in this clause 11, seek urgent interlocutory relief in respect of a dispute under this Agreement from any Court having jurisdiction.

12 Agreement of the Developer

12.1 The Developer warrants that it:

- 12.1.1 is the legal and beneficial owner of part of the Development Land
- 12.1.2 will take all practicable steps and use best endeavours and do all acts and things required to procure:
 - 12.1.2.1 the execution of any documents necessary to effect registration of this Agreement with LPI
 - 12.1.2.2 the production of the relevant certificates of title for the Development Land and the registration of this Agreement at LPI on the title of the Development Land within 30 days of the date of the commencement of this Agreement.

- 12.2 Council shall not be required to seal any sub-division plan made pursuant to the Development Approval unless and until this Agreement has been registered at LPI on the title of the Development Land.

13 Enforcement by any party

- (a) Without limiting any other remedies available to the Parties, this Agreement may be enforced by any Party in any court of competent jurisdiction.
- (b) Nothing in this Agreement prevents:
 - (i) a Party from bringing proceedings in a court of competent jurisdiction to enforce any aspect of this Agreement or any matter to which this Agreement relates, subject to compliance with clause 15.
 - (ii) the Council from exercising any function under the Act or any other Act or law.

14 Assignment and Dealings

14.1 The Developer is not to:

- 14.1.1 sell, transfer, mortgage or charge the Land, or
- 14.1.2 assign the Developer's rights or obligations under this Deed, or novate this Deed, to any person unless:
 - 14.1.2.1 the Developer has, at no cost to the Council, first procured the execution by the person to whom the Land or part is to be sold,

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- transferred, mortgaged or charged or the Developer's rights or obligations under this Deed are to be assigned or novated, of a deed in favour of the Council on terms reasonably satisfactory to the Council, and
- 14.1.2.2 the Council has given written notice to the Developer stating that it reasonably considers that the purchaser, transferee, mortgagee, charge, assignee or novatee, is reasonably capable of performing its obligations under this Deed, and
- 14.1.2.3 the Developer is not in breach of this Deed, and
- 14.1.2.4 the Council otherwise consents to the transfer, mortgage, charge, assignment or novation, such consent not to be unreasonably withheld.
- 14.2 Clause 14.1 does not apply in relation to any sale, transfer, mortgage or charge of the Land if this Deed is registered on the title to the Land at the time of the sale.
- 14.3 Upon the commencement of this Deed, the Council is deemed to have acquired, and the Developer is deemed to have granted, an equitable estate and interest in the Land for the purposes of section 74F(1) of the *Real Property Act 1900* (NSW) and consequently the Council has a sufficient interest in the Land to lodge and maintain with the Land and Property Management Authority a caveat notifying that interest.
- 14.4 The Developer consents to the Council lodging a caveat on the Land where this Deed is not registered on the title to the Land due to a breach by the Developer of its obligations11.2.1 Agreement to comply with this Agreement as if the transferee was the Developer with respect to that part of the Development Land transferred, including in relation to obligations which arose before the Transfer; and

15 Release

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

16 Termination

- 16.1 This agreement may be terminated by the Council by written notice to the Developer if:
- 16.1.1 the Developer commits a breach of any of the terms and conditions of this agreement and fails to remedy such a breach within fourteen (14) days of receipt of a written notice (which specifies the breach and requires the Developer to remedy the breach) whereupon the date of such termination will be effective on the 15th day from receipt of such written notice; or
- 16.1.2 an Event of Insolvency occurs.

17 Review Procedures

The parties may agree to review this agreement in circumstances and in a manner determined by the parties. Any amendment, modification, supplement or replacement document which results from a review must be in writing, signed by the parties and registered at LPI under section 7.6 of the Act.

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18 Notices

18.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this agreement is only given or made if it is in writing and sent in one of the following ways:

- a) delivered or posted to that Party at its address set out below
- b) faxed to that Party at its fax number set out below.

18.2 For the purposes of this clause the parties' contact details for service are:

The Developer:

Walter Karam

Address: PO Box 340, KELLYVILLE NSW 2155
Email: wally.karam@live.com.au
Telephone: 0407 116 683

Council

Address: Hawkesbury City Council

Attention: General Manager
366 George Street,
WINDSOR NSW 2571

| Email: council@hawkesbury.nsw.gov.au

Telephone: (02) 4560 4444

18.3 If a Party gives the other Party three business days' notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.

18.4 Any notice, consent, information, application or request is to be treated as given or made at the following time:

- a) If it is delivered, when it is left at the relevant address
- b) If it is sent by post, two business days after it is posted
- c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.

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

19 Proper Law and Jurisdiction

This Agreement is made and will be construed and governed in accordance with the Law of the State of NSW South Wales. Each party submits to the exclusive jurisdiction of each and every Court or Tribunal of the said State having jurisdiction to hear the matter submitted to it.

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20 Severance

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

21 Waiver

- 21.1 No failure on the part of a party to exercise and no delay in exercising and no cause of dealing with respect to, any condition and the rights, powers or remedies of that party under this Agreement will impair any of those rights, powers or remedies, nor constitute a waiver of any of those rights, powers or remedies.
- 21.2 No single or partial exercise by a party of any condition and rights, powers or remedies under this agreement will preclude any other or further exercise of those or exercise of any other conditions rights or remedies.
- 21.3 Any condition and the rights, powers or remedies under or relating to this agreement are cumulative and will not exclude any other rights, powers or remedies under or relating to this agreement at Law.
- 21.4 No waiver of any of the conditions of this agreement will be effective unless in writing signed by the party against whom such waiver is sought to be enforced.
- 21.5 Any waiver of the conditions of this agreement will be effective only in the specific instance and for the specific purpose given and the waiver will not be deemed a waiver of such obligations or of any subsequent breach of the same or some other obligation.

22 Approvals and Consent

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

23 Entire Agreement

This agreement contains all the terms and conditions to which the parties have agreed on in relation to the matters which they have dealt with. No party can rely on an earlier document, anything said or done by another party, or omitted to be relied upon, said or done except as permitted by Law.

24 No Fetter

- 24.1 Nothing in the agreement is to be construed as requiring the Council to do anything
 - 24.1.1 that would cause it to be in breach of any of its obligations at Law
 - 24.1.2 limiting or fettering in any way the exercise of any statutory discretion or duty; at Law
 - 24.1.3 imposing any obligations to grant an Approval.

25 Representatives and Warranties

Each party agrees that it has the power and authority to enter into this Agreement and comply with its obligations and that entry into this agreement will not result in a breach of Law.

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26 Costs

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

Executed as an agreement on

2021

Execution by Council

THE COMMON SEAL of HAWKESBURY CITY)
COUNCIL was hereunto affixed on the ___th day of)
_____ 2021 pursuant to a resolution)
passed on the ___th day of _____ 2021 in)
the presence of:

.....
General Manager of Council

.....
Clr Patrick Conolly- Mayor

Execution by WALTER KARAM

Signed by:

Signature of Developer Given Name Initial and
Last Name

Signature of Developer Given
Initial and Last Name

Print name

Print name

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AT - 2 Explanatory Note - Voluntary Planning Agreement

Hawkesbury City Council



Explanatory Note – Draft Voluntary Planning Agreement

Lot 1 DP 120436, 631 Bells Line of Road, Kurrajong

This Explanatory Note has been prepared in accordance with clause 25E of Environmental Planning and Assessment Regulation 2000 (the Regulation).

The purpose of this Explanatory Note is to provide a plain English summary to support the notification, in accordance with section 7.5 of the *Environmental Planning and Assessment Act 1979* (the Act), of a Voluntary Planning Agreement under section 7.4 of the Act.

This Explanatory Note is not to be used to assist in construing the Voluntary Planning Agreement.

The Parties

The Parties subject to this Draft Voluntary Planning Agreement are as follows:

Hawkesbury City Council (ABN 54 659 038 834) ('Council')

Walter Karam ('the Developer')

Description of Subject Land

The Draft Voluntary Planning Agreement applies to Lot 1 DP 120436, 631 Bells Line of Road, Kurrajong.

Summary of objectives, nature and effect of the Planning Agreement

The Draft Voluntary Planning Agreement is complementary to a proposed amendment to *Hawkesbury Local Environmental Plan 2012* which will enable the subdivision of the subject site into three large Housing lots with minimum lot sizes of not less than 4Ha.

The objective, nature and effect of the Draft Voluntary Planning Agreement is for the Developer to provide Council with a cash contribution of \$30,000 for the additional Housing lot created. This amount is to be paid and is subject to consumer price index adjustment as per clauses 3, 6, 7, 8 and 9 of the Draft Voluntary Planning Agreement. It is anticipated that contributions collected by Council will be expended on local and district infrastructure and facilities such as, but not necessarily limited to, cycleways, bus shelters, landscape and park embellishments and road improvements to serve the needs of the community as a consequence of the development.

The agreement will only operate if and when Council grants development approval(s) to the proposed development of the site. The agreement excludes the application of section 7.11 and section 7.12 of the Act to the proposed development of the site.

Assessment of the merits of the Planning Agreement

The merits of the Draft Voluntary Planning Agreement are that it will provide Council with cash contributions to provide local and district infrastructure and facilities which are required by the community as a consequence of the development.

The Draft Voluntary Planning Agreement will have a positive impact on the public in that it will enable the provision of local and district infrastructure and facilities and for the orderly and economic development of the subject land.

366 George Street (PO Box 146) Windsor NSW 2756 | Phone: (02) 4560 4444 | Facsimile: (02) 4587 7740 | DX: 8601 Windsor
Hours: Monday to Friday 8:30am - 5pm | Email: council@hawkesbury.nsw.gov.au | Website: www.hawkesbury.nsw.gov.au



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How does the Planning Agreement promote the public interest and one or more of the objects of the Act?

The Draft Voluntary Planning Agreement promotes the public interest by ensuring that a cash contribution is made for the provision of local and district infrastructure and facilities which are required by the community as a consequence of the development.

The Draft Voluntary Planning Agreement promotes the following objects of the Act through the provision of cash contributions to be used for the provision of local and district infrastructure and facilities:

- to encourage the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment (Section 5(a)(i))
- to encourage the promotion and co-ordination of the orderly and economic use and development of land (Section 5(a)(ii))
- to encourage the provision and co-ordination of community services and facilities (Section 5(a)(v)).

How does the Planning Agreement promote the objects of the Local Government Act 1993?

By requiring the payment of cash contributions, the Draft Voluntary Planning Agreement provides Council with the ability to provide local and district infrastructure and facilities appropriate to the needs of the incoming community and also provides Council with a role in the management, improvement and development of resources in the area.

In this way, the Draft Voluntary Planning Agreement promotes the purposes set out in section 7(e) of the *Local Government Act 1993*.

How does the Planning Agreement promote the Principles for local government under Chapter 3 of the Local Government Act 1993?

The Draft Voluntary Planning Agreement makes provisions for Council to receive cash contributions that can be used for the provision of local and district infrastructure and facilities, hence the Draft Voluntary Planning Agreement promotes the following elements of Principles for local government under Chapter 3 Sections 8A and 8B of the *Local Government Act 1993*:

- 8A (1) (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way
- 8A (1) (g) Councils should work with others to secure appropriate services for local community needs
- 8A (1) (h) Councils should act fairly, ethically and without bias in the interests of the local community
- 8A (2) (b) Councils should consider social justice principles
- 8A (2) (c) Councils should consider the long term and cumulative effects of actions on future generations
- 8B (d) Councils should have regard to achieving intergenerational equity, including ensuring the following: (i) policy decisions are made after considering their financial effects on future generations.

What are the planning purposes served by the Planning Agreement?

The planning purpose of the Draft Voluntary Planning Agreement is to enable the collection of contributions that can be used for the delivery of local and district infrastructure and facilities required as a result of the proposed development.

The agreement will only operate if and when Council grants development approval(s) to the proposed development of the site. If the proposed development does occur then the planning purpose will be achieved. If the proposed development does not occur the planning purpose will not be achieved nor will it be required.

Does the Planning Agreement conform with Council's Capital Works Program?

It is anticipated that the contributions collected will be used to provide local and district infrastructure and facilities that are supplementary and consistent with Council's current capital work program.

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Does the agreement specify certain requirements of the agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued?

Yes, clause 9 of the Draft Voluntary Planning Agreement states:

The Cash Contribution must be paid to Council, prior to the issue of the Subdivision Certificate.

4 December 2020

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oooO END OF REPORT Oooo

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Item: 002 **CP - Proposed Optional Natural Disasters Clause to the Standard Instrument (Local Environmental Plans) Order 2006 - (95498, 124414)**

Previous Item: 158, Ordinary (25 August 2020)

Directorate: City Planning

PURPOSE OF THE REPORT:

The purpose of this report is to:

- Consider the implications of adopting the proposed amendment to the *Standard Instrument (Local Environmental Plans) Order 2006* to introduce a Local Environmental Plan provision relating to the rebuilding of dwelling houses or secondary dwellings damaged or destroyed by a natural disaster; and
- Recommend that, based on consideration of the matter, Council not opt into including the new Natural Disaster Clause into Hawkesbury Local Environmental Plan 2012 at this time.

EXECUTIVE SUMMARY:

The Department of Planning, Industry and Environment recently exhibited a proposed amendment to legislation to introduce an optional Local Environmental Plan provision relating to the rebuilding of dwelling houses or secondary dwellings damaged or destroyed by a natural disaster.

The proposed amendment to the Standard Instrument (Local Environmental Plans) Order 2006 was exhibited from Tuesday, 4 August 2020 to Sunday, 31 August 2020. Following consideration of the matter at Council's Ordinary Meeting on 25 August 2020, Council provided a submission to the Department of Planning, Industry and Environment on 31 August 2020 (Attached as attachment 1 to this report). Council's submission also provided an Expression of Interest to incorporate the new clause into Hawkesbury Local Environmental Plan 2012, noting that when the final clause was received, Council would be able to consider whether to opt in at that stage.

Council's submission highlighted that based on our experiences to date, the existing provisions of Hawkesbury Local Environmental Plan 2012, and the 'existing use' provisions of the Environmental Planning and Assessment Act 1979 do not inadvertently prevent the rebuilding and repair of dwelling houses and secondary dwellings following damage by natural disaster as is the case in other local government areas. It is considered that in this respect, the new Natural Disaster Clause does not provide any additional benefit in enabling the rebuilding of development following a natural disaster as detailed in this report.

On 24 November 2020, the Department of Planning, Industry and Environment provided councils who had registered an interest with the final version of the Natural Disasters Clause and Guidance for Implementation in order to address the concerns raised by councils during public exhibition. The Department of Planning, Industry and Environment have also invited councils who had registered an interest to provide formal confirmation by 15 February 2021 whether to incorporate the Natural Disasters Clause into the Hawkesbury Local Environmental Plan 2012.

This Report provides details of the final clause, and discusses the implications of adopting the proposed amendment. In addition, this report also highlights that the adoption of the proposed new clause into Hawkesbury Local Environmental Plan 2012 is not warranted, and recommends that Council does not opt-in at this time. It should also be noted that Council will still have the ability to consider the inclusion of the Natural Disasters Clause at a later date should the need arise.

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RECOMMENDATION:

That Council not opt into including the new Standard Instrument Natural Disaster Clause into Hawkesbury Local Environmental Plan 2012 at this time.

BACKGROUND

The Department of Planning, Industry and Environment recently proposed an amendment to legislation to introduce an optional Local Environmental Plan provision (Natural Disaster Clause) in response to feedback from councils that in some cases, where dwellings were originally approved and constructed under historical planning instruments, development consent cannot be granted to reconstruct a new dwelling under the current planning controls. This may be the case even if the proposed dwelling is of a similar size, scale and location to the original dwelling, due to changes to local planning controls over time. The proposed amendment to the *Standard Instrument (Local Environmental Plans) Order 2006* was exhibited from Tuesday, 4 August 2020 to Sunday, 31 August, 2020.

The proposed provision is intended to:

- Clarify that a dwelling that has been destroyed or damaged in a natural disaster can be rebuilt or repaired with development consent;
- Save the applicant time and money by removing the need to request a variation to development standards under the applicable LEP;
- Allow the consent authority to assess and determine the application on its merits.

Those Councils who expressed an interest in the proposed Natural Disaster Clause will be able to elect whether the clause should be inserted into their respective local environmental plans, and in addition, participating councils will be able to nominate which zones the clause will apply to.

In an effort to expedite the inclusion of this clause in local environmental plans, and support communities recovering from bush fires and floods, for those council's that 'opt in', the Department of Planning, Industry and Environment will amend participating local environmental plans through an amending State Environmental Planning Policy.

A report was presented to Council's Ordinary Meeting of 25 August, 2020 discussing the implications of the proposed legislation. At that Meeting, Council resolved to:

- "1. *Receive and note the NSW Government's Proposed Amendment to the Standard Instrument (Local Environmental Plans) – Natural Disasters.*
- 2 *Note the key points in the Draft Submission in relation to:*
 - a) *The need for a definition of 'natural disaster.'*
 - b) *Need for clear processes and responsibilities for confirming that a 'natural disaster' had occurred.*
 - c) *Clarify what provisions of local environmental plans are or are not to be taken into consideration in the assessment of a development application for the rebuilding of a dwelling impacted by a natural disaster.*
 - d) *Wording of the proposed clause 5.9 should avoid intensification or expansion of the dwelling.*
 - e) *Outline that the existing provisions of Hawkesbury Local environmental Plan 2012 and the 'existing use' provisions of the Environmental Planning and Assessment*

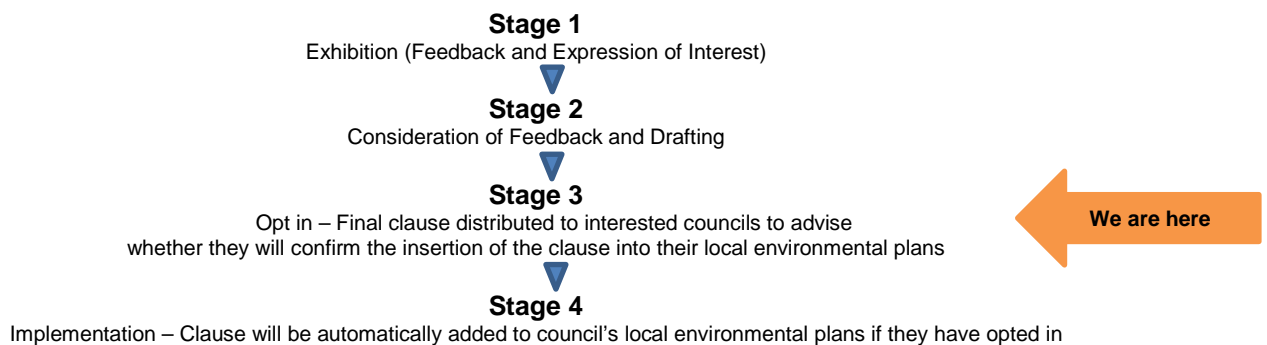
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Act 1979 support the rebuilding and repair of dwelling houses and secondary dwellings following damage by natural disaster without compromising the safety or resilience of new development.

3. *Endorse the Draft Submission contained in Attachment 2 of the report.*
4. *Submit an Expression of Interest to incorporate the new clause into Hawkesbury Local Environmental Plan 2012, noting that when the Final Clause is received Council is able to consider whether to Opt in at that stage."*

In accordance with the abovementioned resolution, Council provided a submission to the Department of Planning, Industry and Environment on 31 August 2020. Council's submission also provided an Expression of Interest to incorporate the new clause into Hawkesbury Local Environmental Plan 2012, noting that when the final clause was received Council would be able to consider whether to Opt In at that stage. A copy of Council's submission is attached as attachment 1 to this Report.

In summary, the Department of Planning, Industry and Environment is undertaking the following stakeholder consultation process:



On the 24 November 2020, the Department of Planning, Industry and Environment provided councils who had registered an interest in including the new clause with the final Natural Disaster Clause and Guidance for Implementation to address the concerns raised by councils during public exhibition of the proposed amendment to the Standard Instrument (Local Environmental Plans) Order 2006. The Department of Planning, Industry and Environment have also invited Council to provide formal confirmation by 15 February 2021 whether to incorporate the Natural Disaster Clause into the Hawkesbury Local Environmental Plan 2012.

Location Plan

Following public exhibition of the proposed Natural Disaster Clause, the Department of Planning, Industry and Environment have issued the final Clause and Guidance for Implementation. If included within the Hawkesbury Local Environmental Plan 2012, the clause will apply to the whole of the local government area, or certain zones.

Final Version of Natural Disaster Clause

The final version of the proposed Natural Disaster Clause prepared by the Department of Planning, Industry and Environment is provided below:

Dwelling house or secondary dwelling affected by natural disaster

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwelling that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—

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- (a) [set out the zones to which the clause is to apply],
- (3) Despite any other provision of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if -
- (a) the dwelling house or secondary dwelling was lawfully erected, and
- (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

In general, the assessment of most development applications within the Hawkesbury Local Government Area is subject to either the Hawkesbury Local Environmental Plan 2012 or State Environmental Planning Policy (Sydney Region Growth Centres) 2006. In consideration as to whether to opt into including the proposed new Natural Disaster Clause, Council has been requested to consider the adoption of the Clause into both Hawkesbury Local Environmental Plan 2012 and State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

Table 1 below outlines the zones in which dwelling houses and secondary dwellings are permitted under Hawkesbury Local Environmental Plan 2012 and State Environmental Planning Policy (Sydney Region Growth Centres) 2006, and also in which secondary dwellings are permitted under State Environmental Planning Policy (Affordable Rental Housing) 2009.

Table 1: Permissibility of dwelling houses and secondary dwellings under *Hawkesbury Local Environmental Plan 2012*, *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*, and *State Environmental Planning Policy (Affordable Rental Housing) 2009*

Zone	Hawkesbury Local Environmental Plan 2012		State Environmental Planning Policy (Affordable Rental Housing) 2009	State Environmental Planning Policy (Sydney Region Growth Centres) 2006	
	<i>Dwelling House</i>	<i>Secondary Dwelling</i>	<i>Secondary Dwelling</i>	<i>Dwelling House</i>	<i>Secondary Dwelling</i>
RU1 Primary Production	Permissible				
RU2 Rural Landscape	Permissible				
RU4 Primary Production Small Lots	Permissible				
RU5 Village	Permissible				
R1 General Residential	Permissible	Permissible	Permissible		
R2 Low Density Residential	Permissible		Permissible	Permissible	Permissible
R3 Medium Density Residential	Permissible		Permissible	Permissible	Permissible
R5 Large Lot Residential	Permissible		Permissible		
B1 Neighbourhood Centre	Permissible	Permissible			
B2 Local Centre	Permissible	Permissible			
E3 Environmental Management	Permissible				
E4 Environmental Living	Permissible			Permissible	

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The Guidance for Implementation of the Natural Disaster Clause was prepared by the Department of Planning, Industry and Environment to address the concerns raised by councils during public exhibition. A copy of the Guidance for Implementation is attached as Attachment 2 to this report.

In response to the matters raised in Council's submission, the Guide provides the following:

Natural Disaster

In Council's previous submission, concern was raised with respect to the lack of a definition of 'natural disaster' that could result in uncertainty as to what is or is not considered to be a natural disaster. Additionally, the submission also highlighted that Council considered it essential to outline the process and responsibilities associated with confirming that a 'natural disaster' had occurred.

In response to these matters, the Department of Planning, Industry and Environment provided the following guidance:

"Natural disasters are naturally occurring, rapid onset events that cause serious disruption to life or property in a community or region, such as floods, bushfires, earthquakes, storms, cyclones, storm surges, landslides and tsunamis. A natural disaster can include a state of emergency declared under section 33 of the State Emergency and Rescue Management Act 1989.

The rebuilding or repair of damage or destruction caused by or because of any of these events is development to which the clause applies."

Whilst the Department of Planning, Industry and Environment has provided advice as to what is considered to constitute a natural disaster, the proposed new Natural Disaster Clause does not include a definition of 'natural disaster'. The guidance provided by the Department has resulted in further ambiguity in the application of the Clause in consideration as to what constitutes "serious disruption to life or property..."

As a consequence, the establishment of a process and identification of agency responsibilities for identifying when a 'natural disaster' has occurred has not been provided. As such, it will therefore be Council's decision to determine if a naturally occurring event is serious enough to be classed as a 'natural disaster', thereby triggering application of the Clause.

Existing Situation

The Department of Planning, Industry and Environment is proposing the new Natural Disaster Clause to assist in situations where current planning controls prevent the reconstruction of dwelling houses and secondary dwellings due to planning provisions changing over time since the lawful construction of the buildings.

Should Council not opt into the new Natural Disaster Clause, development applications for the rebuilding or repair of dwelling houses or secondary dwellings damaged as a result of natural disasters would be reliant on the existing provisions of the Hawkesbury Local Environmental Plan 2012. In most instances, the provisions of Hawkesbury Local Environmental Plan 2012 do not inadvertently prohibit the rebuilding or repair of dwelling houses or secondary dwellings.

Where an existing dwelling house or secondary dwelling is located on land currently zoned to prohibit such uses, or where a provision of Hawkesbury Local Environmental Plan 2012 would prohibit the rebuilding of development, the 'existing use' provisions of the Environmental Planning and Assessment Act 1979 will apply.

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Division 4.11 of the Environmental Planning and Assessment Act 1979 provides for 'Existing uses'. 'Existing use' means

- (a) *"the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and*
- (b) *the use of a building, work or land –*
 - (i) *for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and*
 - (ii) *that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse."*

The Environmental Planning and Assessment Regulation 2000 allows the rebuilding of a building being used for an existing use.

Given the above, the new Natural Disaster Clause does not provide any additional benefit in enabling the rebuilding of development damaged by a natural disaster in the Hawkesbury Local Government Area.

Environmental Planning Instrument Provisions

In Council's previous submission, concern was raised with respect to conflicting advice provided in the exhibition documentation as to what provisions of local environmental plans are or are not to be taken into consideration in the assessment of a development application for the rebuilding or repair of a dwelling house or secondary dwelling impacted by a natural disaster.

The Department of Planning, Industry and Environment's Guidance for Implementation clarifies that the Clause applies despite any other provision of a local environmental plan. That is, Council cannot refuse a development application on the basis that it does not comply with a development standard or other provision in the Hawkesbury Local Environmental Plan 2012. It also states that development applications will still be subject to a merit assessment against the relevant considerations under Section 4.15 of the Environmental Planning and Assessment Act 1979 and any other applicable legislation. Any standards or provisions outlined in a State Environmental Planning Policy that are relevant to the Development Application continue to apply (including any concurrence or referral requirements). Development Control Plan provisions also continue to apply.

The Department of Planning, Industry and Environment's Guidance for Implementation further states that:

"For DAs where the clause applies, LEP provisions themselves must not be used as a reason for refusal. However, if the consent authority considers that the risk, or other environmental impact associated with the proposed development is inconsistent with the relevant considerations of section 4.15, the consent authority can refuse the application on that basis.

The introduction of the new Natural Disaster Clause into Hawkesbury Local Environmental Plan 2012 or State Environmental Planning Policy (Sydney Region Growth Centres) 2006 would negate the following provisions (in particular):

- Prohibitions within the Land Use Tables of Hawkesbury Local Environmental Plan 2012 and Appendix 13 Hawkesbury Growth Centres Precinct Plan of State Environmental Planning Policy (Sydney Region Growth Centres) 2006; and

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- The provisions of the following clauses in one or both of these Plans:
 - Clause 4.1AC Minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential
 - Clause 4.1 Minimum lot sizes for secondary dwellings in Zone R2 Low Density Residential and Zone R3 Medium Density Residential
 - Clause 4.3 Height of buildings
 - Clause 4.6 Exceptions to development standards
 - Clause 5.4 Secondary dwellings (restriction to floor area)
 - Clause 5.10 Heritage conservation
 - Clause 6.1 Acid sulfate soils
 - Clause 6.3 Flood planning
 - Clause 6.4 Terrestrial biodiversity
 - Clause 6.5 Wetlands
 - Clause 6.6 Development in areas subject to aircraft noise

Without compliance with the requirements of the Hawkesbury Local Environmental Plan 2012 being mandatory, approval or refusal to rebuild or repair a dwelling house or secondary dwelling would be subject to a merit based assessment of the development application. However, concern is raised that without the legal weight of the provisions of the Hawkesbury Local Environmental Plan 2012, applicants could more easily argue inappropriate variations, such as:

- Increased heights of buildings;
- Inappropriate intensification of use, especially in relation to flood impacts;
- Inappropriate extension of buildings, including enlargement of secondary dwellings; and
- Inappropriate design/construction/materials of buildings relating to mitigating impacts from flooding or aircraft noise.

This is especially true where the merits of the development are based on controls within development control plans and policies, and such controls not being identified as statutory requirements under the Environmental Planning and Assessment Act 1979.

No Restrictions to Size, Location or Design

The Department of Planning, Industry and Environment's Guidance for Implementation advises that:

"The clause refers to the repair or replacement of a lawfully erected dwelling house or secondary dwelling that was damaged in a natural disaster. There is no requirement for the replacement or repair subject of a DA to be identical to the original dwelling which was destroyed or damaged.

Development consent can be granted for dwelling houses and secondary dwellings that are of a different size, location or design to the original dwelling under the clause. Changes to the design and location of a proposed dwelling may be required to meet the relevant provisions of a DCP, other environmental planning instruments, associated legislation or the requirements of the National Construction Code."

At present, there are no development standards within Hawkesbury Local Environmental Plan 2012 that would prevent the rebuilding or repair of a dwelling house. However, Clause 5.4(9) of Hawkesbury Local Environmental Plan 2012 restricts the size of secondary dwellings, and therefore any increase in size would be subject to a variation request under Clause 4.6 of Hawkesbury Local Environmental Plan 2012.

Similarly, Clause 5.4(6) of Appendix 13 Hawkesbury Growth Centres Precinct Plan of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 also restricts the size of secondary dwellings in the Vineyard Stage 1 Precinct.

The new Natural Disaster Clause would allow the rebuilding of a secondary dwelling under Hawkesbury Local Environmental Plan 2012 or State Environmental Planning Policy (Sydney Region Growth Centres)

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2006 without a restriction on size. Whilst this is the case under these environmental planning instruments, secondary dwellings rebuilt under State Environmental Planning Policy (Affordable Rental Housing) 2009 would still be subject to the 60m² size requirement of that Policy.

In this regard, the new Natural Disaster Clause will introduce inequity and inconsistency into the planning system in relation to the size of secondary dwellings under different environmental planning instruments.

Consequences for Rebuilding on Flood Liable Land

Hawkesbury Local Environmental Plan 2012 does not contain any clauses that have prevented the approval of the rebuilding or repair of dwellings damaged by the recent bushfires within the Hawkesbury Local Government Area. It is noted that the rebuilding or repair of a dwelling house or secondary dwelling will still be subject to the requirements of Planning for Bushfire Protection, for development of bushfire prone land.

However, the proposed new Natural Disaster Clause will have a significant impact in respect to development subject to the provisions of Clause 6.3 Flood planning of Hawkesbury Local Environmental Plan 2012 in particular. Clause 6.3 is not a development standard, however it provides the requirements to be met for development subject to flood events up to and including the 1 in 100 year event. In these situations, Council's recently adopted Flood Policy 2020 will apply. However, as discussed above, the legal weight given to controls within Policies without the support of local environmental plan provisions could result in an Applicant more successfully arguing against compliance with such controls.

In the case of flood affected properties, the requirements of Clause 6.3 Flood planning could prohibit the rebuilding of development, in particular if located within a flood hazard category that is incompatible with the proposed development. It is considered reasonable that if a dwelling house was lawfully situated on the land, then that right is maintained, and that the reinstatement of the structure be supported.

However, in these circumstances it is not desirable to permit the intensification of development on the floodplain due to increases in adverse impacts relating to risk to life, economic loss, social impacts and the limited capacity for evacuation. Requiring an assessment of a development application against the requirements of the Hawkesbury Local Environmental Plan 2012 supports the rebuilding of a lawful dwelling house, whilst also providing an opportunity to lessen or mitigate any adverse impacts resulting from flooding.

In summary, the existing provisions of Hawkesbury Local Environmental Plan 2012, State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the Environmental Planning and Assessment Act 1979 currently provide appropriate pathways for the rebuilding and repair of dwelling houses and secondary dwellings damaged by a natural disaster. The new Natural Disaster Clause does not provide any additional benefit in enabling the rebuilding of development damaged by a natural disaster in the Hawkesbury Local Government Area.

As such, and given the matters discussed above in relation to:

- Inequity and inconsistency in the planning system in relation to the size of secondary dwellings under different environmental planning instruments,
- prevention of inappropriate design of development, and
- opportunities for improved resilience of development to the impacts of flooding,

It is considered that the inclusion of the proposed new Natural Disaster Clause is not warranted.

It should be noted that Council can incorporate the Natural Disaster Clause into the Hawkesbury Local Environmental Plan 2012 or State Environmental Planning Policy (Sydney Region Growth Centres) 2006 through an amending local environmental plan if deemed necessary at any time in the future.

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COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy given they are matters about which the NSW State Government is undertaking community consultation.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Leadership

- 1.5 Regulation and Compliance – Encourage a shared responsibility for effective local compliance.
 - 1.5.1 Undertake Council initiatives within a clear and fair framework of strategic planning, policies, procedures and service standards as required under all regulatory frameworks.
 - 1.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.

FINANCIAL IMPACT

There are no financial implications applicable to this Report.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal has no resourcing implications outside of Council's adopted 2020/2021 Operational Plan, which will adversely impact on Council's financial sustainability.

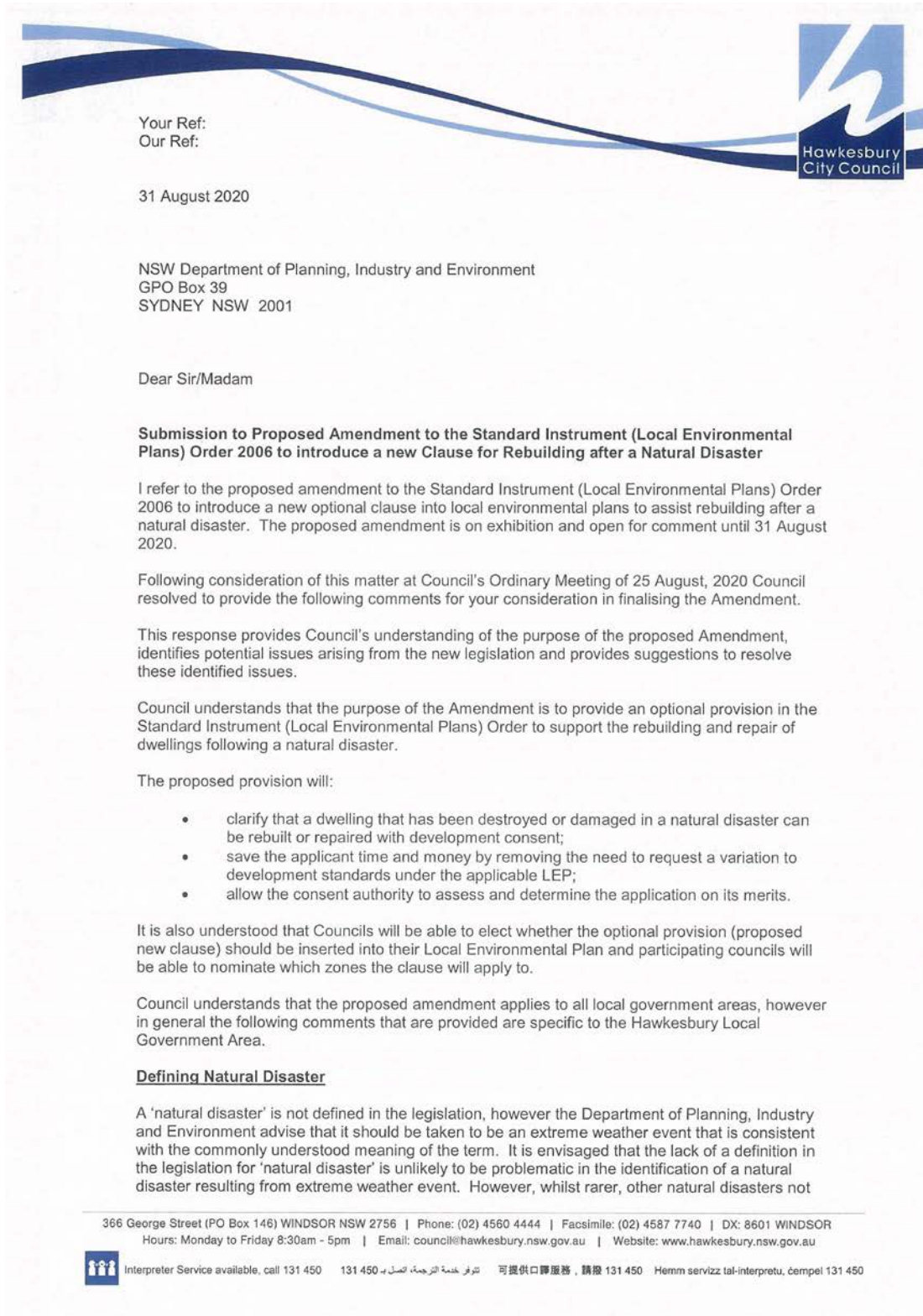
ATTACHMENTS:

- AT - 1** Council's Submission to Proposed Amendment to the Standard Instrument (Local Environmental Plans) - Natural Disasters, dated 31 August 2020.
- AT - 2** NSW Government's Natural Disaster Clause Guidance for Implementation.

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AT - 1 Council's Submission to Proposed Amendment to the Standard Instrument

(Local Environmental Plans) – Natural Disasters, dated 31 August 2020



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specifically relating to weather events may arise including earthquakes and tsunamis, and it is considered reasonable that the proposed clause could be utilised to assist in these circumstances.

It is therefore requested that the Department of Planning, Industry and Environment consider these additional circumstances and provide a definition for 'natural disaster' to remove any ambiguity relating to what is or is not considered to be a natural disaster.

Proposed Clause 5.9

The intent of the proposed Clause 5.9 is to clarify that a dwelling house or a secondary dwelling can be rebuilt or repaired if the original lawful dwelling was destroyed or damaged in a natural disaster. The supporting documentation accompanying the exhibition of the proposed Amendment to the Standard Instrument (Local Environmental Plans) Order 2006 advises that a "merit assessment is still required, however the rebuild or repair cannot be refused on the basis of any development standards within the local environmental plan."

Hawkesbury Local Environmental Plan 2012 contains clauses that contain development standards and clauses that require certain considerations. The wording of the proposed Clause 5.9(3) states

- (3) *Despite any other provision of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if - ...*

The wording "despite any other provision" refers to any clause within the local environmental plan, not just those relating to development standards.

Hawkesbury Local Environmental Plan 2012 does not contain any clauses that have prevented the approval of the rebuilding or repair of dwellings damaged by the recent bushfires within the Hawkesbury Local Government Area. It is noted that the rebuilding or repair of a dwelling house or secondary dwelling will still be subject to the requirements of *Planning for Bushfire Protection*, for development bushfire prone land.

However, the proposed clause will have a significant impact in respect to development subject to the provisions of Clause 6.3 *Flood planning of Hawkesbury Local Environmental Plan 2012*. Clause 6.3 is not a development standard, however it provides the requirements to be met for development subject to flood event up to and including the 1 in 100 year event.

The requirements of Clause 6.3 *Flood planning* could prohibit the rebuilding of development, in particular if located within a flood hazard category that is incompatible with that development. It is considered reasonable that if a dwelling house was lawfully situated on the land, then that right is maintained and that the reinstatement of the structure be supported. In these circumstances it is not desirable to permit the intensification of development on the floodplain due to increases in adverse impacts relating to risk to life, economic loss, social impacts and the limited capacity for evacuation.

The provisions of *Environmental Planning and Assessment Act, 1979* in respect to 'existing use' can be used for permissibility of the new development in these cases. The requirements relating to 'existing use' further place limitations in relation to the intensification or expansion of the existing use. In this regard, this mechanism supports the rebuilding of a lawful dwelling house whilst providing opportunity to lessen or mitigate any adverse impacts resulting from flooding.

Given the wording of the proposed Clause 5.9, consideration of flood related requirements would not be able to be undertaken, such as compatibility with flood hazards, and any new dwelling would not be located or constructed to ensure or improve resilience to flooding impacts in the future.

It is therefore requested that the Department of Planning, Industry and Environment clarify whether only provisions that are development standards within a local environmental plan do not apply to

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the assessment of the rebuilding of a dwelling damaged by a natural disaster and, if needed reconsider the wording of proposed Clause 5.9 to make it clear as to which provisions within a local environmental plan are applicable or not.

Hawkesbury City Council wishes to express its interest in incorporating the final clause into the *Hawkesbury Local Environmental Plan 2012*. At the time of receipt of the final clause from the Department of Planning, Industry and Environment, Council will further consider whether or not the new provision will better assist in rebuilding after a natural disaster without compromising the safety or resilience of new development before formally opting-in.

Thank you for the opportunity to provide comments.

Should you have any enquiries in relation to this matter please contact Colleen Haron, Senior Strategic Land Use Planner on (02) 4560 4564.

Yours faithfully

Andrew Kearns
Manager Strategic Planning

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AT - 2 NSW Government's Natural Disaster Clause Guidance for Implementation

Natural Disasters Clause

Guidance for Implementation



November 2020

Natural Disasters Local Environmental Plan Clause

Introduction

Clause 5.9 of the Standard Instrument Order (the clause) was introduced to support homeowners whose homes have been damaged or destroyed by natural disasters. The clause applies to development applications (DAs) where development consent is sought to repair or replace a dwelling house or secondary dwelling that was damaged or destroyed by a natural disaster.

The clause was prepared in response to regulatory challenges faced by homeowners seeking to rebuild homes following natural disasters where planning controls in Local Environmental Plans (LEP) have changed over time.

The clause will ensure that development consent can be granted for the repair or replacement of a dwelling that was damaged or destroyed by a natural disaster despite any provisions in the relevant LEP which would otherwise prevent the consent authority from doing so.

The clause intends to eliminate the need for applicants to:

- Prepare formal requests to vary a development standard; or
- Demonstrate the continuance of an existing use in circumstances where dwelling houses or secondary dwellings are no longer permitted with consent in the relevant zone (applicants will need to demonstrate that the existing dwelling was lawfully erected).

Natural Disasters

Natural disasters are naturally occurring, rapid onset events that cause serious disruption to life or property in a community or region, such as floods, bushfires, earthquakes, storms, cyclones, storm surges, landslides and tsunamis. A natural disaster can include a state of emergency declared under section 33 of the *State Emergency and Rescue Management Act 1989*.

The rebuilding or repair of damage or destruction caused by or because of any of these events is development to which the clause applies.

Varying Development Standards

The clause states that consent can be granted to the specified development in a zone where the clause applies despite any other provision of the relevant LEP. For this reason, it is not necessary for applicants to submit a request to vary a development standard where a development standard is contravened. DAs will still undergo a merit assessment to ensure that dwelling houses and secondary dwellings are of an appropriate size, location and design in the context of the site.

In situations where key planning controls or development standards have changed over time, removing the need to formally request a variation under clause 4.6 of the relevant LEP will save time and resources for applicants and consent authorities.

Merit Assessment

For DAs where the clause applies, the consent authority cannot refuse a DA on the basis it does not comply with a development standard or other provision in the applicable LEP.

The proposed development will be assessed on its merits against the relevant considerations under section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and any other applicable legislation.

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Natural Disasters Clause

Guidance for Implementation



Any standards or provisions outlined in a State Environmental Planning Policy (SEPP) that are relevant to the DA continue to apply (including any concurrence or referral requirements). Development Control Plan (DCP) provisions also continue to apply.

Evaluation under section 4.15 of the *Environmental Planning and Assessment Act 1979* where the clause applies

For DAs where the clause applies, LEP provisions themselves must not be used as a reason for refusal. However, if the consent authority considers that the risk, or other environmental impact associated with the proposed development is inconsistent with the relevant considerations of section 4.15, the consent authority can refuse the application on that basis.

Example

Due to a period of local severe rains, a river floods and destroys two homes. Although this natural event is not subject to an emergency declaration under section 33 of the *State Emergency and Rescue Management Act 1989*, it is still considered to be a natural disaster and accordingly, the natural disasters clause could potentially be applied to rebuild the destroyed dwelling houses.

Council is unable to refuse the DA to rebuild the destroyed dwelling on the basis that it does not comply with a development standard in the applicable LEP – however, council will be able to undertake a merit assessment under section 4.15 of the EP&A Act. If council considers the site is unsuitable for redevelopment under section 4.15(1)(c) due to flooding concerns, then the DA may be rejected on this basis.

Other Applicable Legislation

The requirements of other applicable legislation referred to in a SEPP, or in the EP&A Act continue to apply to DAs where the clause applies. For example, section 4.14 of the EP&A Act continues to apply for development of bushfire prone land and all relevant requirements of *Planning for Bushfire Protection 2019* must be satisfied.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and the *Biodiversity Conservation Act 2016* will also continue to apply to development involving clearing of vegetation and development of land with high biodiversity values. Any relevant assessment and offsetting requirements under that Act must also be met.

Replace and Repair

The clause refers to the *repair* or *replacement* of a lawfully erected dwelling house or secondary dwelling that was damaged in a natural disaster. There is no requirement for the *replacement* or *repair* subject of a DA to be identical to the original dwelling which was destroyed or damaged.

Development consent can be granted for dwelling houses and secondary dwellings that are of a different size, location or design to the original dwelling under the clause. Changes to the design and location of a proposed dwelling may be required to meet the relevant provisions of a DCP, other environmental planning instruments, associated legislation or the requirements of the National Construction Code.

Lawfully Erected

To be a lawfully erected dwelling house or secondary dwelling, it must have been constructed under a valid development consent, building approval or another lawful planning pathway under the EP&A Act or equivalent historical planning legislation.

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Natural Disasters Clause

Guidance for Implementation



Further Information

For more information:

Web: www.planningportal.nsw.gov.au/natural-disasters-clause

Phone: 1300 73 44 66

Email: disaster.recovery@planning.nsw.gov.au

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GENERAL MANAGER

Item: 003 **GM - 2021 National General Assembly of Local Government - (79351, 80426)**

Directorate: General Manager

PURPOSE OF THE REPORT:

The purpose of this report is to consider the submission of motions and nomination and attendance of Councillors at the 2021 National General Assembly of Local Government to be held in Canberra from Sunday, 20 June 2021 to Wednesday, 23 June 2021.

Conference Name: 2021 National General Assembly of Local Government
Type: In person, no audio visual option available
Date: 20 June 2021 to 23 June 2021
Location: 31 Constitution Avenue, Canberra
Participants: Mayor and Councillors (not restricted)
Cost: Approximately \$1,860, plus travel expenses per delegate.

EXECUTIVE SUMMARY:

Due to the National General Assembly topics and its relevance to Council's business, Council may wish to consider representation at the National General Assembly.

RECOMMENDATION:

That:

1. Councillors forward any suggested motions to the General Manager for the 2021 National General Assembly of Local Government by Friday, 5 February 2021 to be included for consideration by Council at the Ordinary meeting on 23 February 2021.
 2. Consideration be given to the participation of nominated Councillors and staff as considered appropriate by the General Manager, at the 2021 National General Assembly of Local Government from 20 to 23 June 2021.
 3. After participating in the 2021 National General Assembly, delegates provide a written report to the General Manager detailing the proceedings and findings, as well as any other aspects of the Assembly relevant to Council business and/or the local community.
-

BACKGROUND

Consideration is required regarding attendance, in person, at the 2021 National General Assembly of Local Government which will be held in Canberra from 20 to 23 June 2021. The Theme of 2021 National General Assembly is *'working together for our communities.'*

Convened annually by the Australian Local Government Association, the National General Assembly (NGA) of Local Government is the peak annual event for Local Government.

This event provides a unique opportunity for Local Government to engage directly with the Federal Government, to develop national policy and to influence the future direction of our councils and our communities.

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Motions

The Australian Local Government Association has called for motions to be considered at the National General Assembly and have asked councils to submit any motions by Friday, 26 March 2021.

Motions are to have a clear national objective, a summary of the key arguments in support of the motion as well as the endorsement of Council. Attachment 1 to this report is the Australian Local Government Association's Call for Motions for the Assembly. This document is also available by accessing the following link <https://alga.asn.au/2021-nga-motions/>

The theme of the Conference is 'Working Together For Our Communities'. Included in Attachment 1 is a discussion paper which identifies questions around three issues:

- Council Resilience
- Community Resilience
- Collaboration and Partnerships.

To be eligible for inclusion in the National General Assembly Business Papers, Councillors attention is drawn to the criteria and questions in the discussion paper. Any subsequent debate on the floor of the National General Assembly, motions must meet the following criteria:

1. Be relevant to the work of Local Government Nationally
2. Not be focussed on a specific location or region – unless the project has national implications. You will be asked to justify why your motion has strategic importance and should be discussed at a national conference
3. Be consistent with the themes of the National General Assembly
4. Complement or build on the policy objectives of your state and territory local government association
5. Be submitted by a council which is a financial member of their state or territory local government association
6. Propose a clear action and outcome i.e. call on the Australian Government to do something
7. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

To enable motions to be considered by Council and submitted to the Australian Local Government Association by the required date, it is requested that any motions for consideration of Council be submitted by Friday, 5 February 2021, to enable consideration at the Council Meeting on 23 February 2021.

DISCUSSION

Consideration should be given in regard to the relevance of the National General Assembly to Council's business and available budget to cover costs of attendance.

Where relevant, after participating in the National General Assembly, delegates are requested to provide a written report to the General Manager detailing the proceedings and findings, as well as any other aspects of the National General Assembly relevant to Council business and/or the local community.

COMMUNITY ENGAGEMENT

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

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CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

The proposal is consistent with the following Focus Area, Directions and Strategies within the CSP.

Our Leadership

- 1.1 Local Leadership and effective governance - Provide representative, responsive and accountable governance.
 - 1.1.1 Council's elected leaders will actively connect and collaborate with the community.
- 1.4 Reinforcing and establishing effective strategic partnerships - Build strong relationships and shared responsibilities.
 - 1.4.1 Foster positive relationships with all tiers of government and peak bodies to ensure a thorough understanding of the challenges and local requirements of the Hawkesbury.

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. The expenditure applicable is provided for in the adopted 2020/2021 Operational Plan.

Cost of participation in the National General Assembly will be approximately \$1,860, plus travel expenses per delegate.

Budget for Delegate Expenses - Payments made:

Total Budget for Financial Year 2020/2021	\$30,000
Expenditure to date	\$79
Outstanding Commitments	\$5,026
Budget balance as at 5/1/2021 (approx. including outstanding commitments)	\$24,895

It should be noted that the outstanding commitment of \$5,026 relates to Councillor attendance at the 2nd Sustainable Cities, Urban Regeneration and Sustainability Development Forum to be held in February 2021.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal has no resourcing implications, outside of Council's adopted Long Term Financial Plan.

ATTACHMENTS:

AT - 1 Australian Local Government Association - Call for Motions.

AT - 1 Australian Local Government Association - Call for Motions



Call for Motions

20 - 23 June 2021
National Convention Centre Canberra



KEY DATES

16 November 2020
Opening of Call for Motions

26 March 2021
Acceptance of Motions Close

20 - 23 June 2021
National General Assembly

To submit your motion go to:
alga.asn.au

SUBMITTING MOTIONS

The National General Assembly of Local Government (NGA) is an important opportunity for you and your council to influence the national policy agenda.

The 2020 NGA “Working Together for Our Communities” was unfortunately cancelled due to COVID-19 but the ALGA Board has decided to retain the theme and emphasise the importance of partnerships to building and maintaining resilience in our councils and our communities.

To assist you to identify motions that address the theme of the 2021 NGA, the Australian Local Government Association (ALGA) Secretariat has prepared this short discussion paper. You are encouraged to read all the sections of the paper but are not expected to respond to every question. Your motion/s can address one or more of the issues identified in the discussion paper.

Remember that the focus of the NGA is on partnerships, working together, and resilience so your questions could focus on how local governments can work in partnership with the Australian Government to address the challenges our communities face, or the opportunities that are arising to build back better.

Criteria for motions

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. be relevant to the work of local government nationally;
2. not be focussed on a specific location or region – unless the project has national implications. You will be asked to justify why your motion has strategic national importance and should be discussed at a national conference;
3. be consistent with the themes of the NGA;
4. complement or build on the policy objectives of your state and territory local government association;
5. be submitted by a council which is a financial member of their state or territory local government association;
6. propose a clear action and outcome i.e. call on the Australian Government to do something;
7. be a new motion that has not already been debated at an NGA in the preceding two years; and
8. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

OTHER THINGS TO CONSIDER

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs. Motions should commence as follows: This National General Assembly calls on the Australian Government to restore funding for local government Financial Assistance Grants to a level equal to at least 1% of Commonwealth taxation revenue.

To ensure efficient and effective debate where there are numerous motions on a similar issue, the ALGA Board NGA Subcommittee will group the motions together under an overarching strategic motion. The strategic motions have either been drafted by ALGA or are based on a motion submitted by a council which best summarises the subject matter. Debate will focus on the strategic motions. Associated sub-motions will be debated by exception only.

Motions should be lodged electronically using the online form available on the NGA website at: www.alga.asn.au. All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and the endorsement of your council. Motions should be received no later than 11:59pm AEST on Friday 26 March 2021.

Please note that for every motion it is important to complete the background section on the form. The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion. There is a word limit of 150 for the motion and 200 for the national objective and 300 for the key arguments.

All motions submitted will be reviewed by the ALGA Board's NGA Sub-Committee, as well as by state and territory local government associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Sub-Committee considers the importance and relevance of the issue to local government and whether the motions meet all the criteria detailed above.

Please note that motions should not be prescriptive in directing how the matter should be pursued.

With the agreement of the relevant council, motions may be edited before inclusion in the NGA Business Papers to ensure consistency. If there are any questions about the substance or intent of a motion, the ALGA Secretariat will raise these with the nominated contact officer.

Any motion deemed to be primarily concerned with local, state or territory issues will be referred to the relevant state or territory local government association and will not be included in the NGA Business Papers.

There is an expectation that any council that submits a motion will be present at the National General Assembly to move and speak to the motion.

INTRODUCTION

2020 has been a year like no other. A year that many individuals and organisations, including councils, would wish to forget. While the drought lessened its hold on parts of the country to be replaced by floods, more than 110 local government areas were severely impacted by the Black Summer (2019-20) bushfires - and no one was spared the effects of the battle against COVID-19. The 2020-21 storm and fire season may add to the sense that it was a year of disasters.

Friedrich Nietzsche said: "That which does not kill us, makes us stronger." So how can councils become stronger after 2020? How can we ensure that our communities are stronger and more resilient? How do we work together and with our partners to ensure that we build back better from the series of unprecedented events that have marked 2020?

COUNCIL RESILIENCE

In the first quarter of 2020, state and territory Governments closed facilities where people gathered in numbers to reduce the probability that hospitals would be overwhelmed by a rise in COVID-19 cases. This included a substantial number of council owned and operated revenue generating facilities which had flow-on effects for other revenue- generating enterprises such as paid parking. Major funding gaps rapidly emerged in many councils that typically generated significant amounts of own revenue.

Councils that cannot generate significant amounts of the own revenue are typically dependent on grant funding from other levels of government, including Financial Assistance Grants from the Australian Government. These councils tend to service rural, regional and remote communities that are often large in area but small in terms of population. The capacity of these councils to deliver all their required services and infrastructure can be severely strained at any time.

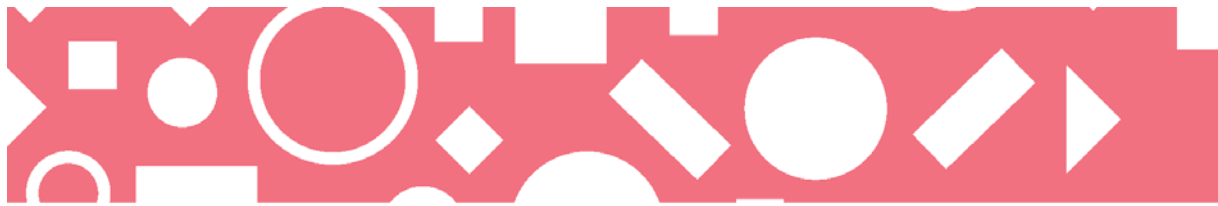
With local government funding under pressure across the nation, and other levels of government facing fiscal constraints, councils may need to do more with less in the near term and be innovative with both budgeting, service delivery, balancing competing demands and longer term financial planning. Services may need to be scaled down or delivered in innovative ways. Asset management and maintenance programs may need to be varied. Working collaboratively with neighbouring councils or forming alliances may be a way of achieving efficiencies and enhancing service delivery along with fostering innovation, cutting red tape, and working in partnership with third parties may be others.

Digital service delivery and working from home - adopted during the height of the pandemic - may become the new norm. This may increase opportunities for councils to innovate, work together and share resources, and fill long term skill gaps. New challenges may emerge including how staff are supported and how productivity, collaboration and motivation maintained. There may be significant consequences for local democracy and council's ability to engage authentically with their communities. Digital transformation and technology modernisation will be essential for some councils. Even already well-established adopters of digital technology may need to rethink their approach.

Can the Australian Government assist councils with efficiency measures that reduce the cost of services without a major change in service levels experienced by the community?

What opportunities are available to enhance the adaptive capacity of councils and its potential to 'weather the storm' through innovation and creativity? How can the Australian Government assist?

Apart from Financial Assistance Grants, how can the Australian Government assist councils to become more financially sustainable and able to better meet the needs of their communities? Are there new partnership programs or policy changes the Government



COMMUNITY RESILIENCE

Community resilience is the capacity of communities to respond to, withstand, and recover from adverse situations including natural disasters, persistent drought, pandemics, fluctuations in global trade, recession, and a rise in inequality. In some circumstances in response to these pressures and stresses, local communities are not able to recover to their previous state. Instead they need to adapt to cope with long term stresses. But ideally, we want all communities to not only survive but thrive.

Local governments play a critical role in building resilient and sustainable communities and helping to buffer people and places against social, economic, and environmental disruptions and overcome adversity. One critical area is through the provision of resilient infrastructure. Councils' infrastructure should meet the community's current and future demand, be built to contemporary standards, be affordable for both the council and the user, and be reliable with appropriate asset management practices in place to ensure maximum return on investment.

In addition to physical infrastructure, social infrastructure is also vital for resilience. Social infrastructure is broader than just buildings, it includes the individuals and groups, places, and institutions, including councils, that foster community cohesion and social support. Communities and individuals with good social networks and connections demonstrate greater resilience.

The loneliness epidemic is challenging social resilience. Research produced before the coronavirus pandemic revealed that one in four adult Australians are experiencing loneliness with over half the nation reporting they feel lonely for at least one day each week. In addition to its impacts on community resilience, feeling lonely can pose a bigger risk for premature death than smoking or obesity and can be associated with depression, poorer cardiovascular health and, in old age, a faster rate of cognitive decline and dementia.

Communities that are more vulnerable to shocks and disasters are often reliant on only one industry, have minimal redundancy or no backups for essential services and infrastructure such as only one source of water, one powerline or one access road. They also often only have few voluntary or charitable organisations working in the community. Often community leadership is weak or fails to inspire, engage, and unleash the power of other leaders and critical social networks.

Community resilience cannot be built and then left to its own devices. It needs to be strengthened continuously, not just in times of crisis. It involves people getting together to create sustainable links within their community and the community and its leaders having the ability to learn from experience and improve over time.

How can councils work in partnership with the other tiers of government to adopt a community development approach that builds resilience?

What are the best models available to councils to ensure that our communities thrive and focus on prevention and preparation rather than relief and recovery? How can the Australian Government partner with councils to ensure thriving communities?

What actions can councils take, in partnership with others including the Australian Government to promote community resilience and protect against external shocks such as industry closures or natural disasters? Are tools available to assist councils build community resilience or do we need new or different tools?

COLLABORATION AND PARTNERSHIPS

Creating a resilient community and ensuring a resilient and sustainable council requires partners. Councils can work with partners in different ways to find local solutions to local problems. They can partner with a wide range of organisations including other councils, other levels of government, the voluntary and community sector or business and research sector organisations. The aims of these partnerships are typically to improve services and deliver changes to benefit the local area.

Collaboration and partnerships with other councils and public or private organisations can also bring benefit from economies of scale in providing services or purchasing in bulk for example. Procurement partnerships have been a particularly successful example of this. Working in partnership can make a considerable contribution to efficiency improvements, such as through cost savings in back-office functions or sharing of plant and equipment.

Other benefits associated with partnerships and collaboration include opening the way for local communities to share ideas and connect with others. Partnerships enhance the ability of a council to access innovation, enhance skills development, work across council boundaries to address regional issues, and maximise competitive advantage in the delivery of major infrastructure projects.

Strategic collaboration is not just about savings and sharing resources. It is also about maximising capacity in addressing community expectations, or working with members of the community to overcome challenges and seize opportunities. For example, building and maintaining productive partnerships with Aboriginal and Torres Strait Islander people and communities is critical for councils committed to Closing the Gap and involving Aboriginal and Torres Strait Islander communities in decision-making and service development and delivery.

Collaboration and partnerships that work well are underpinned by good governance, an agreed purpose, and mutual benefit.

There is a long history of local government partnering with the Australian Government to deliver projects and programs that benefit local communities, achieve fairness and equity across the nation, and support local delivery of services and infrastructure. In the absence of constitutional change, how do we further build and strengthen this partnership with the Australian Government?

How do we encourage and incentivise councils to embrace partnerships and collaborative arrangements more enthusiastically including those which seek to ensure the development of economic development supporting infrastructure?

What are the obstacles to working in partnership with other councils or organisations? Can the Australian Government help overcome these?

How do councils, together with their communities, work in partnership to build resilience and entrench it into everyday life?

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Meeting Date: 25 January 2021



**AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION**

AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
8 Geils Court Deakin ACT 2600 PHONE (02) 6122 9400
EMAIL alga@alga.asn.au WEB www.alga.asn.au

oooO END OF REPORT Oooo

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Item: 004 **GM - Planning for Non-Planners Course - (79351)**

Directorate: General Manager

PURPOSE OF THE REPORT:

The purpose of this report is to consider nomination and attendance of Councillors at the Planning for Non-Planners Course to be held in Sydney on Thursday, 25 February 2021.

Course Name: Planning for Non-Planners Course
Type: By audio visual
Date: 25 February 2021
Location: Urbis, Angel Place, 123 Pitt Street Sydney
Participants: Mayor and Councillors (not restricted)
Cost: \$1,085 plus travel expenses per delegate.

EXECUTIVE SUMMARY:

Due to the Course topics and its relevance to Council's business, Council may wish to consider representation at the Planning for Non-Planners Course.

RECOMMENDATION:

That:

1. Consideration be given to the participation of nominated Councillors and staff as considered appropriate by the General Manager, at the Planning for Non-Planners Course to be held on 25 February 2021.
 2. After participating in the Planning for Non-Planners Course, delegates provide a written report to the General Manager detailing the proceedings and findings, as well any other aspects of the Course relevant to Council business and/or the local community.
-

BACKGROUND

Consideration is required regarding attendance at the Planning for Non-Planners Course which will be conducted in Sydney on Thursday, 25 February 2021.

The Course will be conducted by the Property Council Academy and is aimed at assisting anyone who needs an understanding of land use planning systems, and the implications for urban development.

Details of the Course, can be viewed by accessing the following link
<https://www.propertycouncil.com.au/web/EventDetail?EventKey=IPNP250221>

DISCUSSION

Consideration should be given in regard to the relevance of the Planning for Non-Planners Course to Council's business and available budget to cover costs of attendance.

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Where relevant, after participating in the Planning for Non-Planners Course, delegates are requested to provide a written report to the Acting General Manager detailing the proceedings and findings, as well as any other aspects of the Course relevant to Council business and/or the local community.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Future

- 5.3 Shaping our Growth - Respond proactively to planning and the development of the right local infrastructure
 - 5.3.2 The diverse housing needs of our community will be met through research, active partnerships and planned development.
 - 5.3.3 Plan for a balance of agriculture, natural environment and housing that delivers viable rural production and maintains rural character.

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. The expenditure applicable is provided for in the adopted 2020/2021 Operational Plan.

Cost of participation in the Planning for Non-Planners Course will be \$1,085 plus travel expenses per delegate.

Budget for Delegate Training Expenses - Payments made:

Total Budget for Financial Year 2020/2021	\$30,000
Expenditure to date	\$79
Outstanding Commitments	\$5,026
Budget balance as at 5/1/2021 (approx. including outstanding commitments)	\$24,895

It should be noted that the outstanding commitment of \$5,026 relates to Councillor attendance at the 2nd Sustainable Cities, Urban Regeneration and Sustainability Development Forum to be held in February, 2021.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal has no resourcing implications, outside of Council's adopted Long Term Financial Plan.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 005 **CP - Submission to Options Paper: Agricultural Land Use Planning Strategy - (95498, 124414)**

Previous Item: 194, Ordinary (13 October 2020)

Directorate: City Planning

PURPOSE OF THE REPORT:

The purpose of this report is to:

- Summarise the matters discussed in the Options Paper: Agricultural Land Use Planning Strategy prepared by the NSW Department of Primary Industries;
- Discuss the relevant issues; and
- Recommend that a submission be provided to the NSW Agriculture Commissioner, Department of Primary Industries.

EXECUTIVE SUMMARY:

The NSW Agriculture Commissioner, Department of Primary Industries is developing a new agricultural land use planning strategy for NSW. The Strategy is to investigate ways in which to promote the growth of the agriculture industry, and to manage land use conflicts between farming and other land uses.

At the Ordinary Meeting on 13 October 2020, Council considered a report in relation to the NSW Department of Primary Industries' Issues Paper: NSW Agricultural Land Use Planning, which was exhibited and open for comment until 28 September 2020. Council obtained an extension and submitted a submission on Monday, 2 November 2020.

Following on from the Issues Paper, the NSW Agriculture Commissioner is now proposing a range of options that could be included in the Agricultural Land Use Planning Strategy. The Options Paper: Agricultural Land Use Strategy has been released for feedback (attached as attachment 1 to this report).

This report discusses matters that affect the use of agricultural land for farming purposes within the Hawkesbury Local Government Area, and makes a recommendation that Council submit comments to the NSW Agriculture Commissioner in relation to those matters addressed in the report. The report and draft submission are able informed by Council's Draft Rural Lands Strategy which is currently on public exhibition.

RECOMMENDATION:

That Council:

1. Receive and note the Options Paper: *Agricultural Land Use Planning Strategy*.
2. Note the key points in the Draft Submission, included as Attachment 2 to this report in relation to:
 - Identifying production areas
 - Monitoring and reporting of loss of rural land
 - Education
 - State Agricultural Land Use Planning Policy
 - Controlling Land Use in Rural Zones

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- Department of Primary Industries approvals/advice.
- 3. Endorse the Draft Submission on the Options Paper: *Agricultural Land Use Planning Strategy* included as Attachment 2 to this report.

BACKGROUND:

The Sydney Region Plan and Western City District Plan released by the NSW State Government in March 2018 introduced the Metropolitan Rural Area. Included in both Plans are references and Objectives with respect to:

- Protecting and enhancing environmental, social and economic values in rural areas
- Recognising that rural areas of the Western City District contribute to habitat and biodiversity, and support productive agriculture
- Recognising that farmland in the Western City District has supplied Greater Sydney's fresh food for over two centuries
- Highlighting that the Western City District rural areas include poultry, egg production, dairy activities, irrigated horticulture such as leaf vegetables and mushrooms and nurseries for cut flowers and turf.

In response, planning for agricultural land uses has to be considered in light of the NSW State Government planning framework. Council is currently developing a Rural Lands Strategy in order to inform planning for rural areas in the context of the Sydney Region and Western City District Plans.

The NSW Agriculture Commissioner was appointed by the NSW Government on 3 August 2020 to review the NSW Right to Farm Policy, which focused on land use planning and developing a new agricultural land use planning strategy for NSW. A priority for the Commissioner is to investigate ways of managing land use conflict with farmers and driving growth of the agriculture sector. The Commissioner has considered numerous reports which have identified land use conflict and land use planning as issues for agriculture.

An Issues Paper: NSW Agricultural Land Use Planning was exhibited from 1 to 28 September 2020 and sought comment on the following matters:

1. Long term availability of productive agricultural land;
2. Making it easier to set-up and conduct business; and
3. Reducing land use conflict and supporting dispute resolution.

A report was presented to Council's Ordinary Meeting of 13 October, 2020 discussing the matters raised in the Issues Paper. At that Meeting, Council resolved that:

- "1. Council receive and note the Issues Paper: *NSW Agricultural Land Use Planning*.
2. Council note the key points in the Draft Submission, included as Attachment 2 to this report in relation to:
 - Increased urbanization
 - Fragmentation of agricultural land
 - Lack of effective planning controls
 - Regeneration of historically cleared and farmed land
 - Mining of agricultural resources lands
 - Identification of state significant agricultural land
 - Development assessment complexities
 - Land use conflicts and dispute resolution.
3. Council endorse the Draft Submission on the Issues Paper: *NSW Agricultural Land Use Planning* included as Attachment 2 to this report.

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4. *To ensure preservation of the Richmond Lowlands as prime agricultural land, Council include in its Submission:*
- a) *That the Richmond Lowlands be removed from SREP 9 – Extractive Industry (No.2)*
 - b) *That the exemption of the Richmond Lowlands from the State Environmental Planning Policy 2007 (Mining, Petroleum Production and Extractive Industries).*

In accordance with the abovementioned resolution, Council provided a submission to the Department of Planning, Industry and Environment on 2 November 2020.

Following on from the Issues Paper, the NSW Agriculture Commissioner is now proposing a range of options that could be included in the Agricultural Land Use Planning Strategy. The Options Paper: Agricultural Land Use Strategy has been released for feedback and seeks to address the following concerns:

- 1. *There is no definition, identification or development protections for State Significant Agricultural Land which is leading to this land being lost to non-agricultural uses;*
- 2. *There is no simple, accessible and impartial mechanism for farmers to resolve land use conflict regarding their operations;*
- 3. *The planning framework does not reflect the needs of agriculture; and*
- 4. *Local government plays a crucial role in regulating agricultural land use but can be risk averse and as a result can struggle to deliver broader NSW Government objectives to promote investment and jobs growth.*

Feedback to the matters raised in the Options Paper: *Agricultural Land Use Planning Strategy* is required to be submitted by 28 February 2021.

It is considered that the submission should once again highlight the significance and value that the agricultural sector plays within the Hawkesbury Local Government Area, both to the Hawkesbury, but also its wider value as well. In order to assist with conveying this significance and value, Council's Draft Rural Lands Strategy has been utilised.

DISCUSSION

The Options Paper: *Agricultural Land Use Planning Strategy* provides a number of options to address the abovementioned concerns. These options are summarised in Table 1 below:

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Table 1: Summary of Options

A. Minimise the loss of productive capacity		
POLICY PROBLEM: THE NSW GOVERNMENT HAS NO POLICY ON THE DEFINITION OF STATE SIGNIFICANT AGRICULTURAL LAND AND HOW IT SHOULD BE DEVELOPED.		
Non-statutory mechanisms	Rural Land Use Planning Policy	The NSW Government should develop a policy on rural land.
	Option 1. Identified Production Areas	The NSW Government could identify production areas across the State.
	Option 2. Monitoring and Reporting of Loss of Rural Land	The NSW Government could monitor land use change and the loss of rural land that is best suited to agriculture.
	Option 3. Education	The NSW Government could support local government councils and planners understand the needs of agricultural operations.
Statutory Mechanisms	Option 4. Identification of State Significant Agricultural Land.	
	Option 4a State Agricultural Land Use Planning Policy	The NSW Government could implement a policy on rural land through guidance material, plus various changes in the planning framework, including filling the schedule in the PPRD SEPP.
	Option 4b. State Agricultural Land Use Planning Policy and State Significant Agricultural Land Criteria	The NSW Government could implement a policy on agricultural land through guidance material, plus various changes in the planning framework, including a list of criteria that defines State Significant Agricultural Land in Schedule 1 in the PPRD SEPP.
	Option 4c. State Agricultural Land Use Planning Policy and State Significant Agricultural Land Map	The NSW Government could implement a policy on agricultural land through guidance material, plus various amendments in the planning framework, including considerations and a map of State Significant Agricultural Land in Schedule 1 in the PPRD SEPP.
	Option 4d. State Agricultural Land Use Planning Policy and State Significant Agricultural Land Map - councils opt in	The NSW Government could release a guiding policy on agricultural land and a map of SSAL which is optional for councils to adopt.

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	Option 5. Controlling Land Use in Rural Zones	The NSW Government could prohibit zone changes or non-agricultural uses on agricultural land except in certain tightly defined circumstances or through a stringent exceptions process.
	Option 6a. DPI approval of developments on SSAL and IPAs	The NSW Government could require councils to get agreement from DPI before deciding on the development of non-agricultural uses on SSAL and in IPAs.
	Option 6b. DPI advice in relation to development on SSAL and IPAs	The NSW Government could require councils to seek formal advice from DPI for the development of non-agricultural uses on SSAL and in IPAs.
B. Reduce and manage land use conflict		
<i>POLICY PROBLEM: THERE IS NO SIMPLE, ACCESSIBLE AND IMPARTIAL MECHANISM FOR FARMERS TO RESOLVE LAND USE CONFLICT REGARDING THEIR OPERATIONS</i>		
Options to improve operational dispute resolution	Option 1. Expand the jurisdiction of existing dispute resolution bodies	
	Option 2. Create a new dispute resolution body	
	Option 2a. Ontario Normal Farm Practices Protection Board / British Columbia Farm Industry Review Board - Model A	
	Option 2b. Ontario Normal Farm Practices Protection Board / Wollondilly Rural Industry Community Advisory Committee – Model B	
	Option 2c. Queensland Land Access Ombudsman Model	
	Option 3. Create a new or expanded agricultural disputes jurisdiction in a court or tribunal	
Options to improve development dispute resolution	Option 4. Expand the remit of the Independent Planning Commission	

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C. Support agriculture to recover and grow		
POLICY PROBLEM: THE PLANNING FRAMEWORK DOES NOT REFLECT THE NEEDS OF AGRICULTURE		
Improving consistency across LGAs	Option 1. Clarification of agricultural land use definitions	The NSW Government could revise and update definitions in the Standard Instrument LEP to address ambiguity between LGAs.
	Option 2. Expansion of exempt and complying developments	The NSW Government could expand the list of exempt and complying developments in the Standard Instrument LEP.
	Option 3. Buffer guidelines	The NSW Government could establish a guideline to clarify and consolidate buffer requirements across industry and LGAs.
Supporting industry growth through the planning framework	Option 4. Agent of change/ initiatory of change principle	The NSW Government could introduce the agent of change principle and reverse the onus of buffer requirements to new/encroaching developments.
	Option 5. Amend regulation on public submissions	The NSW Government could amend the planning regulation to better guide councils on how to consider submissions.

1. Minimise the loss of productive capacity

Rural Land Use Planning Policy

The Policy would provide the planning principles to ensure agriculture is acknowledged and prioritised in strategic plans, such as local strategic planning statements

The principles could include the following:

1. Agricultural land should be maintained for ongoing agricultural production where possible.
2. Land use planning should protect and prioritise agricultural land where possible, recognising its social, economic and strategic value (value which includes the dependency of secondary agricultural businesses and retailers on agriculture) both immediately and for future generations.
3. Land use planning provisions should be proportionate to the quality of the land for agriculture and the scarcity of that quality of agricultural land in the region.
4. Strategic planning for rural land should consider and accommodate, where possible, agricultural trends, the importance of agriculture to the community and the economy and the unique issues facing agricultural businesses from time to time.
5. Non-agricultural land uses in rural areas should not detract from the long-term productive capacity of surrounding agricultural land and secondary industries, services and infrastructure that support agriculture.
6. Rural land use strategies should ensure non-agricultural land uses in rural areas maximise community benefit and minimise land use conflict and adverse impacts on agriculture.

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Option 1 - Identified Production Areas

Comment:

Such an approach is supported and would involve the identification of well suited locations for particular types of agriculture and ensuring they are catered for in the planning framework. Council's Draft Rural Lands Strategy has undertaken a detailed analysis of rural land uses and will inform the identification of such areas within the Hawkesbury Local Government Area. Key matters to highlight in this respect include:

- Agricultural production in the LGA is valued at \$158.6 million. The major components of this are from vegetables (\$63.7m) turf (\$48.5 m), poultry meat (\$19.1 m) and eggs (\$18.7 m).
- Hawkesbury is the number one turf producing LGA in Australia, number one perishable vegetable producer in Sydney and NSW as well as number 13 in Australia. It is the number two egg producer in Sydney, number four in NSW and number eight in Australia.
- The Sydney Peri-Urban area (which is the Sydney region and the Central Coast) has a value of production of \$806.4m which is 6.2% of NSW total value of production. The Sydney Peri-Urban area is the number one producer of perishable vegetables and number four for total vegetables. It is the number one poultry producer and number one egg production area. It is also the number one producer of nurseries, flowers and turf.
- Market gardening of vegetables make up 46.2% of the irrigated plants followed by turf farms with 32.2% and then protected cropping makes up 7.6%.

Option 2 - Monitoring and Reporting of Loss of Rural Land

Comment:

Such an approach is supported, and in order to understand the impact of non-agricultural development on rural land suitable for agriculture, monitoring the loss of this land could be carried out by the Department of Primary Industries. For the Hawkesbury Local Government Area this is significant due to:

- Rural residential makes up 86.1% of the total rural land use and irrigated plants is the second most common with 4.5% of the land use.
- Rural residential land use is the dominant use in all parts of the LGA with the irrigated plants uses clustered around the Hawkesbury River Flats as well as some intensive animals in this area. The River Flats are also the lowest proportion of rural residential land use.
- The rural residential land use is comprised of mostly just a dwelling (83%), however there are also horses (9.2%), trucks (6.5%), home businesses (1%) and Bed and Breakfasts (0.3%).
- Rural residential takes up 65.4% of the area of all private land use which demonstrates that it is on large lots of greater than 10 ha as well as lots less than that.
- In 2003, rural residential land use was 83.1% of the total land use. The actual growth was 6.6% over the period from 2003 to 2016 and this represents 0.4% per annum. This kept pace with the LGA population growth which was 0.5% per annum.

Option 3 - Education

Comment:

Such an approach is supported as improving the capability of local planners to understand agricultural practices and planning needs would improve consideration of agriculture in the planning process.

The NSW Government could offer more support to council planners on understanding the potential impacts of new agricultural developments, or conversely the impacts of non-agricultural developments on agricultural operations. These support services could include advice on clarification of industry requirements and interpretation of planning law. These support services could be coupled with an education program for local government planners and planning consultants to increase their understanding of the complexities and needs of agriculture and how these can be managed through the planning system.

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Council's Draft Rural Lands Strategy highlights the importance of support and training for council planners. The Draft Strategy highlighted that a review of the protected cropping sector and the NSW Planning and Approvals Process (NSW Department of Primary Industries, 2018b) was carried out by the Department of Primary Industries and this found that one of the significant issues for the assessment of DAs was that Council staff had limited knowledge of the protected cropping sector and particularly the design and operation of protected cropping structures. It also found that the proponents of protected cropping DAs also did not fully understand the information required by Councils. On the whole, the survey results did not show that the planning and assessment process discouraged new projects. One of the recommendations of the review was to work with industry to improve the level of understanding about the information required to be submitted to Councils. It would also be opportune for the industry to provide Council officers with details about the operation and design protected cropping structures as well as conduct tours of existing operations.

Council staff can also be trained in the planning aspects of agricultural production including discussion about the different types of agriculture and the impacts that can occur both onsite and offsite. It would cover intensive and extensive agriculture and the different operational and design aspects of the buildings and structures associated with each farming system. This would include staff from the development assessment, strategic planning and compliance sections.

Option 4 - Identification of State Significant Agricultural Land.

Comment:

Such an approach is welcomed in order to afford greater protection of agricultural land. Queries are raised with respect to the process of determining State Significant Agricultural Land, recognising that the average holding size in the Hawkesbury local government area is significantly smaller than western NSW council areas where State Significant Agricultural Land may have previously been identified.

Council's Draft Rural Lands Strategy has highlighted the productive values of the agricultural sector, but has also identified that the size of rural holdings analysis shows that 62.3% of all land ownership is on holdings of less than 3 ha and 81.1% is holdings of less than 8 ha. Most of the small lots less than 3 ha are in the South East part of the Local Government Area and the larger holdings are in the northern parts of the Local Government Area.

Option 4a - State Agricultural Land Use Planning Policy

Comment:

Such an approach is supported in order to provide greater clarity and certainty in terms of land use planning for such land use and importantly adjacent to such State Significant Agricultural Land.

Option 4b - State Agricultural Land Use Planning Policy and State Significant Agricultural Land Criteria

Comment:

Such an approach is supported in conjunction with a range of other measures.

Option 4c - State Agricultural Land Use Planning Policy and State Significant Agricultural Land Map

Comment:

Such an approach is supported in conjunction with a range of other measures.

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Option 4d - State Agricultural Land Use Planning Policy and State Significant Agricultural Land Map - councils opt in

Comment:

This matter would require further consideration in terms of the final provisions and informed by Council's Draft Rural Lands Strategy.

Option 5 - Controlling Land Use in Rural Zones

Comment:

The following statutory changes could be made to prohibit non-agricultural development on State Significant Agricultural Land or in rural areas generally:

- A Ministerial Direction which requires State Significant Agricultural Land to be zoned RU1 Primary Production when councils prepare a planning proposal applying to the land.
- A Ministerial Direction which prohibits the change of zoning of rural zoned land to a residential, business, industrial, environmental or special use zone.
- Amend the Standard Instrument LEP to prohibit particular non-agricultural land uses in the RU1 Primary Production zone.
- Amend the Standard Instrument LEP to prohibit any further subdivision of rural land to create new lots with dwelling eligibilities.

Council's Draft Rural Lands Strategy highlights that a number of landscape units have been identified for the Local Government Area, which are based on land use, topography, vegetation and holding sizes. The landscape boundaries have been defined by the relationship between these elements and they also relate to the way that an area looks and feels. They have been identified to assist Council to provide planning for the future of the rural lands as well as the consideration of the requirement for place-based planning in the Western City Plan prepared by the Greater Sydney Commission. The landscapes will be used to identify different recommendations for land uses and zoning as well as other strategic priorities.

These landscape units include:

- Production
- Agri-Tourism
- Rural
- South East
- Northern Valleys
- River
- Urban

In Council's Draft Rural Lands Strategy, a place-based approach to the strategic planning of the rural landscapes has been applied and this is best called 'landscape-based' strategic planning. It is noted that place-based strategic planning is normally applied to urban areas and precincts. Each of the landscape units outlined above has specific components that set it apart from the other landscapes of the Local Government Area although in some circumstances, the land use zoning outcomes may be the same.

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A methodology has been developed which uses a combination of the land use and holding size as well as potential for land use conflict to determine the best land to be zoned for the following zones:

- Primary Production
- Rural Landscape

A land use survey has been carried out which identified a number of land uses as well as the holding size range for the rural lands of the Local Government Area.

Land use surveys and lot size analyses such as the one discussed above have utility for use in identifying land with common features as a foundation for future zoning. The land use survey is used because it provides an overview of the existing land use pattern within an area and therefore gives an indication of the predominant land uses which should be conserved. It is important to consider the size of the lots and holdings within an area because the existing fragmented lot patterns contribute to rural land use conflicts and the ability of the area to be protected from such rural land use conflicts.

A methodology has been developed to identify the best land for growing food by zoning the land for its dominant use - agriculture production as well as a second zone for landscape character rather than just having one rural zone. It uses data on what is happening on the land (land use, holding size and soil types) as well as what the land is capable for (agricultural land classification, soil types and slope). The data sets used are land use (based on cadastre), holding size, native vegetation coverage, natural resources capability and other secondary sources of data. They are used as a series of sieves to identify the different characteristics of the land.

Based on this methodology, the Draft Hawkesbury Rural Lands Strategy identifies that there are five broad land units within the Hawkesbury Local Government Area:

- Agriculture Production
- Rural Landscape
- Native Vegetation
- Rural Residential
- Towns & Villages

Providing certainty of land use based on such an assessment to land units is recommended.

The Draft Rural Lands Strategy also highlights that some definitions for rural land uses should be amended in order to ensure a more contemporary approach.

Option 6a – Department of Planning, Industry and Environment’s approval of developments on State Significant Agricultural Land and Identified Production Areas

Comment:

Developments on State Significant Agricultural Land could be referred to the Department of Planning, Industry and Environment for approval/concurrence.

Option 6b – Department of Planning, Industry and Environment’s advice in relation to development on State Significant Agricultural Land and Identified Production Areas

Comment:

Rather than formal concurrence as per 6a, this option would require consent authorities to seek and consider advice from the Department of Primary Industries in relation to non-agricultural developments on State Significant Agricultural Land and in Identified Production Areas. This would have the same benefits referred to above, but without a formal Department of Primary Industries concurrence role.

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2. Reduce and manage land use conflict

The land use zoning system can be used to provide the delineation of the best agricultural land as well as other land that is used for a number of uses. This is based on land capability and existing areas of production.

Council's Draft Rural Lands Strategy highlights that another aspect of the policy and regulation is land use conflict. Land use conflict occurs when one land user is perceived to infringe upon the rights, values or amenity of another (NSW Department of Primary Industries, 2011). In most cases it occurs when people move into a dwelling or build a dwelling on land (small and large lots) which is either adjacent to or near to an operating farm - these can be intensive and extensive agricultural operations. The resident alleges a perceived loss of amenity due to noise, odour, dust, night time activities, spray drift, etc. In most cases they expect the amenity to be one of quiet, peaceful and nice smelling countryside because they don't understand farming or the noise, odours and other impacts. However, this is often not the case when they move next to an operating farm. The environmental legislation (Protection of the Environment Operations Act, 1997, and relevant regulations) governing pollution is based on an urban situation and one that assumes that all pollution can be contained within the boundaries of the land. This can be done in an urban situation but it is very difficult in a rural one. Noise pollution is a case in point. The noise pollution legislation says that if the noise being emitted is a specific level greater than the ambient noise level, the operation is in breach of the noise pollution legislation. If the neighbour complains, the Council can require the farmer to bring the noise down to the required level, or confine the noise generating activity to a maximum number of days per year. This can often force farming operations to be restricted to certain hours, thus reducing the intensity and duration of the nuisance. But such restrictions can affect the economic viability of the farming business and in turn force farmers either to move or to cease farming, which accelerates the conversion of land to rural residential purposes. It could be said that the legislation benefits the complainant and not the producer.

The NSW Government has introduced a right to farm policy which has as its main focus "... a desire by farmers to undertake lawful agricultural practices without conflict or interference arising from complaints from neighbours and other land users." (NSW Department of Primary Industries, 2015) It has also introduced a Right to Farm Act, which in the Explanatory Note to the Right to Farm Bill 2019 has a number of objects but the most relevant are as follows:

- (a) to prevent an action for the tort of nuisance being brought in relation to a commercial agricultural activity where it is occurring lawfully on agricultural land,
- (b) to require a court to consider alternative orders to remedy a commercial agricultural activity that is found to constitute a nuisance rather than order the activity to cease

It is significant to note that the Act relates to the 'tort of nuisance' and states that commercial agricultural activities do not constitute a nuisance. It goes on to state that if a court finds that a commercial agricultural activity constitutes a nuisance, then the court must not order the complete cessation of the activity, if it could make an order to allow it to continue in a manner:

- (a) that is managed, modified, or reduced, and
- (b) is consistent with an efficient and commercially viable operation, and
- (c) unlikely to significantly disturb the other party to the proceedings

However, for a farmer to be protected by this legislation, a complainant must bring an action in the Local Court in a tort of nuisance. This is a costly exercise and one that is unlikely to occur. The current practice in land use conflict issue is that the neighbour complains to the Council and it is up to the Council to investigate it. The Council can then take any necessary action under the Protection of the Environment Operations Act to make the farmer modify the operations to stop the loss of amenity of the neighbour. It is noted that the Right to Farm Act does not override the Protection of the Environment Operations Act.

Agriculture causes off-site impacts which are generally accepted by people who farm the land, but this causes conflict when the neighbour is using the land for amenity and not production. One option to deal with this is to consider the dominant use having priority over other uses when complaints are made – the "right to farm". In this case the dominant use would be agriculture and other non-agricultural uses would

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include rural residential dwellings as well as accommodation and commercial uses. The zoning system can be used to classify the land that is identified for its productive potential for agriculture as well as land for other uses (this is discussed in detail in the next section). When a complaint is made against an agricultural practice by a neighbour, the first point of the investigation would be to determine if the land is within the agriculture production zone. If this is the case, the investigation determines if the farmer is carrying out best practice (which can be determined and documented in by Councils and Government Agencies in conjunction with the relevant farming organisation) and if they are, the complainant is advised of this and the farmer is left to farm the land. It is important to note, however, that if the farmer is causing a breach of the Protection of the Environment Operations Act, this should be investigated and if there is a breach, appropriate action should be taken. This approach is called 'let the farmers farm' and is a collaborative and consultative approach that tries to resolve the issues in favour of the farmers over the residential uses. This would require some alteration to the pollution legislation but it is considered to be worthy of investigation by the Department of Primary Industry and Department of Planning, Industry and Environment via the Intensive Agriculture Consultative Committee. The Hawkesbury Local Environment Plan can only be used to alleviate land use conflict by the assessment of applications for the use of the land and cannot be used for existing land use conflict issues.

Council's Development Control Plan is used to provide a guide to the assessment of Development Applications. It is noted that the Council's current DCP includes Chapter 8 which deals with Farm Buildings and Outbuildings in association with rural residential development. It does not include any guidelines on intensive plant or intensive livestock agriculture, animal boarding and training establishments or aquaculture. Having regard to the discussion about promoting agriculture and the opportunities to encourage agriculture, it would be appropriate for the Council to incorporate the following sections into its DCP:

- Intensive Plant Agriculture
- Intensive Livestock Agriculture
- Animal Training and Boarding Establishments
- Aquaculture
- Farm buildings
- Non-Agricultural development

The use of Land Use Conflict Risk Assessment as a way of dealing with land use conflict can be a requirement for all non-agricultural development in the Primary Production Zone to require a risk assessment to be submitted to assess the potential for the use to cause land use conflict. This can be incorporated into the Development Control Plan requirements for non-agricultural development.

In terms of the SEPP Exempt and Complying Development it is noted that there is potential for the land use conflict to be increased by new dwellings being built close to an intensive agricultural use and for the need for an unnecessary Development Applications to be required for rural sheds that are required for the agricultural use merely because they cover an area of more than 1,000 m². The potential land use conflict can be dealt with by requiring the dwelling house to be moved away from the adjoining agricultural development or other ways of reducing the conflict as was the case before the introduction of Codes SEPP via the Development Application assessment process. There would also be the ability to require a Land Use Conflict Risk Assessment with a Development Application as part of the Development Control Plan, as this is not possible under the SEPP at present. The ability to require a Development Application to address land use conflict which is perhaps one of the most significant aspects of preserving agriculture is not available with the current application of the Codes SEPP. In addition, the unnecessary requirement for a Development Application for sheds with a total area of over 1,000 m² is considered to be redundant because it is highly likely that the Development Application would be approved if it is in conjunction with an intensive agricultural use of the land. There is the opportunity to resolve these two anomalies by amending the SEPP Exempt and Complying Development so that it does not apply to the RU1 Primary Production zone in Hawkesbury Local Government Area.

It is considered appropriate that more specific statements should be put into the Local Environment Plan by amending the objectives of the relevant zones.

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Agriculture contributes to a number of aspects of the Hawkesbury Local Government Area which are as follows:

- Economy
- Rural Landscape
- Tourism
- Settlement pattern
- Environmental conservation

In order to recognise this from an overall corporate viewpoint, the issues raised above can also be incorporated into a council's corporate and governance documents such as the Community Strategic Plan where appropriate.

3. Support agriculture to recover and grow

Option 1 - Clarification of agricultural land use definitions

Comment:

Such an approach is supported and would provide a greater level of certainty for all stakeholders provided such definitions are reflective of contemporary practices, latest trends and innovations.

Option 2 - Expansion of exempt and complying developments

Comment:

Not supported as it creates too much uncertainty and control of the land use planning process.

Option 3 - Buffer guidelines

Comment:

Such an approach is supported in order to guide and support land use planning frameworks.

Option 4 - Agent of change/ initiatory of change principle

Comment:

Considered unnecessary provided an appropriate land use framework and guides are provided that are based on latest trends and innovations.

Option 5 - Amend regulation on public submissions

Comment:

Considered unnecessary provided an appropriate land use framework and guides are provided that are based on latest trends and innovations.

COMMUNITY ENGAGEMENT

The issues raised in this Report concern matters which do not require community consultation under Council's Community Engagement Policy given they are matters about which the NSW State Government is undertaking community consultation.

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CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Leadership

- 1.5 Regulation and Compliance – Encourage a shared responsibility for effective local compliance.
 - 1.5.1 Undertake Council initiatives within a clear and fair framework of strategic planning, policies, procedures and service standards as required under all regulatory frameworks.
 - 1.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.

FINANCIAL IMPACT

There are no financial implications applicable to this Report.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal has no resourcing implications outside of Council's Long Term Financial Plan, which will adversely impact on Council's financial sustainability.

ATTACHMENTS:

- AT - 1** Options Paper: NSW Agricultural Land Use Planning - *(Distributed under separate cover)*.
- AT - 2** Draft Submission to the NSW Agriculture Commissioner, Department of Primary Industries.

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**AT - 2 Draft Submission to the NSW Agriculture Commissioner,
Department of Primary Industries**



Your Ref: Options Paper: NSW Agricultural Land Use Planning Strategy
Our Ref:

25 January 2021

The Commissioner
Department of Primary Industries

agcommissioner@dpi.nsw.gov.au

Dear Sir/Madam

Options Paper: NSW Agricultural Land Use Planning Strategy

I refer to the abovementioned Options Paper: NSW Agricultural Land Use Planning Strategy. Council has formally considered the Options Paper at the Ordinary Meeting on 25 January 2021, and resolved to provide the following comments for your consideration.

It is understood that the Options Paper provides a background on the issues to be addressed by the new Agricultural Land Use Planning Strategy being developed by the NSW Agriculture Commissioner. The purpose of the Strategy is to reduce the barriers in the planning framework to agricultural uses and minimising land use conflict.

As part of Council's submission, the Hawkesbury Local Government Area context has been highlighted in order to demonstrate the significance of agriculture not only to the Hawkesbury, but also Greater Sydney and wider. Council has recently completed its Draft Rural Lands Strategy which is currently on public exhibition, and has used that Draft Strategy in order to highlight the Hawkesbury context as detailed below, before leading on to discussion regarding the issues raised within the Options Paper:

The Hawkesbury Local Government Area Context

The Hawkesbury Local Government Area is located in the outer north west of the Sydney metropolitan area approximately 50 kilometres from the Sydney CBD. It is part of the Sydney Peri-Urban area, having an area of 2,793 square kilometres and a population estimated to be 67,083 in 2018.

The Hawkesbury Local Government Area has significant agricultural land as well as riverine and mountainous rural landscapes. The Hawkesbury River provides a wide floodplain of rich alluvial soils which grow significant volumes of vegetables and turf. The river and the mountainous vegetated landscapes also support a significant tourism sector that is also linked to agriculture and agricultural products. The Hawkesbury also accommodates a significant horse industry, including both thoroughbred and recreational horses.

The land within the Local Government Area provides an important resource, both for the Hawkesbury Local Government Area and the wider Sydney region, particularly for agricultural produce. It is a significant area for agricultural production in close proximity to markets in Sydney predominantly in industries including perishable vegetables, turf, nurseries, cut flowers, poultry meat and eggs.

There are a variety of land uses within the rural parts of the Hawkesbury Local Government Area.

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Hours: Monday to Friday 8:30am - 5pm | Email: council@hawkesbury.nsw.gov.au | Website: www.hawkesbury.nsw.gov.au



Interpreter Service available, call 131 450 131 450 توافر خدمة الترجمة، اتصل بـ 131 450 131 450 可提供口譯服務，請撥 131 450 131 450 Hemm servizz tal-interpretu, cempel 131 450 131 450

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Of note, 8.3% of uses within the rural area are agricultural in nature, and 86.1% of uses are for a rural residential purpose, which highlights the pressure on agricultural land to produce more from less.

The rural land in the Hawkesbury Local Government Area is highly fragmented with the average land holding size being 6.2 ha and the median size being 2.0 ha. Land holding sizes below 3 ha (62.3% of all land ownership) have the highest proportion of rural residential and public uses as opposed to agriculture-based activities. Irrigated plants and intensive animal uses are predominant in the 8.01-18.0 ha range, with holding sizes above 8 ha being dominated by irrigated plants, intensive animal uses and extensive agricultural uses. However, it should also be noted that there are a number of rural residential uses on holdings of 8 ha and above, which is 13.5% or approximately 1,200 holdings. These are scattered between productive agricultural uses, which can lead to some instances of rural land use conflict. It is also an indicator of the desire for rural lifestyle living within the Hawkesbury Local Government Area.

The Hawkesbury economy has a total value added estimated to be \$4,130 billion (REMPAN, 2019), with the agriculture sector estimated to have a value added of \$266.6 million. The Hawkesbury value added estimate is 28.0% of the Western City District and 20.8% of the Greater Western Sydney figure which makes it the number one in Greater Western Sydney. In addition, the agriculture sector has an export value of \$409.6m which is 11.2% of the total. This demonstrates that the agriculture sector is a very significant component of the local economy, as well as the metropolitan area in total.

Agriculture is a significant land use in the Hawkesbury Local Government Area. In 2016 the Hawkesbury Local Government Area had a total value of agricultural production of \$158,670,281 (ABS, 2018a). This is equivalent to 19.7% of Peri-Urban Sydney, 1.2% of the NSW value of production and 0.3% of Australia's total value of agricultural production. It has the second highest value of agricultural production in the Sydney Peri-Urban Area. The main commodity in Hawkesbury is vegetable production.

Crops have a value of \$118,853,279 which makes up 74.9% of the total value of agricultural production within the Hawkesbury. Vegetable production has a production value of \$63,686,875 (40.1%), while turf has a value of \$48,534,440 (30.6%). The top five commodities are vegetables, turf, poultry meat, eggs and nurseries.

It is significant to note that the Hawkesbury Local Government Area contributes to the State and National production of the following commodities:

- Crops: 33.6% of the Sydney Peri-Urban Area
- Turf: 82.5% of the Sydney Peri-Urban Area, 59.3% of NSW and 19.8% of Australia's total area which makes it the number one Local Government Area in Australia for the production of turf;
- Perishable Vegetables: 32.6% of the Sydney Peri-Urban Area, 16.3% of NSW and 1.9% of Australia's total production which makes it number one in Sydney and NSW as well as the 13th highest producer of perishable vegetables in Australia;
- Nurseries: 3.7% of Sydney, 1.5% of NSW and 0.3% of Australia's total area;
- Flowers: 9.3% of the Sydney Peri-Urban Area, 5.1% of NSW and 0.3% of Australia's total area;
- Meat Chickens: 2.4% of the Sydney Peri-Urban Area, 0.9% of NSW and 0.3% of Australia's total number of birds;
- Other Poultry: 12.5% of the Sydney Peri-Urban area, 8.1% of NSW and 4.3% of Australia's total number of birds, which is number four in Sydney and NSW and number five in Australia;
- Egg production: 19.7% of the Sydney Peri-Urban Area, 7.3% of NSW and 2.3% of Australia's egg production, which makes it number two in Sydney, number four in NSW and number eight in Australia.

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The Draft Hawkesbury Rural Lands Strategy identifies that the key issues facing the future of the rural lands in the Hawkesbury Local Government Area include:

- Maintaining food production
- Pressure for rural residential and urban development
- Farmers are price takers, not price makers
- Land Use Conflict
- Price of land for agriculture
- Change of land use from agriculture to rural residential by sale of farms
- Rural residential development
- Biodiversity
- Water quality
- Natural hazard impact – bushfires and flooding.

There are a number of development opportunities to improve the economy of the rural land including:

- Horticulture and Protected Cropping
- Aquaculture
- Poultry
- Nurseries
- Turf
- Horse Sector
- Tourist and commercial uses.

Given the above, it is evident that the Hawkesbury Local Government Area is a highly significant contributor to agriculture, not only in the Sydney area, but for NSW and Australia as well. In addition agriculture is important in the region in term of economic growth, and along with the River is significant to the sustainability and viability of the Hawkesbury. As a result, it is considered that agricultural land in the Hawkesbury Local Government Area warrants appropriate protection.

In terms of the various options detailed within the Options Paper, the following provides an outline of Council's comments for each option.

1. Minimise the loss of productive capacity

Rural Land Use Planning Policy

The Policy would provide the planning principles to ensure agriculture is acknowledged and prioritised in strategic plans, such as local strategic planning statements

The principles could include the following:

1. Agricultural land should be maintained for ongoing agricultural production where possible.
2. Land use planning should protect and prioritise agricultural land where possible, recognising its social, economic and strategic value (value which includes the dependency of secondary agricultural businesses and retailers on agriculture) both immediately and for future generations.
3. Land use planning provisions should be proportionate to the quality of the land for agriculture and the scarcity of that quality of agricultural land in the region.
4. Strategic planning for rural land should consider and accommodate, where possible, agricultural trends, the importance of agriculture to the community and the economy and the unique issues facing agricultural businesses from time to time.

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5. Non-agricultural land uses in rural areas should not detract from the long-term productive capacity of surrounding agricultural land and secondary industries, services and infrastructure that support agriculture.
6. Rural land use strategies should ensure non-agricultural land uses in rural areas maximise community benefit and minimise land use conflict and adverse impacts on agriculture.

Option 1 - Identified Production Areas

Comment:

Such an approach is supported and would involve the identification of well suited locations for particular types of agriculture and ensuring they are catered for in the planning framework. Council's Draft Rural Lands Strategy has undertaken a detailed analysis of rural land uses and will inform the identification of such areas within the Hawkesbury Local Government Area. Key matters to highlight in this respect includes:

- Agricultural production in the LGA is valued at \$158.6 million. The major components of this are from vegetables (\$63.7m) turf (\$48.5 m), poultry meat (\$19.1 m) and eggs (\$18.7 m).
- Hawkesbury is the number one turf producing LGA in Australia, number one perishable vegetable producer in Sydney and NSW as well as number 13 in Australia. It is the number two egg producer in Sydney, number four in NSW and number eight in Australia.
- The Sydney Peri-Urban area (which is the Sydney region and the Central Coast) has a value of production of \$806.4 m which is 6.2% of NSW total value of production. The Sydney Peri-Urban area is the number one producer of perishable vegetables and number four for total vegetables. It is the number one poultry producer and number one egg production area. It is also the number one producer of nurseries, flowers and turf.
- Market gardening of vegetables make up 46.2% of the irrigated plants followed by turf farms with 32.2% and then protected cropping makes up 7.6%.

Option 2 - Monitoring and Reporting of Loss of Rural Land

Comment:

Such an approach is supported, and in order to understand the impact of non-agricultural development on rural land suitable for agriculture, monitoring the loss of this land could be carried out by the Department of Primary Industries. For the Hawkesbury Local Government Area this is significant due to:

- Rural residential makes up 86.1% of the total rural land use and irrigated plants is the second most common with 4.5% of the land use.
- Rural residential land use is the dominant use in all parts of the LGA with the irrigated plants uses clustered around the Hawkesbury River Flats as well as some intensive animals in this area. The River Flats are also the lowest proportion of rural residential land use.
- The rural residential land use is comprised of mostly just a dwelling (83%), however there are also horses (9.2%), trucks (6.5%), home businesses (1%) and Bed and Breakfasts (0.3%).
- Rural residential takes up 65.4% of the area of all private land use which demonstrates that it is on large lots of greater than 10 ha as well as lots less than that.
- In 2003, rural residential land use was 83.1% of the total land use. The actual growth was 6.6% over the period from 2003 to 2016 and this represents 0.4% per annum. This kept pace with the LGA population growth which was 0.5% per annum.

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Option 3 - Education

Comment:

Such an approach is supported as improving the capability of local planners to understand agricultural practices and planning needs would improve consideration of agriculture in the planning process.

The NSW Government could offer more support to council planners on understanding the potential impacts of new agricultural developments, or conversely the impacts of non-agricultural developments on agricultural operations. These support services could include advice on clarification of industry requirements and interpretation of planning law. These support services could be coupled with an education program for local government planners and planning consultants to increase their understanding of the complexities and needs of agriculture and how these can be managed through the planning system.

Council's Draft Rural Lands Strategy highlights the importance of support and training for council planners. The Draft Strategy highlighted that a review of the protected cropping sector and the NSW Planning and Approvals Process (NSW Department of Primary Industries, 2018b) was carried out by the Department of Primary Industries and this found that one of the significant issues for the assessment of DAs was that Council staff had limited knowledge of protected cropping sector and particularly the design and operation of protected cropping structures. It also found that the proponents of protected cropping DAs also did not fully understand the information required by Councils. On the whole, the survey results did not show that the planning and assessment process discouraged new projects. One of the recommendations of the review was to work with industry to improve the level of understanding about the information required to be submitted to Councils. It would also be opportune for the industry to provide Council officers with details about the operation and design protected cropping structures as well as conduct tours of existing operations.

Council staff can also be trained in the planning aspects of agricultural production including discussion about the different types of agriculture and the impacts that can occur both onsite and offsite. It would cover intensive and extensive agriculture and the different operational and design aspects of the buildings and structures associated with each farming system. This would include staff from the development assessment, strategic planning and compliance sections.

Option 4 - Identification of State Significant Agricultural Land.

Comment:

Such an approach is welcomed in order to afford greater protection of agricultural land. Queries are raised with respect to the process of determining State Significant Agricultural Land, recognising that the average holding size in the Hawkesbury local government area is significantly smaller than western NSW council areas where State Significant Agricultural Land may have previously been identified.

Council's Draft Rural Lands Strategy has highlighted the productive values of the agricultural sector, but has also identified that the size of rural holdings analysis shows that 62.3% of all land ownership is on holdings of less than 3 ha and 81.1% is holdings of less than 8 ha. Most of the small lots less than 3 ha are in the South East part of the Local Government Area and the larger holdings are in the northern parts of the Local Government Area.

Option 4a - State Agricultural Land Use Planning Policy

Comment:

Such an approach is supported in order to provide greater clarity and certainty in terms of land use planning for such land use and importantly adjacent to such State Significant Agricultural Land.

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Option 4b - State Agricultural Land Use Planning Policy and State Significant Agricultural Land Criteria

Comment:

Such an approach is supported in conjunction with a range of other measures.

Option 4c - State Agricultural Land Use Planning Policy and State Significant Agricultural Land Map

Comment:

Such an approach is supported in conjunction with a range of other measures.

Option 4d - State Agricultural Land Use Planning Policy and State Significant Agricultural Land Map - councils opt in

Comment:

This matter would require further consideration in terms of the final provisions and informed by Council's Draft Rural Lands Strategy.

Option 5 - Controlling Land Use in Rural Zones

Comment:

The following statutory changes could be made to prohibit non-agricultural development on State Significant Agricultural Land or in rural areas generally:

- a Ministerial Direction which requires State Significant Agricultural Land to be zoned RU1 Primary Production when councils prepare a planning proposal applying to the land.
- a Ministerial Direction which prohibits the change of zoning of rural zoned land to a residential, business, industrial, environmental or special use zone.
- Amend the Standard Instrument LEP to prohibit particular non-agricultural land uses in the RU1 Primary Production zone.
- Amend the Standard Instrument LEP to prohibit any further subdivision of rural land to create new lots with dwelling eligibilities.

Council's Draft Rural Lands Strategy highlights that a number of landscape units have been identified for the Local Government Area, which are based on land use, topography, vegetation and holding sizes. The landscape boundaries have been defined by the relationship between these elements and they also relate to the way that an area looks and feels. They have been identified to assist Council to provide planning for the future of the rural lands as well as the consideration of the requirement for place-based planning in the Western City Plan prepared by the Greater Sydney Commission. The landscapes will be used to identify different recommendations for land uses and zoning as well as other strategic priorities.

These landscape units include:

- Production
- Agri-Tourism
- Rural
- South East
- Northern Valleys

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- River
- Urban

In Council's Draft Rural Lands Strategy, a place-based approach to the strategic planning of the rural landscapes has been applied and this is best called 'landscape-based' strategic planning. It is noted that place-based strategic planning is normally applied to urban areas and precincts. Each of the landscape units outlined above has specific components that set it apart from the other landscapes of the Local Government Area although in some circumstances, the land use zoning outcomes may be the same.

A methodology has been developed which uses a combination of the land use and holding size as well as potential for land use conflict to determine the best land to be zoned for the following zones:

- Primary Production
- Rural Landscape

A land use survey has been carried out which identified a number of land uses as well as the holding size range for the rural lands of the Local Government Area.

Land use surveys and lot size analyses such as the one discussed above have utility for use in identifying land with common features as a foundation for future zoning. The land use survey is used because it provides an overview of the existing land use pattern within an area and therefore gives an indication of the predominant land uses which should be conserved. It is important to consider the size of the lots and holdings within an area because the existing fragmented lot patterns contribute to rural land use conflicts and the ability of the area to be protected from such rural land use conflicts.

A methodology has been developed to identify the best land for growing food by zoning the land for its dominant use - agriculture production as well as a second zone for landscape character rather than just having one rural zone. It uses data on what is happening on the land (land use, holding size and soil types) as well as what the land is capable for (agricultural land classification, soil types and slope).

The data sets used are land use (based on cadastre), holding size, native vegetation coverage, natural resources capability and other secondary sources of data. They are used as a series of sieves to identify the different characteristics of the land.

Based on this methodology, the Draft Hawkesbury Rural Lands Strategy identifies that there are five broad land units within the Hawkesbury Local Government Area:

- Agriculture Production
- Rural Landscape
- Native Vegetation
- Rural Residential
- Towns & Villages

Providing certainty of land use based on such an assessment to land units is recommended.

The Draft Rural Lands Strategy also highlights that some definitions for rural land uses should be amended in order to ensure a more contemporary approach.

Option 6a – Department of Planning, Industry and Environment's approval of developments on State Significant Agricultural Land and Identified Production Areas

Comment:

Developments on State Significant Agricultural Land could be referred to the Department of Planning, Industry and Environment for approval/concurrence.

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Option 6b – Department of Planning, Industry and Environment's advice in relation to development on State Significant Agricultural Land and Identified Production Areas

Comment:

Rather than formal concurrence as per 6a, this option would require consent authorities to seek and consider advice from the Department of Primary Industries in relation to non-agricultural developments on State Significant Agricultural Land and in Identified Production Areas. This would have the same benefits referred to above, but without a formal Department of Primary Industries concurrence role.

2. Reduce and manage land use conflict

The land use zoning system can be used to provide the delineation of the best agricultural land as well as other land that is used for a number of uses. This is based on land capability and existing areas of production.

Council's Draft Rural Lands Strategy highlights that another aspect of the policy and regulation is land use conflict. Land use conflict occurs when one land user is perceived to infringe upon the rights, values or amenity of another (NSW Department of Primary Industries, 2011). In most cases it occurs when people move into a dwelling or build a dwelling on land (small and large lots) which is either adjacent to or near to an operating farm - these can be intensive and extensive agricultural operations. The resident alleges a perceived loss of amenity due to noise, odour, dust, night time activities, spray drift, etc. In most cases they expect the amenity to be one of quiet, peaceful and nice smelling countryside because they don't understand farming or the noise, odours and other impacts. However, this is often not the case when they move next to an operating farm. The environmental legislation (Protection of the Environment Operations Act, 1997, and relevant regulations) governing pollution is based on an urban situation and one that assumes that all pollution can be contained within the boundaries of the land. This can be done in an urban situation but it is very difficult in a rural one. Noise pollution is a case in point. The noise pollution legislation says that if the noise being emitted is a specific level greater than the ambient noise level, the operation is in breach of the noise pollution legislation. If the neighbour complains, the Council can require the farmer to bring the noise down to the required level, or confine the noise generating activity to a maximum number of days per year. This can often force farming operations to be restricted to certain hours, thus reducing the intensity and duration of the nuisance. But such restrictions can affect the economic viability of the farming business and in turn force farmers either to move or to cease farming, which accelerates the conversion of land to rural residential purposes. It could be said that the legislation benefits the complainant and not the producer.

The NSW Government has introduced a right to farm policy which has as its main focus "... a desire by farmers to undertake lawful agricultural practices without conflict or interference arising from complaints from neighbours and other land users." (NSW Department of Primary Industries, 2015) It has also introduced a Right to Farm Act, which in the Explanatory Note to the Right to Farm Bill 2019 has a number of objects but the most relevant are as follows:

- (a) to prevent an action for the tort of nuisance being brought in relation to a commercial agricultural activity where it is occurring lawfully on agricultural land,
- (b) to require a court to consider alternative orders to remedy a commercial agricultural activity that is found to constitute a nuisance rather than order the activity to cease

It is significant to note that the Act relates to the 'tort of nuisance' and states that commercial agricultural activities do not constitute a nuisance. It goes on to state that if a court finds that a commercial agricultural activity constitutes a nuisance, then the court must not order the complete cessation of the activity, if it could make an order to allow it to continue in a manner:

- (a). that is managed, modified, or reduced, and
- (b). is consistent with an efficient and commercially viable operation, and

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(c). unlikely to significantly disturb the other party to the proceedings

However, for a farmer to be protected by this legislation, a complainant must bring an action in the Local Court in a tort of nuisance. This is a costly exercise and one that is unlikely to occur. The current practice in land use conflict issue is that the neighbour complains to the Council and it is up to the Council to investigate it. The Council can then take any necessary action under the Protection of the Environment Operations Act to make the farmer modify the operations to stop the loss of amenity of the neighbour. It is noted that the Right to Farm Act does not override the Protection of the Environment Operations Act.

Agriculture causes off-site impacts which are generally accepted by people who farm the land, but this causes conflict when the neighbour is using the land for amenity and not production. One option to deal with this is to consider the dominant use having priority over other uses when complaints are made – the “right to farm”. In this case the dominant use would be agriculture and other non-agricultural uses would include rural residential dwellings as well as accommodation and commercial uses. The zoning system can be used to classify the land that is identified for its productive potential for agriculture as well as land for other uses (this is discussed in detail in the next section). When a complaint is made against an agricultural practice by a neighbour, the first point of the investigation would be to determine if the land is within the agriculture production zone. If this is the case, the investigation determines if the farmer is carrying out best practice (which can be determined and documented in by Councils and Government Agencies in conjunction with the relevant farming organisation) and if they are, the complainant is advised of this and the farmer is left to farm the land. It is important to note, however, that if the farmer is causing a breach of the Protection of the Environment Operations Act, this should be investigated and if there is a breach, appropriate action should be taken. This approach is called ‘let the farmers farm’ and is a collaborative and consultative approach that tries to resolve the issues in favour of the farmers over the residential uses. This would require some alteration to the pollution legislation but it is considered to be worthy of investigation by the Department of Primary Industry and Department of Planning, Industry and Environment via the Intensive Agriculture Consultative Committee. The Hawkesbury LEP can only be used to alleviate land use conflict by the assessment of applications for the use of the land and cannot be used for existing land use conflict issues.

Council’s Development Control Plan (DCP) is used to provide a guide to the assessment of DAs. It is noted that the Council’s current DCP includes Chapter 8 which deals with Farm Buildings and Outbuildings in association with rural residential development. It does not include any guidelines on intensive plant or intensive livestock agriculture, animal boarding and training establishments or aquaculture. Having regard to the discussion about promoting agriculture and the opportunities to encourage agriculture, it would be appropriate for the Council to incorporate the following sections into its DCP:

- Intensive Plant Agriculture
- Intensive Livestock Agriculture
- Animal Training and Boarding Establishments
- Aquaculture
- Farm buildings
- Non-Agricultural development

The use of Land Use Conflict Risk Assessment as a way of dealing with land use conflict can be a requirement for all non-agricultural development in the Primary Production Zone to require a risk assessment to be submitted to assess the potential for the use to cause land use conflict. This can be incorporated into the DCP requirements for non-agricultural development.

In terms of the SEPP Exempt and Complying Development it is noted that there is potential for the land use conflict to be increased by new dwellings being built close to an intensive agricultural use and for the need for an unnecessary DA to be required for rural sheds that are required for the agricultural use merely because they cover an area of more than 1,000 m². The potential land use conflict can be dealt with by requiring the dwelling house to be moved away from the adjoining agricultural development or other ways of reducing the conflict as was the case before the introduction of Codes SEPP via the DA assessment process. There would also be the ability to

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require a Land Use Conflict Risk Assessment with a DA as part of the DCP, as this is not possible under the SEPP at present. The ability to require a DA to address land use conflict which is perhaps one of the most significant aspects of preserving agriculture is not available with the current application of the Codes SEPP. In addition, the unnecessary requirement for a DA for sheds with a total area of over 1,000 m² is considered to be redundant because it is highly likely that the DA would be approved if it is in conjunction with an intensive agricultural use of the land. There is the opportunity to resolve these two anomalies by amending the SEPP Exempt and Complying Development so that it does not apply to the RU1 Primary Production zone in Hawkesbury LGA.

It is considered appropriate that more specific statements should be put into the LEP by amending the objectives of the relevant zones.

Agriculture contributes to a number of aspects of the Hawkesbury LGA which are as follows:

- Economy
- Rural Landscape
- Tourism
- Settlement pattern
- Environmental conservation

In order to recognise this from an overall corporate viewpoint, the issues raised above can also be incorporated into a council's corporate and governance documents such as the Community Strategic Plan where appropriate.

3. Support agriculture to recover and grow

Option 1 - Clarification of agricultural land use definitions

Comment:

Such an approach is supported and would provide a greater level of certainty for all stakeholders provided such definitions are reflective of contemporary practices, latest trends and innovations.

Option 2 - Expansion of exempt and complying developments

Comment:

Not supported as it creates too much uncertainty and control of the land use planning process.

Option 3 - Buffer guidelines

Comment:

Such an approach is supported in order to guide and support land use planning frameworks.

Option 4 - Agent of change/ initiatory of change principle

Comment:

Considered unnecessary provided an appropriate land use framework and guides are provided that are based on latest trends and innovations.

Option 5 - Amend regulation on public submissions

Comment:

Considered unnecessary provided an appropriate land use framework and guides are provided that are based on latest trends and innovations.

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Thank you for the opportunity to provide comments.

Should you have any enquiries in relation to this matter please contact me on (02) 4560 4604.

Yours faithfully

Andrew Kearns
Manager Strategic Planning

DRAFT

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SUPPORT SERVICES

Item: 006 **SS - Investment Report - November 2020 - (95496, 96332)**

Previous Item: 150, Ordinary (10 March 2020)

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to 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.

EXECUTIVE SUMMARY:

This report indicates that Council held \$57.75 million in investments at 30 November 2020 and outlines that all investments were made in accordance with the Act, the Regulation and Council's Investment Policy.

RECOMMENDATION:

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

BACKGROUND

Council held \$57.75 million in investments as at 30 November 2020. Details on the composition of the Investment Portfolio, and its compliance with Council's Investment Policy are provided below. Details include the financial institutions with which the investments were made, 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, the percentage of the total portfolio, exposure to credit ratings bands and the spread of maturities.

1. Composition of Investment portfolio

Tables 1 to 3 below provide details regarding the \$57.75 million in investments held as at 30 November 2020.

Table 1 - Summary of Council's Investment Portfolio as at 30 November 2020

Product Type	Face Value	% of Total
At Call Deposits	\$5,000,000	8.7%
TCorp Cash Fund	\$2,132,415	3.7%
Term Deposits - Fixed Rate	\$50,620,000	87.6%
Grand Total	\$57,752,415	100.0%

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Table 2 - Total Investments by Issuer's Long - Term Credit Rating

Long Term Credit Rating	Face Value	% of Total
AA-	\$53,120,000	92.0%
BBB	\$2,500,000	4.3%
NSW TCorp Cash Fund	\$2,132,415	3.7%
Grand Total	\$57,752,415	100.0%

Table 3 – Fixed Term Deposits

Institution	Long Term Rating	Short Term Rating	Maturity	Rate	Face Value
ANZ	AA-	A-1+	09-Dec-20	1.25%	\$1,000,000
			09-Dec-20	1.50%	\$2,000,000
			27-Jan-21	0.90%	\$1,500,000
			07-Jul-21	0.80%	\$3,000,000
Bank of Queensland Commonwealth Bank of Australia	BBB+	A-2	11-Aug-21	0.90%	\$2,500,000
	AA-	A-1+	21-Jul-21	0.67%	\$2,000,000*
			21-Jul-21	0.61%	\$1,000,000
			26-Aug-21	0.69%	\$1,000,000*
			14-Oct-21	0.64%	\$3,000,000
			04-Nov-21	0.55%	\$1,500,000
National Australia Bank			20-Nov-23	0.65%	\$1,000,000
	AA-	A-1+	16-Dec-20	0.50%	\$2,000,000
			12-Jan-21	1.55%	\$1,500,000
			13-Jan-21	1.30%	\$1,000,000
			13-Jan-21	1.04%	\$1,000,000
			22-Jan-21	0.51%	\$620,000
			10-Feb-21	1.50%	\$1,000,000
			19-Feb-21	1.50%	\$1,000,000
			05-Mar-21	1.30%	\$2,000,000
			29-Apr-21	1.10%	\$1,000,000
			26-May-21	1.02%	\$1,500,000
			03-Jun-21	0.99%	\$3,000,000
			22-Sep-21	0.70%	\$1,000,000
			19-Nov-24	0.75%	\$1,000,000
Westpac			03-Nov-25	0.95%	\$500,000
			19-Nov-25	0.90%	\$500,000
	AA-	A-1+	22-Feb-21	1.50%	\$1,000,000
			17-Mar-21	1.31%	\$3,000,000
			07-Apr-21	1.00%	\$1,000,000
			21-Apr-21	1.00%	\$1,000,000
			29-Apr-21	1.00%	\$1,000,000
			06-May-21	0.95%	\$1,500,000
			26-May-21	0.95%	\$500,000
			03-Jun-21	0.91%	\$1,000,000
Grand Total			18-Jun-21	0.92%	\$1,500,000
			22-Sep-21	0.67%	\$1,000,000*
					\$50,620,000

*Environmental, Social and Governance (ESG) investments as per Council's Investment Policy.

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2. Compliance to Investment Policy

Tables 4 to 5 below summarise Council's exposure limits to the credit ratings bands, term to maturity parameters and compliance with Council's Investment Policy.

Table 4 – Exposure Limits to credit ratings bands

Long-Term Credit Rating	Exposure of Entire Portfolio		
	Actual	Maximum	Compliant
AAA to AA- or Major Bank and below	96.3%	100%	Yes
A+ to A- and below	4.3%	50%	Yes
BBB+ to BBB and below	4.3%	30%	Yes
BBB- and below	0%	5%	Yes
TCorp Cash Fund	3.7%	20%	Yes

Table 5 – Term to Maturity

Long-Term Credit Rating	Term to Maturity	
	Maximum	Compliant
AA+, AA, AA- (and Major Banks)	5 years	Yes
A+, A, A-	3 years	Yes
BBB+	3 years	Yes
BBB, BBB-	1 year	Yes
Non-rated ADIs	1 year	Yes

3. Portfolio Return

Council's investment portfolio (excluding At Call Deposits and TCorp Cash Fund) provided a weighted average return (running yield) as shown in Table 6 below.

Table 6 – Portfolio Return

30 November 2020	Weighted Average Return (Running Yield)
Hawkesbury City Council – Investment Portfolio	0.081%
Benchmark – Bloomberg Ausbond Bank Bill Index	0.007%
Performance Relative to Benchmark	0.074%

Based on Council's Investment Advisor advice, the running yield is the most appropriate for Council's portfolio. The rationale for this conclusion is that if all investments are purchased at par and mature at par, then the return over the holding period of that investment is simply the running yield.

Relevant Legislation

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 investments have been made in accordance with the Act, the Regulation and the Council's Investment Policy.

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.

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DISCUSSION

Council's investments and returns achieved are driven and impacted by economic and market conditions. Council's Investment Advisor has reviewed Council's investments as at 30 November 2020 and has advised as follows:

- *"Council's portfolio monthly return is around 0.07% above the Bloomberg AusBond Bank Bill benchmark. This return excludes at Call Accounts and the NSW TCorp Cash Fund. While Council's investment performance has fallen in recent times it has maintained an excellent return over the benchmark index and relative to comparable councils.*
- *Council is not close to any of the other individual policy limits, aside from Council's total exposure to BoQ of 4.3% (against the 5% policy limit for BBB rated entities). However, this exposure is entirely manageable and small in absolute terms at \$2.5 million. Overall, exposures to individual entities and to credit limits have been well managed such that there is additional capacity to add exposures to any of the existing entities if an opportunity arises, or to absorb any downgrades. Amicus generally recommends its clients operate with "buffers" between policy limit maximums and minimums to provide flexibility and avoid breaches, which is the strategy adopted by Hawkesbury City Council.*
- *The Reserve Bank of Australia has taken significant actions in recent months to keep interest rates low and support Authorised Deposit-Taking Institutions (ADIs) in response to the economic disruptions caused by COVID-19 related shutdowns. The risk of default of any ADI is likely a longer-term issue in a scenario of loan losses due to mortgage defaults caused by high unemployment and falling house prices. In this scenario, transparency is key and so it is advised Council should restrict its investments to entities which are rated at investment grade by the major credit ratings agencies seeking the best rates available and be also mindful that total exposures are within Council's policy limits. Council's investment policy does not permit investments in un-rated or non-investment grade rated entities so this will not be a risk for Hawkesbury City Council.*

In the current investment environment, Amicus suggests Council to pursue the following investment strategies with regards to any excess liquidity:

- *Invest in the best Term Deposit rates available within the capacity of Policy limits.*
- *Take limited exposures (no more than 5% of the total portfolio per entity, obviously within policy limits) to issuers outside the Major Banks in short-dated Term Deposits if rates are attractive. This is a very low risk strategy given the steps taken by the Reserve Bank of Australia to ensure no Authorised Deposit Taking Institutions will fail due to liquidity reasons in the short term.*
- *With current Term Deposit rates well below the average of Council's average annual yield investment returns will fall in the coming months and so we recommend Council actively pursue the strategies outlined above to mitigate the coming impact on absolute returns."*

Council is also discussing the process for preparing to take advantage of Floating Rate Notices and bonds, as recommended by the Investment Advisor.

During the reporting period, the investment portfolio remaining relatively stable with a minor decrease of \$98,923 reflecting funds received, payments made, and redemption of invested funds and lodging of new term deposits, which is driven by cash flow requirements.

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Restriction of Funds

Council's total investment portfolio as at 30 November 2020 included funds that are restricted as to what they can be expended on.

Table 7 – Restriction of Funds

Restriction Type	Amount	%
External Restrictions - S7.11 and S7.12 Developer Contributions	\$12,041,806	20.85%
External Restrictions - Western Parkland City Liveability Program	\$3,550,508	6.15%
External Restrictions - Bushfire and Flood Grants	\$686,208	1.19%
External Restrictions - Other (e.g. domestic waste, sewerage)	\$5,091,637	8.82%
Internal Restrictions (e.g. election, workers compensation, Employee Leave Entitlements)	\$16,239,225	28.12%
Unrestricted	\$20,143,041	34.88%
Total	\$57,752,415	100.00%

Unrestricted funds, whilst not subject to a restriction for a specific purpose, are fully committed to fund operational and capital expenditure in line with Council's adopted Operational Plan. As there are timing differences between the accounting for income and expenditure in line with the Plan, and the corresponding impact on Council's cash funds, a sufficient level of funds is required to be kept at all times to ensure Council's commitments are met in a timely manner. Council's cash management processes are based on maintaining enough cash levels to enable commitments to be met when due, while at the same time ensuring investment returns are maximised through term investments where possible.

In addition to funds being fully allocated to fund the Operational Plan activities, funds relating to closed self-funded programs and that are subject to legislative restrictions cannot be utilised for any purpose other than that specified. Externally restricted funds include funds relating to Section 7.11 and Section 7.12 Contributions, Domestic Waste Management, Sewerage Management, Stormwater Management and Grants.

Funds subject to an internal restriction refer to funds kept aside for specific purposes, or to meet future known expenses. This allows for significant expenditures to be met in the applicable year without having a significant impact on that year. Internally restricted funds include funds relating to Tip Remediation, Workers Compensation, and Elections.

Liveability, Fire and Flood Funding

At its meeting on 28 July 2020 Council resolved that future monthly investment reports identify the proportion of total investments made up of:

- Western Parkland City Liveability Program funding
- State and Federal Government grant funding for fire and flood.

Table 7 (above) has been amended to provide the details of the proportions

COMMUNITY ENGAGEMENT

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

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CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Leadership

1.3 Financial Sustainability - Build strong financial sustainability for now and future generations.

1.3.1 In all of Council's strategies, plans and decision making there will be a strong focus on financial sustainability.

1.3.2 Meet the needs of the community now and into the future by managing Council's assets with a long-term focus.

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. The income applicable is provided for in the 2020/2021 Adopted Operational Plan.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

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

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 007 **SS - Investment Report - December 2020 - (95496, 96332)**

Previous Item: 150, Ordinary (10 March 2020)

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to 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.

EXECUTIVE SUMMARY:

This report indicates that Council held \$61.25 million in investments at 31 December 2020 and outlines that all investments were made in accordance with the Act, the Regulation and Council's Investment Policy.

RECOMMENDATION:

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

BACKGROUND

Council held \$61.25 million in investments as at 31 December 2020. Details on the composition of the Investment Portfolio, and its compliance with Council's Investment Policy are provided below. Details include the financial institutions with which the investments were made, 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, the percentage of the total portfolio, exposure to credit ratings bands and the spread of maturities.

1. Composition of Investment portfolio

Tables 1 to 3 below provide details regarding the \$61.25 million in investments held as at 31 December 2020.

Table 1 - Summary of Council's Investment Portfolio as at 31 December 2020

Product Type	Face Value	% of Total
At Call Deposits	\$5,500,000	9.0%
TCorp Cash Fund	\$2,132,769	3.5%
Term Deposits - Fixed Rate	\$53,620,000	87.5%
Grand Total	\$61,252,769	100.0%

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Table 2 - Total Investments by Issuer's Long - Term Credit Rating

Long Term Credit Rating	Face Value	% of Total
AA-	\$53,120,000	86.7%
BBB	\$3,000,000	4.9%
BBB+	\$3,000,000	4.9%
NSW TCorp Cash Fund	\$2,132,769	3.5%
Grand Total	\$61,252,769	100.0%

Table 3 – Fixed Term Deposits

Institution	Long Term Rating	Short Term Rating	Maturity	Rate	Face Value
ANZ	AA-	A-1+	27-Jan-21	0.90%	\$1,500,000
			07-Jul-21	0.80%	\$3,000,000
Bank of Queensland	BBB+	A-2	11-Aug-21	0.90%	\$2,500,000
			16-Dec-21	0.55%	\$500,000
Commonwealth Bank of Australia	AA-	A-1+	21-Jul-21	0.67%	\$2,000,000 *
			21-Jul-21	0.61%	\$1,000,000
			26-Aug-21	0.69%	\$1,000,000 *
			14-Oct-21	0.64%	\$3,000,000
			04-Nov-21	0.55%	\$1,500,000
			20-Nov-23	0.65%	\$1,000,000
ME Bank	BBB	A-2	22-Jan-21	0.40%	\$1,000,000
			09-Dec-21	0.50%	\$2,000,000
National Australia Bank	AA-	A-1+	12-Jan-21	1.55%	\$1,500,000
			13-Jan-21	1.30%	\$1,000,000
			13-Jan-21	1.04%	\$1,000,000
			22-Jan-21	0.51%	\$620,000
			10-Feb-21	1.50%	\$1,000,000
			19-Feb-21	1.50%	\$1,000,000
			05-Mar-21	1.30%	\$2,000,000
			29-Apr-21	1.10%	\$1,000,000
			26-May-21	1.02%	\$1,500,000
			03-Jun-21	0.99%	\$3,000,000
			22-Sep-21	0.70%	\$1,000,000
			14-Oct-21	0.50%	\$500,000
			10-Nov-21	0.50%	\$2,000,000
			19-Nov-24	0.75%	\$1,000,000
			03-Nov-25	0.95%	\$500,000
			19-Nov-25	0.90%	\$500,000
Westpac	AA-	A-1+	22-Feb-21	1.50%	\$1,000,000
			17-Mar-21	1.31%	\$3,000,000
			07-Apr-21	1.00%	\$1,000,000
			21-Apr-21	1.00%	\$1,000,000
			29-Apr-21	1.00%	\$1,000,000
			06-May-21	0.95%	\$1,500,000
			26-May-21	0.95%	\$500,000
			03-Jun-21	0.91%	\$1,000,000
			18-Jun-21	0.92%	\$1,500,000
			22-Sep-21	0.67%	\$1,000,000 *

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			09-Dec-21	0.49%	\$2,000,000*
Grand Total					\$53,620,000

*Environmental, Social and Governance (ESG) investments as per Council's Investment Policy.

2. Compliance to Investment Policy

Tables 4 to 5 below summarise Council's exposure limits to the credit ratings bands, term to maturity parameters and compliance with Council's Investment Policy.

Table 4 – Exposure Limits to credit ratings bands

Long-Term Credit Rating	Exposure of Entire Portfolio		
	Actual	Maximum	Compliant
AAA to AA- or Major Bank and below	96.52%	100%	Yes
A+ to A- and below	9.80%	50%	Yes
BBB+ to BBB and below	9.80%	30%	Yes
BBB- and below	0%	5%	Yes
TCorp Cash Fund	3.48%	20%	Yes

Table 5 – Term to Maturity

Long-Term Credit Rating	Term to Maturity	
	Maximum	Compliant
AA+, AA, AA- (and Major Banks)	5 years	Yes
A+, A, A-	3 years	Yes
BBB+	3 years	Yes
BBB, BBB-	1 year	Yes
Non-rated ADIs	1 year	Yes

3. Portfolio Return

Council's investment portfolio (excluding At Call Deposits and TCorp Cash Fund) provided a weighted average return (running yield) as shown in Table 6 below.

Table 6 – Portfolio Return

30 November 2020	Weighted Average Return (Running Yield)
Hawkesbury City Council – Investment Portfolio	0.074%
Benchmark – Bloomberg Ausbond Bank Bill Index	0.003%
Performance Relative to Benchmark	0.071%

Based on Council's Investment Advisor advice, the running yield is the most appropriate for Council's portfolio. The rationale for this conclusion is that if all investments are purchased at par and mature at par, then the return over the holding period of that investment is simply the running yield.

Relevant Legislation

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

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whether investments have been made in accordance with the Act, the Regulation and the Council's Investment Policy.

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.

DISCUSSION

Council's investments and returns achieved are driven and impacted by economic and market conditions. Council's Investment Advisor has reviewed Council's investments as at 31 December 2020 and has advised as follows:

- *“Council's portfolio monthly return is around 0.07% above the Bloomberg AusBond Bank Bill benchmark. This return excludes at Call Accounts and the NSW TCorp Cash Fund. While Council's investment performance has fallen in recent times it has maintained an excellent return over the benchmark index and relative to comparable councils.*
- *Council is not close to any of the other individual policy limits, aside from Council's total exposure to BoQ of 4.9% and ME Bank of 4.9% (against the 5% policy limit for BBB rated entities). However, these exposures are entirely manageable and small in absolute terms at \$3 million at each bank. Overall, exposures to individual entities and to credit limits have been well managed such that there is additional capacity to add exposures to any of the existing entities if an opportunity arises, or to absorb any downgrades. Amicus generally recommends its clients operate with “buffers” between policy limit maximums and minimums to provide flexibility and avoid breaches, which is the strategy adopted by Hawkesbury City Council.*
- *The Reserve Bank of Australia has taken significant actions in recent months to keep interest rates low and support Authorised Deposit-Taking Institutions (ADIs) in response to the economic disruptions caused by COVID-19 related shutdowns. The risk of default of any ADI is likely a longer-term issue in a scenario of loan losses due to mortgage defaults caused by high unemployment and falling house prices. In this scenario, transparency is key and so it is advised Council should restrict its investments to entities which are rated at investment grade by the major credit ratings agencies seeking the best rates available and be also mindful that total exposures are within Council's policy limits. Council's investment policy does not permit investments in un-rated or non-investment grade rated entities so this will not be a risk for Hawkesbury City Council.*

In the current investment environment, Amicus suggests Council pursues the following investment strategies with regards to any excess liquidity:

- *Invest in the best Term Deposit rates available within the capacity of Policy limits.*
- *Take limited exposures (no more than 5% of the total portfolio per entity, obviously within policy limits) to issuers outside the Major Banks in short-dated Term Deposits if rates are attractive. This is a very low risk strategy given the steps taken by the Reserve Bank of Australia to ensure no Authorised Deposit Taking Institutions will fail due to liquidity reasons in the short term.*
- *Consider investing in bonds and Floating Rates Notices where the yields and risks are attractive relative to Term Deposits. The relative value of these two instruments varies with market conditions and there are commonly periods where one is more attractive than the other and vice versa.*

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- *With current Term Deposit rates well below the average of Council's average annual yield investment returns will fall in the coming months and so we recommend Council actively pursue the strategies outlined above to mitigate the coming impact on absolute returns."*

Council is discussing the process for preparing to take advantage of Floating Rate Notices and bonds, as recommended by the Investment Advisor.

During the reporting period, the investment portfolio increased by \$3.5 million reflecting funds received, payments made, and redemption of invested funds and lodging of new term deposits, which is driven by cash flow requirements.

Restriction of Funds

Council's total investment portfolio as at 31 December 2020 included funds that are restricted as to what they can be expended on.

Table 7 – Restriction of Funds

Restriction Type	Amount	%
External Restrictions - S7.11 and S7.12 Developer Contributions	\$12,080,209	19.72%
External Restrictions - Western Parkland City Liveability Program	\$3,538,678	5.78%
External Restrictions - Bushfire and Flood Grants	\$893,330	1.46%
External Restrictions - Other (e.g. domestic waste, sewerage)	\$4,560,151	7.44%
Internal Restrictions (e.g. election, workers compensation, Employee Leave Entitlements)	\$16,520,446	26.97%
Unrestricted	\$23,659,955	38.63%
Total	\$61,252,769	100.00%

Unrestricted funds, whilst not subject to a restriction for a specific purpose, are fully committed to fund operational and capital expenditure in line with Council's adopted Operational Plan. As there are timing differences between the accounting for income and expenditure in line with the Plan, and the corresponding impact on Council's cash funds, a sufficient level of funds is required to be kept at all times to ensure Council's commitments are met in a timely manner. Council's cash management processes are based on maintaining enough cash levels to enable commitments to be met when due, while at the same time ensuring investment returns are maximised through term investments where possible.

In addition to funds being fully allocated to fund the Operational Plan activities, funds relating to closed self-funded programs and that are subject to legislative restrictions cannot be utilised for any purpose other than that specified. Externally restricted funds include funds relating to Section 7.11 and Section 7.12 Contributions, Domestic Waste Management, Sewerage Management, Stormwater Management and Grants.

Funds subject to an internal restriction refer to funds kept aside for specific purposes, or to meet future known expenses. This allows for significant expenditures to be met in the applicable year without having a significant impact on that year. Internally restricted funds include funds relating to Tip Remediation, Workers Compensation, and Elections.

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Liveability, Fire and Flood Funding

At its meeting on 28 July 2020 Council resolved that future monthly investment reports identify the proportion of total investments made up of:

- Western Parkland City Liveability Program funding
- State and Federal Government grant funding for fire and flood.

Table 7 (above) has been amended to provide the details of the proportions

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Leadership

1.3 Financial Sustainability - Build strong financial sustainability for now and future generations.

1.3.1 In all of Council's strategies, plans and decision making there will be a strong focus on financial sustainability.

1.3.2 Meet the needs of the community now and into the future by managing Council's assets with a long-term focus.

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. The income applicable is provided for in the 2020/2021 Adopted Operational Plan.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

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

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 008 **SS - Pecuniary Interest Returns - Designated Persons - (95496, 96333)**

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to table Disclosure of Pecuniary Interests and Other Matters Returns, which have been recently lodged by Designated Persons, as required by Clause 4.21(a) of Council's Code of Conduct.

EXECUTIVE SUMMARY:

Councillors and other members of Council staff identified as Designated Persons under Council's Code of Conduct are required to complete a Pecuniary Interest Return form identifying any pecuniary and other types of interests that they hold as at their date of commencement with Council.

Returns have recently been lodged with the General Manager, and are now tabled at the first Council meeting held after the required lodgement date.

RECOMMENDATION:

That the Clause 4.21(a) Pecuniary Interest Returns be received and noted.

BACKGROUND

Councillors and other members of Council staff who hold a position involving the exercise of functions that, in their exercise, could give rise to a conflict between the person's duty as a member of staff and the person's private interest, are identified by Council as a "Designated Person", as defined by Clause 4.8 of Council's Code of Conduct (the Code).

Designated Persons are required by Clause 4.21(a) of the Code to complete a Return form identifying any pecuniary and other types of interests that they hold as at their date of commencement with Council.

The Return form must be lodged with the General Manager within three months of the Designated Person's date of commencement with Council, and must be tabled at the first Council meeting held after the required lodgement date.

Policy considerations

Section 440AAB of the Local Government Act, 1993, relates to the register of Pecuniary Interest Returns made by Councillors and Designated Persons, and the tabling of these Returns:

"440AAB Register and tabling of returns

- (1) The general manager must keep a register of returns disclosing interests that are required to be lodged with the general manager under a code of conduct.*
- (2) Returns required to be lodged with the general manager must be tabled at a meeting of the council, being the first meeting held after the last day specified by the code of lodgement, or if the code does not specify a day, as soon as practicable after the return is lodged."*

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In accordance with Section 440AAB(1) of the Act and Clause 4.24 of the Code, a register of all Returns lodged by Councillors and Designated Persons, in accordance with Clause 4.21 of the Code, is currently kept by Council, as required by this part of the Act and the Code.

In accordance with Section 440AAB(2) of the Act and Clause 4.25 of the Code, all Returns lodged by Councillors and Designated Persons under Clause 4.21(a) of the Code, must be tabled at the first Council meeting held after the required lodgement date.

DISCUSSION

With regard to Section 440AAB(2) of the Act and Clause 25 of the Code, the following Clause 4.21(a) Returns have been lodged:

Position	Return Date	Date Lodged
Coordinator GIS	14 September 2020	20 November 2020
Design and Investigations Engineer	14 September 2020	26 November 2020
Procurement Officer	19 October 2020	30 October 2020

The above Designated Persons have lodged their Clause 4.21(a) Return prior to the due date (being three months after the Return Date), as required by the Act and the Code for the receipt of the Returns.

The above details are now tabled in accordance with Section 440AAB(2) of the Act and Clause 4.25 of the Code, and the abovementioned Returns are available for inspection, if requested.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Leadership

1.5 Regulation and Compliance - Encourage a shared responsibility for effective local compliance.

1.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal has no resourcing implications, outside of Council's Adopted 2019/2020 Operational Plan, which will adversely impact on Council's financial sustainability.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 009 **SS - Submission to the Towards a Fairer Rating System Consultation - (5496)**

Previous Item: 155, Ordinary (27 August 2019)
 221, Ordinary (11 October 2016)
 87, Ordinary (10 May 2016)

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to seek Council's endorsement of the proposed submission to the Towards a Fairer Rating System Consultation document issued by the Office of Local Government on 22 December 2020.

EXECUTIVE SUMMARY:

The NSW State Government asked the Independent Pricing and Regulatory Tribunal (IPART) to review the local government rating system in NSW.

Following an Issues Paper released in April 2016, a Draft Report was issued in August 2016. In December 2016, a Final Report was provided to the Minister for Local Government. The Minister released the Final Report in June 2019 seeking feedback. Council endorsed a submission to the Final Report at its meeting on 27 August 2019. In June 2020 the Minister for Local Government issued its final response, after considering feedback.

As a step in implementing the applicable recommendations, a consultation guide, Towards a Fairer Rating System and an Exposure Draft of the Local Government Amendment (Rating) Bill 2020 were issued by the Office of Local Government on 22 December 2020.

Feedback in response to this consultation process is due by 5 February 2020. Councils proposed submission is attached as Attachment 2 to this report.

RECOMMENDATION:

That Council:

1. Receive and note the information within this report
2. Note the key points in the Draft Submission, included as Attachment 2 to this report in relation to:
 - Council does wish to comment on the harmonisation of rates as Council is not a newly created Council.
 - Council does not support allowing Councils to levy special rates for jointly funded infrastructure.
 - Council supports greater flexibility for Councils when setting rates through allowing for creating new rating categories and subcategories. This includes allowing different rates in contiguous urban areas, limiting the highest rate structure to 1.5 times the average rate structure, creating a new environmental land category, enabling different business rates for industrial land and commercial land, allowing subcategories for vacant land and setting farmland rates based on geographic location.

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- Council supports removing mandatory rates exemptions from new conservation agreements and special rates for water and sewerage.
 - Council supports changing the scope of who can apply for postponed rates and to remove the requirement to write off postponed rates debts.
 - Council supports implementing the mining category reform through guidance.
 - Council does not support retaining the business land rating category as the residual category.
 - Council supports the requirement to report the value of rates exemptions they grant each year.
3. Endorse the Proposed Submission to *'the Towards a Fairer Rating System consultation'* process attached as Attachment 2 to this report.

BACKGROUND

The Independent Pricing and Regulatory Tribunal (IPART) undertook a significant review of the local government rating system in NSW. The purpose of this review was to identify how to improve the equity and efficiency of the rating system, in order to enhance councils' ability to implement sustainable fiscal policies over the long term.

On 18 June 2020, the Government released its Final Response to IPART's Final Report. This response acknowledged that local government and the communities they serve need to have a more flexible rating system, whilst ensuring rates are applied fairly and more equitably to local communities. It also committed to reforming the rating system to address issues identified during the review.

To deliver on the Government's commitments, a Draft Bill has been prepared to seek to amend the Local Government Act 1993 (the Act). Through this Bill, the Government proposes to implement the key reforms from its response in a way that is fair and reasonable for both councils and ratepayers.

The Government will introduce the Bill into Parliament in early 2021. In part, this will enable councils formed in 2016 to take up options provided by greater rating flexibility as they prepare for 1 July 2021.

If passed by the NSW Parliament, this Bill would:

- Allow seventeen councils created in 2016 to gradually harmonise rates over four years, to protect ratepayers from excessive and sudden rate rises
- Allow councils to levy special rates above the rate peg for infrastructure jointly funded with other levels of government without IPART approval
- Create a new rating category for environmental land for properties that cannot be developed
- Allow councils to create more flexible residential, business and farmland rating subcategories to enable them to set fairer rates
- Allow councils to create separate rating subcategories for vacant residential, business and mining land to provide additional flexibility for councils to tailor rates for local communities
- Remove the rating exemption for land subject to new conservation agreements and allow it to be rated under the new environmental land category
- Allow councils to choose whether to exempt certain land from special rates for water and sewerage

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- Require councils to publicly report the value of any rating exemptions they choose to grant
- Limit postponement of rates on rezoned land and let councils decide whether to write off any debts, and
- Allow councils to sell properties for unpaid rates after three years rather than five years.

The Exposure Draft of the Local Government Amendment (Rating) Bill 2020 and a consultation guide, Towards a Fairer Rating System can be accessed via the following links:

<https://www.olg.nsw.gov.au/wp-content/uploads/2020/12/Local-Government-Amendment-Rates-Bill-2021.pdf>

<https://www.olg.nsw.gov.au/wp-content/uploads/2020/12/Consultation-guide-to-local-government-rating-reform.pdf>

Main recommendations, Council's previous submission, The Government's final response and proposed changes are attached as Attachment 1 to this report, to provide context to the proposed submission to this latest consultation process. The proposed submission is attached as Attachment 2 to this report.

DISCUSSION

Main recommendations, Council's previous submission, The Government's final response and proposed changes are provided in Attachment 1 to this report to provide context to the proposed submission to this latest consultation process.

The proposed submission, attached as Attachment 2 to the report is generally consistent with Council's previous submissions and comments.

It is being proposed that legislation is amended to allow councils to levy special rates for jointly funded infrastructure. It is proposed that in the submission Council expresses its view and concern in this regard. There is concern this option would facilitate a shifting of the funding responsibility from State Government to ratepayers through rates rather than State or Federal taxes. This option, would, however potentially enable additional infrastructure that would otherwise not be able to be funded by State / Federal Government or Council alone.

A number of the proposed changes will provide increased flexibility to councils in regard to rating categories and sub-categories. It is proposed that Council continues to support these options.

Proposed changes in regard to postponement of Rates will also support better management of Rates within areas that have been rezoned.

Proposed enhanced reporting in regard to rating exemptions is also supported.

It is to be noted the consultation paper also makes reference to other changes which do not require changes to legislation, but will be subject to guidelines in the future. Feedback has not been specifically sought in regard to these matters.

Also of relevance is the request by the Minister of Local Government to IPART to review the current rate pegging system to consider population growth. The Terms of Reference can be viewed via the following link:

<https://www.ipart.nsw.gov.au/files/sharedassets/website/shared-files/investigation-section-9-review-of-rate-peg-to-include-population-growth/publications/terms-of-reference-review-of-the-rate-peg-to-include-population-growth-december-2020.pdf>

Council will be kept informed as the IPART review progresses and when Council feedback is required.

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COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Leadership

- 1.3 Financial Sustainability - Build strong financial sustainability for now and future generations.
 - 1.3.1 In all of Council's strategies, plans and decision making there will be a strong focus on financial sustainability.

FINANCIAL IMPACT

There are no financial implications arising from this report. However the implementation of some of the options available could have financial implications for Council.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal has no resourcing implications, outside of Council's adopted Long Term Financial Plan.

ATTACHMENTS:

- AT - 1** IPART Recommendations, Council's Submission, Government Response and proposed legislation changes.
- AT - 2** Proposed Submission to *the Towards a Fairer Rating System consultation* process.

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AT - 1 IPART Recommendations, Council's Submission, Government Response and proposed legislation changes

Ipart Recommendation	Council's Submission	Government Response	The Proposal in the Bill	Consultation Question/s
<p>13. At the end of the 4-year rate path freeze, new councils determine whether any pre-merger areas are separate towns or villages, or different residential areas.</p> <ul style="list-style-type: none"> In the event that a new council determines they are separate towns or villages, or different residential areas, it should be able to continue the existing rates or set different rates for these pre-merger areas, subject to metropolitan councils seeking IPART approval if they exceed the 50% maximum differential. It could also choose to equalise rates across the pre-merger areas, using the gradual equalisation process outlined below. In the event that a new council determines they are not separate towns or villages, or different residential areas, or it chooses to equalise rates, it should undertake a gradual equalisation of residential rates. The amount of rates a resident is liable to pay to the council should increase by no more than 10 percentage points above the rate peg (as adjusted for Special Variations) each year as a result of this equalisation. The Local 	<p>Hawkesbury City Council does not wish to comment as Council was not subject to a merger.</p>	<ul style="list-style-type: none"> For further analysis and consideration, as part of the development of a rates harmonisation framework. 	<p>1. It is proposed that each council formed in 2016 have the option to gradually harmonise new rates for residential and farmland rates from 2021-2022 over four years. Those councils and communities that do not wish to gradually harmonise over the four-year period would still be able to harmonise their rates all at once in 2021-2022.</p> <p>Councils that take up the gradual harmonisation option will need to apply no more than 50% of the total increase in rates at the rating category level over the period, in any one of the four financial years. Importantly, councils that choose to harmonise gradually will be required to set out their intended approach over the full four years in their IP&R documents.</p> <p>The proposed four-year period is designed to allow for gradual change, while setting a reasonable period to limit how long some ratepayers are subsidising others. It also takes into account both an unusual three-year council term, with elections in 2021 and 2024, as well as the fact that all land is to be revalued before rates are levied for 2023-2024.</p> <p>Rather than setting a maximum percentage increase each year, it is proposed to allow affected councils to set rates each year according</p>	<p>1. Are you from a local government area newly formed in 2016 that has not yet harmonised rates?</p> <p>Yes No</p> <p>2. Do you agree with the proposal to enable relevant councils to gradually harmonise rates across their former council areas over four years?</p> <p>Yes No Neutral</p> <p>Comment:</p>

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Ipact Recommendation	Council's Submission	Government Response	The Proposal in the Bill	Consultation Question/s
<p>Government Act 1993 (NSW) should be amended to facilitate this gradual equalisation.</p>			<p>to community needs and prevailing economic conditions. This allows councils with different legacy rating structures to harmonise in consultation with their communities according to local circumstances and conditions, under the IP&R framework.</p> <p>The proposed '50% in any one year' cap will ensure that councils that choose this option take a gradual approach that protects ratepayers against sudden and excessive rate rises in any specific year. This will not, however, preclude rates from increasing due to changes in land valuation, special rates or any special variation.</p>	
<p>8. The Local Government Act 1993 (NSW) should be amended to allow councils to levy a new type of special rate for new infrastructure jointly funded with other levels of Government. This special rate should be permitted for services or infrastructure that benefit the community, and funds raised under this special rate should not:</p> <ul style="list-style-type: none"> form part of a council's general income permitted under the rate peg, nor require councils to receive regulatory approval from IPART. 	<p>Don't Support.</p> <p>More information is required as to what type of projects would a special rate would be applicable to.</p> <p>There is concern this option would facilitate a shifting of the funding responsibility from State Government to ratepayers through rates rather than State or Federal taxes.</p> <p>This option, would, however</p>	<ul style="list-style-type: none"> Support. <p>The Government will examine how this recommendation can complement current reforms being made to the infrastructure contributions framework.</p>	<p>2. It is proposed to clarify that special rates may be levied to pay for goods, services and infrastructure that are not covered by chapters 5-6 of the Act if the specific purpose of the special rate is to co-fund or contribute to infrastructure or services being jointly provided with another level of government.</p> <p>Income from this special rate will not form part of a council's general income under the rate peg and councils will not need to seek IPART's approval before levying the special rate.</p> <p>Importantly, councils will be prevented from levying a special rate for costs that are being met by a developer under the infrastructure contributions framework</p>	<p>3. Do you agree with the proposal to allow councils to levy special rates for jointly funded infrastructure?</p> <p>Yes No Neutral</p> <p>Comment:</p> <p>There is concern this option would facilitate a shifting of the funding responsibility from State Government to ratepayers through rates rather than State or Federal taxes.</p> <p>This option,</p>

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Ipart Recommendation	Council's Submission	Government Response	The Proposal in the Bill	Consultation Question/s
	potentially enable additional infrastructure that would otherwise not be able to be funded by State / Federal Government or Council alone.		<p>or by another funding arrangement. Special rates must only be used for the purpose for which they are levied.</p> <p>Before applying this special rate, a council will need to consult its community through IP&R about anticipated benefits of the project and special rate, anticipated total project costs, council's contribution to those costs, the contributions to be made by others, the total special rate that would be levied, and how, and for what time period, the rates are to be levied.</p> <p>Councils will also need to provide information in their annual reports on project outcomes, actual costs to council of this project, costs reported by other parties (where available) and the total revenue generated by the special rate. Where this differs from a council's initial estimates, an explanation is to be provided. The intention is to create a monitoring and reporting framework that maximises transparency, public accountability and community benefit from these special rates.</p>	would, however potentially enable additional infrastructure that would otherwise not be able to be funded by State / Federal Government or Council alone.
10. The Local Government Act 1993 (NSW) should be amended to remove the requirement to equalise residential rates by 'centre of population'. Instead, the Local Government Act 1993 (NSW) should allow councils to determine a residential subcategory, and set a residential rate, by:	Support the replacement of "Centre of Population" with a "town or village" and "residential area", as this makes it easier to define a specific area for rating purposes. Also agree that options in	Support in principle	3.1 It is proposed to allow councils to create different rating subcategories for residential land in contiguous urban areas, while also continuing existing provisions that allow different residential rates to be set by 'centre of population', as used by regional and rural councils.	<p>4. Do you agree with the proposal to allow for different residential rates in contiguous urban areas?</p> <p>Yes No Neutral</p> <p>Comment:</p>

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Ipart Recommendation	Council's Submission	Government Response	The Proposal in the Bill	Consultation Question/s
<ul style="list-style-type: none"> separate town or village, or residential area. 	<p>regard to sub-categories for residential rating would provide better flexibility for councils to align services and rates. However, this flexibility should have stronger parameters to only apply to distinct areas where there is a clear difference in access to services or an evident disproportionate relationship between share of rates paid and the cost of services provided.</p>		<p>Under the proposal, a council may only set different residential rates in a contiguous urban area if there is on average, different access to, demand for, or cost of, providing services and infrastructure.</p> <p>For this purpose, 'contiguous urban area' will capture a portion of an area that is urban in nature and comprises residential land where the properties within that area, taken together, are not entirely separated by land that falls within other rating categories.</p> <p>Further, in these cases, councils will be required to use geographic names published by the Geographical Names Board to objectively define different residential areas to which to apply different residential rates, rather than being enabled to simply draw 'lines on a map'.</p> <p>A limit will also apply so the highest rate structure is no more than 1.5 times the average rate structure across all residential subcategories, with the capacity to change this ratio in future by regulation. "Average rate structure" includes ad valorem amounts, minimum rates and/or base amounts, as relevant. To exceed this limit, councils would need to seek the Minister's approval.</p> <p>Councils will be required to undertake community</p>	<p>5. Do you agree with the proposal to limit the highest rate structure across all residential subcategories to no more than 1.5 times the average rate structure?</p> <p>Yes No Neutral</p> <p>Comment:</p>

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			<p>consultation under IP&R, in determining residential rating subcategories, setting rates for each subcategory and making any future amendments to these arrangements. Councils will also be required to publish the different rates and their rationale for charging different rates in their Revenue Policy.</p> <p>The Minister will be able to issue guidelines that must be followed by councils in setting these rates, including how the provisions may be used appropriately by councils.</p>	
<p>11. The Local Government Act 1993 (NSW) should outline that:</p> <ul style="list-style-type: none"> A 'residential area' is an area within a contiguous urban locality that has, on average, different access to, demand for, or costs of providing council services or infrastructure (relative to other areas in that locality). Councils could use geographic markers to define the boundaries for a residential area, including postcode boundaries, suburb boundaries, geographic features (eg, waterways, bushland) and/or the location of major infrastructure (eg, arterial roads, railway lines). 	<p>Support both proposed definitions. However there should be increased emphasis on the degree of difference in regard to different access to, demand for, or costs of providing services. This would ensure the flexibility is not misused.</p> <p>Clarification is required in regard to "cost to provide" versus "access to services". Generally a remote area will have a much reduced access to services but it also costs more to provide the services to. This would</p>	<p>Support in principle</p>	<p>See answer to 3.1 above.</p>	<p>See answer to 3.1 above.</p>

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	present a challenge when determining the distribution of rates across the different sub-categories.			
<p>12. The Local Government Act 1993 (NSW) should be amended so, where a council uses different residential rates within a contiguous urban locality, it should be required to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> ensure the highest rate structure is no more than 1.5 times the average rate structure across all residential subcategories (i.e. so the maximum difference between the highest and average ad valorem rates and base amounts is 50%), or obtain approval from IPART to exceed this maximum difference, and <input type="checkbox"/> publish the different rates (along with the reasons for the different rates) on its website and in the rates notice received by ratepayers. 	Support that a limit on the relative rates paid by the different residential sub-categories should exist. Support that the different rates (along with the reasons for the different rates) should be published on councils' websites. The 1.5 times appears to be an arbitrary ratio.	Support in principle	See answer to 3.1 above	See answer to 3.1 above
<p>29. Section 493 of the Local Government Act 1993 (NSW) should be amended to add a new environmental land category and a definition of 'environmental land' should be included in the Local Government Act 1993 (NSW).</p> <p>– Land subject to a state conservation agreement is categorised as 'environmental land' for the purposes of setting rates.</p>	Support that a new rating category is created for Environmental Land.	<ul style="list-style-type: none"> • Support in principle. <p>Refer to recommendation 18.</p>	<p>3.2 It is proposed to create a new rating category for environmental land, and to define environmental land as that:</p> <ol style="list-style-type: none"> 1. for which current and future use of the land is constrained as it: <ol style="list-style-type: none"> a) has limited economic value relative to its size and location, or b) cannot be developed, or c) has low development 	<p>6. Do you agree with the proposal about how to create a new rating category for environmental land, including how environmental land is proposed to be defined?</p> <p>Yes No Neutral</p>

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			<p>potential for a business, residential or farming activity, and</p> <p>2. is subject to geographic restrictions or regulatory restrictions.</p> <p>It is proposed that, in determining whether land cannot be developed or has low development potential, councils must have regard to factors including the zoning of the land under the EP&A Act and regulations and relevant instruments, and any other matter prescribed by regulation.</p> <p>It is also proposed that geographic restrictions include, but not be limited to, the presence of significant water areas, mud flats, swamps, marshlands, steep slopes and other terrain on which residential or commercial development is virtually impossible due to physical limitations.</p> <p>Further, it is proposed that regulatory restrictions be defined as laws or other permanent constraints imposed or agreed to in relation to the land that prevent development. This would include, but not be limited to, restrictions due to the land being subject to an environmental agreement or instrument prescribed by regulation, and being not otherwise exempt from rates.</p> <p>Where a parcel of land is determined to be mixed use land, like rating of business land, councils will be able to apportion rates based on the portion of the land that falls within each rating category, as currently set out under the Valuation of Land Act 1916.</p>	<p>Comment:</p> <p>It is noted that having a mandatory environmental rating category will impact the remaining categories as a greater portion of the notional yield will be collected from the remaining categories</p> <p>7. Do you agree that a portion of land that is subject to a conservation agreement or other similar instrument should be categorised by councils according to the proposed definition of environmental land?</p> <p>Yes No Neutral</p> <p>Comment:</p>

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			<p>This is currently not provided for under that law. Comment is sought on the manner of determining the apportionment of rates where a parcel of land could properly be categorised as environmental and the remainder could be categorised under one or more other rating category.</p> <p>It is also proposed that, as for land in other rating categories, councils may create subcategories for environmental land to allow different environmental land rates to be set.</p> <p>For this purpose, it is proposed that councils be enabled to create different rating subcategories based on whether or not there is a conservation agreement or similar instrument in place, and/ or, based on geographic location.</p> <p>Where a council chooses to rely on geographic location to create subcategories, it will need to define the different residential areas by reference to geographic names published by the Geographical Names Board, rather than by drawing 'lines on a map'.</p>	
<p>30. Section 529(2)(d) of the Local Government Act 1993 (NSW) should be amended to allow business land to be subcategorised as 'industrial' and or 'commercial' in addition to centre of activity.</p>	<p>Support that Section 529(2)(d) of the Local Government Act 1993 (NSW) should be amended to allow business land to be subcategorised as 'industrial' and or 'commercial' in addition to centre of activity.</p>	<ul style="list-style-type: none"> Support. 	<p>3.3 It is proposed that councils be given the option of setting different rates for business land based on whether it is industrial or commercial land. This would apply in addition to maintaining the current option of setting different rates based on whether there is a 'centre of activity'.</p> <p>It is proposed that councils that choose to take up this option determine whether business land is industrial</p>	<p>8. Do you agree with the proposal about how to enable different business rates for industrial and commercial land?</p> <p>Yes No Neutral</p> <p>Comment:</p>

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			<p>or commercial, as necessary, based on whether industrial activities are predominantly taking place. This approach means that property zoning is relevant but not determinative for rating purposes, as intended by IPART, and creates a clear approach for councils and ratepayers that can be updated as necessary over time.</p> <p>It is further proposed that, if the 'dominant' activity conducted on a parcel of land does not fall within a list of industrial activities prescribed in regulations, they may be categorised as commercial. Activities which may be prescribed as industrial include, for example, manufacturing, warehousing, abattoirs and works depots.</p>	
<p>31. Sections 493, 519 and 529 of the Local Government Act 1993 (NSW) should be amended to add an optional vacant land subcategory for residential, business and mining land.</p>	<p>Support that Sections 493, 519 and 529 of the Local Government Act 1993 (NSW) should be amended to add an optional vacant land subcategory for residential, business and mining land.</p>	<ul style="list-style-type: none"> Support. 	<p>3.4 It is proposed to give effect to this reform by allowing councils to create rating subcategories for vacant land within the residential, business or mining land categories. This type of rating subcategory will not be able to be created for environmental or farming land.</p> <p>In determining whether a parcel of land is vacant, a council will need to have regard to factors including whether the land has a substantial and permanent structure. For this purpose, a building or other structure may be considered substantial and permanent if it is:</p> <ul style="list-style-type: none"> <input type="checkbox"/> significant in size or value <input type="checkbox"/> not incidental to the purpose of another 	<p>9. Do you agree with the proposal to allow subcategories for vacant land to be created for residential, business and/or mining land, including the proposed factors set out above?</p> <p>Yes No Neutral</p> <p>Comment:</p>

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			<p>structure or proposed structure</p> <ul style="list-style-type: none"> not related to, reliant on, or existing to support use or function of a structure, and fixed and enduring, rather than built for a temporary purpose. <p>These proposed factors build on relevant aspects of the approach taken by the Australian Tax Office definition of vacant land for income tax purposes.</p> <p>It is also proposed to provide guidance to councils about:</p> <ul style="list-style-type: none"> how councils may determine whether a specific parcel of land is to be treated as vacant land and, where relevant, to which rating category it belongs factors councils should take into account in setting the rate to be paid for vacant land, and how high or low the rate for vacant land should be relative to the principal rating category. 	
<p>32. Section 529 (2)(a) of the Local Government Act 1993 (NSW) should be replaced to allow farmland subcategories to be determined based on geographic location.</p>	<p>Support that Section 529 (2)(a) of the Local Government Act 1993 (NSW) should be amended, rather than replaced, to allow farmland subcategories to be determined based on geographic location, in addition to the current "intensity of land use, the irrigation</p>	<p>Support in principle.</p> <p>Subject to further consultation and analysis with respect to implementation and potential un-intended consequences.</p>	<p>3.5 It is proposed that councils be given the option of setting different rates for farmland based on geographic location. If this option is chosen, councils will need to:</p> <p>create subcategories by reference to the geographic names published by the Geographical Names Board rather than drawing 'lines on a map', and</p> <p>have regard to certain matters prescribed by regulation in creating subcategories for farmland and determining rates to be</p>	<p>10. Do you agree with the proposal to enable councils to also set farmland rates based on geographic location?</p> <p>Yes No Neutral</p> <p>Comment:</p> <p>The farmland category definition should be expanded to include</p>

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	capability of land and economic factors basis of sub-categories. Whilst some of these criteria maybe difficult to assess, the options should remain available to be applied in relevant situations.		<p>levied for each geographic location.</p> <p>This new option would apply in addition to maintaining the current option of setting different rates based on intensity of land use, 'irrigability' or economic factors affecting the land. This approach is intended to minimise disruption for councils in regional and rural NSW with rating structures that rely on the current provisions.</p> <p>Relevantly, the new approach to creating rating subcategories for farmland may also be utilised by relevant councils to assist with harmonisation, or, to maintain current farmland rating structures across their former council areas, should they choose to do so, in consultation with their communities.</p>	<p>minimum land area for commercial viability for each industry, the minimum number of livestock required for commercial viability for each industry and the minimum area under cultivation required for commercial viability for each industry.</p> <p>This will allow for consistency across the state.</p>
18. Section 555(1)(b1) of the Local Government Act 1993 (NSW) should be amended to remove the current rating exemption for land that is the subject of a conservation agreement and instead require it to be rated using the Environmental Land category.	Support the introduction of the Environmental Land Category but Conservation Agreements should also be retained as an option.	Support in part. Subject to further consultation on implementation issues with respect to the range of agreements in force and the preservation of environmental, historical and Aboriginal cultural heritage outcomes.	<p>4.1 It is proposed that there no longer be a mandatory rating exemption for private land for which a new conservation agreement is entered into after this reform comes into effect.</p> <p>Instead, these properties will be categorised for rating purposes by the relevant council and may be rated under the new environmental land rating category. Further, as set out above at 3.2, councils will be permitted to create rating subcategories, and therefore to set different rates for environmental land based on whether or not there is conservation agreement or other instrument prescribed by regulation.</p> <p>Importantly, to ensure fairness for parties to existing conservation agreements, it</p>	<p>11. Do you agree with the proposal to remove the requirement for councils to apply a rating exemption for land subject to new conservation agreements?</p> <p>Yes No Neutral</p> <p>Comment:</p>

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			is proposed that those lands that currently benefit from this exemption continue to do so. This maintains a significant financial incentive that was taken into account by land holders when deciding whether to enter into an agreement which, in the vast majority of cases, is now binding on themselves and future owners.	
24. The Local Government Act 1993 (NSW) should be amended to remove the current exemptions from water and sewerage special charges in section 555 and instead allow councils discretion to exempt these properties from water and sewerage special rates in a similar manner as occurs under section 558(1).	Do not support any exemptions being allowed. As previously stated the activities of exempt institutions make use of councils' infrastructure and services. As these services are not limited to the local ratepayers, local ratepayers should not be subsidising these services.	<input type="checkbox"/> Support.	4.2 It is proposed that councils be able to choose whether to exempt those properties listed above from special rates, noting that these special rates are unlikely to be applied. Importantly, it is intended that the Government provide guidance to any councils levying special rates about how best to exercise their discretion in relation to whether to continue to exempt specific types of land that were previously required to be exempt from these special rates. This guidance may specify relevant factors to consider, for example, the type of land, the land's permitted use, the land's actual use/s and access to relevant council infrastructure and services.	12. Do you agree with the proposal to remove certain mandatory exemptions from special rates for water and sewerage? Yes No Neutral Comment: Do not support any exemptions being allowed. The activities of exempt institutions make use of councils' infrastructure and services. As these services are not limited to the local ratepayers, local ratepayers should not be subsidising these services.
40. The Local Government Act 1993 (NSW) should be amended to remove section 585 and section 595, so that ratepayers are not permitted to postpone rates as a result of land rezoning, and councils are not required to write-off postponed rates after five	Postponement of rates should be retained and the requirement to write off rates after 5 years should be removed. Postponed rates should continue to	Support in principle	5.1 It is proposed to provide appropriate limits on the postponement of rates. These include: limiting who can postpone rates to those ratepayers that would face substantial hardship as a result of paying the higher rates	13. Do you agree with the proposal to restrict who can seek postponement of rates? Yes No Neutral

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years.	accrue and become payable when the entitlement to postpone ceases.		<p>attributable to rezoning restricting the amount of rates that can be postponed under the postponement of rates provisions to the difference between the rate applied under the former zoning, and the amount that will apply under the new zoning, and removing the requirement for councils to write off postponed rates after five years, while still giving them flexibility to do so in appropriate circumstances.</p> <p>The Government understands that, if the provisions in relation to the postponement of rates were simply removed, ratepayers may face significant rate increases and, if unable to pay, may need to sell their properties.</p> <p>These proposals are designed to limit the potential significant financial impact for some owners of properties when they face a zoning change in relation to their land. The proposals also acknowledge potential hardship for some of these ratepayers, particularly owner occupiers of residential or rural residential land already facing financial stress.</p> <p>Importantly, to ensure fairness, it is proposed that those ratepayers that currently benefit from such an arrangement, or have applied to do so, continue to do so under the current provision after the reform comes into effect.</p> <p>The Government believes that these proposals will create a fairer rates</p>	<p>Comment:</p> <p>14. Do you agree with the proposal to remove the requirement to write off rates debts?</p> <p>Yes No Neutral</p> <p>Comment:</p>

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			postponement framework that enables ratepayers needing to postpone rates for legitimate reasons to do so, while enabling councils to collect much needed rates to meet the cost of services provided to that land, and to lessen the burden on other ratepayers.	
36. The existing legal and administrative process to recover outstanding rates be streamlined by reducing the period of time before a property can be sold to recover rates from five years to three years.	Support the recommendation, as long as it remains optional.	Support.	<p>5.2 It is proposed that councils be permitted to seek to sell properties that are not vacant for unpaid rates and charges after 3 years rather than 5 years.</p> <p>This would apply from the date of commencement of the provision and would not apply in respect of properties for which a ratepayer already owes unpaid rates and/or charges to council at that time.</p> <p>Importantly, the COVID-19 Legislative Amendment (Emergency Measures-Miscellaneous) Act No.2 2020 currently operates to prevent councils from commencing legal action to recover rates and charges for six months unless certain specific matters have been considered.</p> <p>This temporary measure was put in place to help households that are under significant pressure to remain sustainable during the COVID19 pandemic and as steps towards economic recovery begin. It is therefore not intended to commence these new provisions while this temporary measure remains in place.</p>	<p>15. Do you agree with the proposal to enable councils to sell properties for unpaid rates after 3 years?</p> <p>Yes No Neutral</p> <p>Comment:</p>
5. The Local Government Act 1993 (NSW) should be amended so that the growth in rates revenue outside the rate peg is calculated using the	Don't Support. Clarification on the formula is required.	Noted.	1. The Minister for Local Government, with the approval of the Premier, has asked IPART to deliver a report recommending a rate peg	N/A

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<p>formula based on changes in CIV.</p> <p>For non-metropolitan councils, this formula would be independent of the valuation method chosen as the basis for setting ad valorem rates.</p>			<p>methodology that allows the general income of councils to be varied annually in a way that accounts for population growth. Terms of Reference have already been provided to IPART for this review, which is expected to be completed within nine months.</p> <p>The Terms of Reference for IPART's review clarify that the methodology proposed by IPART should not negatively impact the income growth that councils with stable or declining populations would have achieved under a rate peg calculated using the LGCI and productivity factor. They also state that the Government will not consider further change to the rate peg or maximum allowable income at this time.</p> <p>In undertaking the review, IPART has been asked to have regard to matters including:</p> <p style="padding-left: 40px;">the Government's commitment to protecting ratepayers from sudden or excessive rate rises, while improving the financial sustainability of local government ensuring the rate peg model can be understood by councils and the communities they serve the differing needs and circumstances of councils and communities in metropolitan, regional, and rural areas of the State, and any other matter it considers relevant.</p> <p>To ensure that this reform may be given effect as</p>	

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			simply and clearly as possible, the Bill puts beyond debt that more than one rate peg can be applied to the local government sector, if required.	
34. Any difference in the rate charged by a council to a mining category compared to its average business rate should primarily reflect differences in the council's costs of providing services to the mining properties.	Support that any difference in the rate charged by a council to a mining category compared to its average business rate should primarily reflect differences in the council's costs of providing services to the mining properties.	Support.	<p>2. This reform will be implemented through guidance rather than seeking to amend the Act through the Bill. This will provide maximum flexibility to make adjustments in future and to cater to the different circumstances of local councils and communities across NSW.</p> <p>Guidance will be issued to specify that councils should set mining rates, relative to rates for business land, primarily to reflect differences in the cost of providing council infrastructure and services. Further, if a council does apply a higher rate to mining land than business land in a specific financial year, that council should explain, as part of its Revenue Policy:</p> <p>how the rate has been set and why, and any additional costs in providing services to mining properties.</p>	<p>16. Do you agree with the proposal to implement this reform through guidance?</p> <p>Yes No Neutral</p> <p>Comment:</p>
<p>33. Section 518 of the Local Government Act 1993 (NSW) should be amended to reflect that a council may determine by resolution which rating category will act as the residual category.</p> <p><input type="checkbox"/> The residual category that is determined should not be subject to change for a 4-year period.</p> <p><input type="checkbox"/> If a council does not determine a residual category, the</p>	Support that Section 518 of the Local Government Act 1993 (NSW) should be amended to reflect that a Council may determine by resolution which rating category will act as the residual category.	Support.	<p>3. Following further consultation and consideration of how each reform of rating categories and subcategories may be implemented by councils, this reform will not be progressed at this time. There is a real risk that allowing alternative residual categories could result in perverse outcomes, inconsistency and uncertainty for councils and ratepayers, particularly given the complexities of</p>	<p>17. Do you agree with the proposal to retain the business land rating category as the residual category?</p> <p>Yes No Neutral</p> <p>Comment:</p> <p>It is noted that there is no proposed action on</p>

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business category should act as the default residual rating category.			categorising and subcategorising land for rating purposes.	this.
25. At the start of each rating period, councils calculate the estimated value of rating exemptions within the council area. This information should be published in the council's annual report or otherwise made available to the public.	Support the recommendation. This supports transparency.	Support.	<p>4. It is understood that most councils do not have ready access to information on the value of all exemptions and that obtaining this information would impose a significant additional burden, particularly where that would require additional land valuations at council expense.</p> <p>Given this, it is proposed that councils include in their annual report an estimate of the value of those exemptions granted as a result of a decision of that council. This estimate need only be made by applying a simple, prescribed methodology based on information on each parcel of land that is available to council at the time of its decision to grant the rating exemption.</p> <p>As those matters that must be included in a council's annual report may be prescribed by regulation, this reform does not feature in a provision of the Bill.</p>	<p>18. Do you agree with the proposal that councils report on the value of exemptions they choose to grant through their annual reports?</p> <p>Yes No Neutral</p> <p>Comment:</p>

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AT - 2 Proposed Submission to the Towards a Fairer Rating System consultation process

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For Councils: Consultation on Local Government Rating Reform

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Towards a Fairer Rating System - Consultation on local government rating reform

Following extensive consultation with the local government sector and the community, the NSW Government has today released for further comment an Exposure Draft of the [Local Government Amendment \(Rates\) Bill 2021 \(https://www.olg.nsw.gov.au/wp-content/uploads/2020/12/Local-Government-Amendment-Rates-Bill-2021.pdf\)](https://www.olg.nsw.gov.au/wp-content/uploads/2020/12/Local-Government-Amendment-Rates-Bill-2021.pdf) to implement the [NSW Government Response to IPART's review of the local government rating system \(https://www.olg.nsw.gov.au/wp-content/uploads/2020/06/IPART-Rating-Review-Government-Response.pdf\)](https://www.olg.nsw.gov.au/wp-content/uploads/2020/06/IPART-Rating-Review-Government-Response.pdf).

The Exposure Draft Bill, and other key rating reforms, if implemented, will help to improve the equity and efficiency of the rating system and enhance councils' ability to implement sustainable fiscal policies over the long term.

A consultation guide, [Towards a Fairer Rating System \(https://www.olg.nsw.gov.au/wp-content/uploads/2020/12/Consultation-guide-to-local-government-rating-reform.pdf\)](https://www.olg.nsw.gov.au/wp-content/uploads/2020/12/Consultation-guide-to-local-government-rating-reform.pdf), has been released to explain the proposed changes in the Exposure Draft Bill and to assist councils and others to provide feedback on this and other rating reforms.

To provide feedback, please complete the **online submission form** (below) which asks specific questions on key issues. There is an option to provide general comments in the online form. Alternatively, an identical form is provided at **Appendix A** of the consultation guide.

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You may complete the online form, or post or email the completed form, by the feedback closing date of **5 February 2021** to:

Office of Local Government, NSW Department of Planning, Industry and Environment
Towards a Fairer Rating System
Locked Bag 3015
Nowra NSW 2541
olg@olg.nsw.gov.au (<mailto:olg@olg.nsw.gov.au>)

TOWARDS A FAIRER RATING SYSTEM CONSULTATION

A consultation guide to local government rating reform

Contact Information

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Hawkesbury City Council

If other, please list organisation

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Email*

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Phone Number

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Page Feedback

Section One - Local Government Amendment (Rating) Bill 2020

1. Allowing gradual rates harmonisation for new councils

Q1. Are you from a new local government area newly formed in 2016 that has not yet harmonised rates?

☐ Yes

☒ No

Q2. Do you agree with the proposal to enable relevant councils to gradually harmonise rates across former council areas over four years?

☐ Yes

☐ No

☒ Neutral

Comment:

2. Allowing councils to levy special rates for jointly funded infrastructure

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Q3. Do you agree with the proposal to allow councils to levy special rates for jointly funded infrastructure?

- ☐ Yes
- ☒ No
- ☐ Neutral

Comment:

There is concern this option would facilitate a shifting of the funding responsibility from State Government to ratepayers through rates rather than State or Federal taxes.

This option, would, however potentially enable additional infrastructure that would otherwise not be able to be funded by State / Federal Government or Council alone.

3. Increasing flexibility through new rating categories and subcategories

3.1 Allowing councils to set different residential rates in contiguous urban areas

Q4. Do you agree with the proposal to allow for different residential rates in contiguous urban areas?

- ☒ Yes
- ☐ No
- ☐ Neutral

Comment:

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Q5. Do you agree with the proposal to limit the highest rate structure across all residential subcategories to no more than 1.5 times the average rate structure?

☒ Yes

☐ No

☐ Neutral

Comment:

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3.2 Creating a new rating category for environmental land

Q6. Do you agree with the proposal about how to create a new rating category for environmental land, including how environmental land is proposed to be defined?

☒ Yes

☐ No

☐ Neutral

Comment:

It is noted that having a mandatory environmental rating category may impact the remaining categories as a greater portion of the notional yield will be collected from the remaining categories.

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Q7. Do you agree that a portion of land that is subject to a conservation agreement or other similar instrument should be categorised by councils according to the proposed definition of environmental land?

☒ Yes

☐ No

☐ Neutral

Comment:

3.3 Enabling different business rates to be set for industrial land and commercial land

Q8. Do you agree with the proposal about how to enable different business rates for industrial and commercial land?

☒ Yes

☐ No

☐ Neutral

Comment:

3.4 Enabling different rates for residential, business or mining land that is vacant

Local Feedback

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Q9. Do you agree with the proposal to allow subcategories for vacant land to be created for residential, business and/or mining land, including the proposed factors set out above?

- ☒ Yes
☐ No
☐ Neutral

Comment:

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.....

3.5 Enabling different rates for residential, business or mining land that is vacant

Q10. Do you agree with the proposal to enable councils to also set farmland rates based on geographic location?

- ☒ Yes
☐ No
☐ Neutral

Comment:

The farmland category definition should be expanded to include minimum land area for commercial viability for each industry, the minimum number of livestock required for commercial viability for each industry and the minimum area under cultivation required for commercial viability for each industry.

This will allow for consistency across the state.

4. Changing specific exemptions from ordinary and special rates

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4.1 Removing mandatory rates exemptions for land with new conservation agreements

11. Do you agree with the proposal with regard to remove the requirement for councils to apply a rating exemption for land subject to new conservation agreements?

- ☒ Yes
☐ No
☐ Neutral

Comment:

11

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4.2 Removing certain mandatory exemptions from special rates for water and sewerage

Q12. Do you agree with the proposal to remove certain mandatory exemptions from special rates for water and sewerage?

- ☒ Yes
☐ No
☐ Neutral

Comment:

Do not support any exemptions being allowed. The activities of exempt institutions make use of councils' infrastructure and services. As these services are not limited to the local ratepayers, local ratepayers should not be subsidising these services.

5. Improving public confidence in the rating system

5.1 Narrow scope to postpone rates and let councils choose whether to write them off

Q13. Do you agree with the proposal to restrict who can seek postponement of rates?

- ☒ Yes
- ☐ No
- ☐ Neutral

Comment:

Q14. Do you agree with the proposal to remove the requirement to write off rates debts?

- ☒ Yes
- ☐ No
- ☐ Neutral

Comment:

5.2 Allow councils to sell properties for unpaid rates after three years

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Q15. Do you agree with the proposal to enable councils to sell properties for unpaid rates after 3 years?

- ☒ Yes
☐ No
☐ Neutral

Comment:

.....

Section Two - Other rating reforms

1. Encouraging councils to levy rates on mining land to reflect additional costs

Q16. Do you agree with the proposal to implement this reform through guidance?

- ☒ Yes
☐ No
☐ Neutral

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Section Three - Retaining the rating category for business as the 'residual' rating category

Q17. Do you agree with the proposal to retain the business land rating category as the residual category?

- ☐ Yes
- ☒ No
- ☐ Neutral

Comment:

It is noted that there is no proposed action on this.

Section Four - Requiring councils to report the value of exemptions they grant each year

Q18. Do you agree with the proposal that councils report on the value of exemptions they choose to grant through their annual reports?

- ☒ Yes
- ☐ No
- ☐ Neutral

Comment:

oooO END OF REPORT Oooo

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Item: 010 **SS - Review of Council Committees - (95496)**

Previous Item: **RM 256, Ordinary (8 December 2020)**

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to:

- Provide recommendations for the operation of Council Committees, within the framework of Council's resolution at its meeting on 8 December 2020;
- Seek Council's adoption of a Council Committee Constitution;
- Seek nominations of Councillors to three of the new committees;
- Inform Council of the outstanding actions of the dissolved Council Committees and the Heritage Committee, and to
- Seek endorsement of the outstanding actions to be referred to the new Committees.

EXECUTIVE SUMMARY:

At the Council Meeting on 8 December 2020, Council considered a Motion regarding Council Committees. Council resolved that the existing Committees, with the exception of the Heritage Committee, be dissolved and the following Committees established:

- Community Services
- Environment
- Innovation and Partnerships
- Disaster and Emergency

The resolution also specified matters including the role of Council Committees, membership, working groups, setting of the Agenda, Committee meetings, Minutes and outstanding actions stemming from the Committees being dissolved.

A Draft Council Committee Constitution has been prepared to provide the framework for the operation of Council Committees, including matters referred to in the Council resolution. The Draft Constitution is attached as Attachment 1 to this report. The main matters addressed in the Draft Constitution, and in response to Council's resolution of 8 December 2020, are discussed in detail in the report.

Council is required to appoint members to the Council Committees in accordance with the Council Committee Constitution, noting specific provisions applicable to the Disaster and Emergency, and the Heritage Committees respectively.

Council needs to consider the outstanding Actions of the dissolved Committees recommended to be assigned to the newly formed Committees.

It is to be noted that Council has other statutory Committees such as the Audit Committee and the Local Traffic Committee. These Committees are outside the scope of this report. Matters dealt with in this report only apply to Committees subject to Council's resolution at its meeting on 8 December 2020.

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RECOMMENDATION:

That:

1. Council adopt the Council Committee Constitution, attached as Attachment 1 to this report. In the event of any inconsistencies between the Code of Meeting Practice to the extent it applies to Council Committees, the provisions in the Constitution will apply.
2. Council nominate and appoint five Councillors as members to the following Committees:
 - Community Services
 - Environment
 - Innovation and Partnerships
3. A Disaster and Emergency Committee be established with the membership being comprised of all 12 Councillors, and operate in accordance with the Council Committee Constitution, attached as Attachment 1 to this report.
4. The Heritage Committee maintains its current membership and operate in accordance with the Council Committee Constitution, attached as Attachment 1 to this report.
5. The determination of the Australia Day Awards previously addressed through the Civic and Citizenship Committee, be undertaken by way of a Councillor Briefing session and a report submitted to a Council meeting, whereby all twelve Councilors will be able to vote on Award recipients.
6. The identified outstanding actions from the dissolved Committees, included as Attachment 2 to this report, be reassigned to the relevant Committee or incorporated into operational work plans as detailed in Attachment 2.

BACKGROUND

At the Council Meeting on 8 December 2020, Council considered a Motion regarding Council Committees and resolved as follows:

“That Council:

1. *Recognises the extensive work and consultation on the review of the committee structure, and thanks the relevant officers and committee members for their input.*
2. *Dissolves the following Council committees as of 31 December 2020:*
 - *Access and Inclusion Committee*
 - *Human Services Committee*
 - *Tourism Committee*
 - *Waste Management Committee*
 - *Civics and Citizenship Committee*
 - *Floodplain Risk Management Committee*
 - *Infrastructure Committee*
 - *Environmental Sustainability Committee*

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3. *Establishes the following standing committees:*

New Committee	Functions
Community Services	<ul style="list-style-type: none"> • Civic and Citizenship • Enhancing the Arts • Human Services • Access and Inclusion
Environment	<ul style="list-style-type: none"> • Waste management • Environmental sustainability
Innovation and Partnerships	<ul style="list-style-type: none"> • Tourism • Infrastructure • New Technologies
Disaster and Emergency	<ul style="list-style-type: none"> • Emergency and disaster management

4. *Asks the Mayor to write to each member of the dissolved committees to thank them for their service and to inform them of the opportunity to participate in the new committee structure.*
5. *Requires that at least one Council Briefing Session every three months be devoted to disaster / emergency management matters. This includes briefings on floods, bushfires and other disasters both natural and human-made. This meeting will constitute the meeting of the Disaster and Emergency Committee.*
6. *Affirms that the role of Council committees is to provide advice and information to assist with Council decision making. Council shall therefore provide the long-term directions for each committee as well as setting short term tasks.*
7. *Five Councillors will be appointed to the four standing committees listed above and these five Councillors will be the only members of the committees.*
8. *Is to receive a report at the first Ordinary Meeting of 2021 that:*
- *Informs Council of the outstanding actions of all of the dissolved committees and the Heritage Committee, so that strategically important work and short-term tasks can be reviewed, reassigned to a newly established committee or reported to Council for a decision.*
 - *Assists Council to review the work of the existing committees and set the longer-term objectives, directions and timeframes for each new committee for 2021.*
9. *Requires that committees shall report regularly to Council in the following ways:*
- *Provide succinct and clear minutes which include a summary of the committee's progress towards the objectives set for them by Council. This summary is to include a self-evaluation of the committee's performance linked to the Community Strategic Plan.*
 - *Provide regular and timely advice including recommended actions.*
10. *Notes that the agenda for committee meetings will be set by Council. If the Council does not set any agenda matters then the committees will not meet. Council will refer matters to the committees either from Council Meetings or from Briefing Sessions. This system of committees is designed to imitate the committee system currently operating in State and Commonwealth Parliaments and many other councils. Where possible committees should restrict their meetings to Tuesdays.*
11. *Requires that committee agendas be published in a similar manner to the way that Council Meetings are currently published so that the community has advanced notice of what will be discussed. All members of the public are welcome to make submissions to the committee and can attend and participate in the committee meetings. Only the five Councillors will have voting rights, with the exception of the Heritage Committee (see point 13).*

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12. *Recognises that committees have the ability to establish issues-based working groups when required. The committees will set the agenda for the working groups and the working groups will report back to the committee. Each working group is to focus on one particular issue and be dissolved when the relevant work has been completed. Working groups may be composed of community members as well as relevant experts.*
13. *The existing Heritage Committee will remain unchanged in that it will retain its current membership with full voting rights. The way its agenda is set and its reporting requirements will change to coincide with the other newly formed committees.*

A Draft Council Committee Constitution has been prepared to provide the framework for the operation of Council Committees, including matters referred to in the Council Resolution. The Draft Constitution is attached as Attachment 1 to this report.

Clause 20 of Council's Code of Meeting Practice applies to committees of Council whose members are all Councillors. In accordance with Clause 20.15 each committee may regulate its own procedure. In addition, the provisions of the Code will apply to all committees unless Council or the Committee determines otherwise. The adoption of the Council Committee Constitution will set the framework that will apply to the Council Committees and will override the provisions of the Code of Meeting practice in the event of any inconsistency.

The report provides an overview of the main elements of the proposed Council Committee Constitution, and proposes actions in response to the various parts of the Council Resolution.

Relevant Legislation

Section 377 of the Local Government Act 1993, applies.

DISCUSSION

The Council Resolution of 8 December 2020 makes reference to various matters including the role of Council Committees, membership, working groups, setting of the Agenda, Committee meetings, Minutes and outstanding actions of the Committees being dissolved. Details on the completion of some parts of the Resolution and proposals in regard to the implementation of the remaining parts of the Resolution are discussed below.

Council Resolution (Part 1)

1. *Recognises the extensive work and consultation on the review of the committee structure, and thanks the relevant officers and committee members for their input.*

Action taken (Part 1)

The Mayor formally acknowledged the input of Committee members in regard to the review of the Committee structure, in a letter advising of changes to the Committee structure. The relevant officers were advised of Council's resolution in regard to acknowledging their contribution to extensive work and consultation on the review of the committee structure.

Council Resolution (Part 2)

2. *Dissolves the following Council committees as of 31 December 2020:*

- *Access and Inclusion Committee*
- *Human Services Committee*
- *Tourism Committee*
- *Waste Management Committee*
- *Civics and Citizenship Committee*
- *Floodplain Risk Management Committee*
- *Infrastructure Committee*

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- *Environmental Sustainability Committee*

Action taken (Part 2)

In accordance with Council's resolution the following Committees were dissolved as at 31 December 2020:

- Access and Inclusion Committee
- Human Services Committee
- Tourism Committee
- Waste Management Committee
- Civics and Citizenship Committee
- Floodplain Risk Management Committee
- Infrastructure Committee
- Environmental Sustainability Committee

The members of the dissolved Committees were advised of the changes to Council's Committee structure in a letter from the Mayor.

Council's website has been updated accordingly. Information in regard to the dissolved Committees has been removed. Information in regard to the new Committees will be updated subsequent to the adoption of the Council Committee Constitution.

Council Resolution (Part 3)

3. *Establishes the following standing committees:*

<i>New Committee</i>	<i>Functions</i>
<i>Community Services</i>	<ul style="list-style-type: none">• <i>Civic and Citizenship</i>• <i>Enhancing the Arts</i>• <i>Human Services</i>• <i>Access and Inclusion</i>
<i>Environment</i>	<ul style="list-style-type: none">• <i>Waste management</i>• <i>Environmental sustainability</i>
<i>Innovation and Partnerships</i>	<ul style="list-style-type: none">• <i>Tourism</i>• <i>Infrastructure</i>• <i>New Technologies</i>
<i>Disaster and Emergency</i>	<ul style="list-style-type: none">• <i>Emergency and disaster management</i>

Proposed Action (Part 3)

Where necessary, Council is to nominate and appoint members to the Council Committees in accordance with the Council Committee Constitution.

The Committee members' term shall be for four years or until the end of the council term. The Committee may be dissolved by Council at any time by resolution.

Council Resolution (Part 4)

4. *Asks the Mayor to write to each member of the dissolved committees to thank them for their service and to inform them of the opportunity to participate in the new committee structure.*

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Action taken (Part 4)

The Mayor wrote to the members of the dissolved Committees advising them of the dissolution of the Committees and thanked for their service. They were also informed of the opportunity to participate in the new committee structure. In addition, a media release formally thanking the committee members was issued on 9 December 2020.

Council Resolution (Part 5)

5. *Requires that at least one Council Briefing Session every three months be devoted to disaster / emergency management matters. This includes briefings on floods, bushfires and other disasters both natural and human-made. This meeting will constitute the meeting of the Disaster and Emergency Committee.*

Proposed Action (Part 5)

After considering the practical implementation of this part of the Resolution, and taking into consideration feedback received from Councillors subsequent to the Resolution, the following suggestions are made for Council's consideration:

- The functions of the Disaster and Emergency Committee are considered to be difficult to incorporate into a Councillor Briefing session and would be better managed in the same way as other Committees.
- The Disaster and Emergency Committee will be generally tasked with emergency planning and preparedness, education and building community resilience in regard to emergency matters and providing guidance in regard to emergency recovery.
- It is understood that by dealing with disaster and emergency management at a Councillor Briefing Session every three months Council intended that all twelve Councillors be given the opportunity to participate in the Disaster and Emergency Committee. This can be referred to in the Constitution as it applies to this Committee.
- It is also proposed that this Committee include standing representation from Police (Emergency Management), State Emergency Services, NSW Rural Fire Service, NSW Fire and Rescue and Department of Planning (formerly Office of Environment and Heritage) , Infrastructure NSW. Attendance by these agencies will enable the Committee to be adequately informed through expertise from the agencies charged with the responsibility of planning for emergency events. It is proposed that the Mayor be the Chairperson of the Committee. Only Councillor members will have voting rights. The Mayor will have a casting vote.
- It is suggested that the Disaster and Emergency Committee operates within the same framework as the other Committees in regard to having formal Committee Meetings rather than a Councillor Briefing Session. This will ensure consistency with other Committees, including the ability for the public to attend and participate.
- The Committee will meet at least every three months. The meeting Agendas will be set by the Mayor in consultation with the General Manager and other relevant staff.
- Whilst the previous Floodplain Risk Management Advisory Committee has been dissolved, matters previously dealt with by this Committee will be dealt with within the Disaster and Emergency Committee. Current work of the Committee is to be reported as an Agenda item for the first meeting of the Disaster and Emergency Committee for consideration by the Committee. The Disaster and Emergency Management Committee membership and proposed operation allow the Committee to have access to expertise and allows for public participation.
- The Committee would also consider other areas of concern such as urban heat and severe storm emergencies.

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Council Resolution (Part 6)

6. *Affirms that the role of Council committees is to provide advice and information to assist with Council decision making. Council shall therefore provide the long-term directions for each committee as well as setting short term tasks.*

Proposed Action (Part 6)

The objective of the new Committees is to provide advice to Council in regard to matters relevant to each respective Committee as follows:

New Committee	Functions
Community Services	<ul style="list-style-type: none">• Civic and Citizenship• Enhancing the Arts• Human Services• Access and Inclusion
Environment	<ul style="list-style-type: none">• Waste management• Environmental sustainability
Innovation and Partnerships	<ul style="list-style-type: none">• Tourism• Infrastructure• New Technologies
Disaster and Emergency	<ul style="list-style-type: none">• Emergency and disaster management

The roles and authorities of Council Committees are included in the Draft Council Committee Constitution.

The Previous Civic and Citizenship Committee

The Council Resolution indicates that functions previously dealt with by the Civic and Citizenship Committee are absorbed within the Community Services Committee. After further consideration of this matter, it is suggested that the main function of the Committee, being the determination of the Australia Day Awards, is undertaken by voting in a confidential report to Council, rather than through a Committee structure.

The suggested process would be that the information on all of the Australia Day Award nominees be provided to Councillors for independent review and assessment against the Australia Day Award Criteria. The nominations will then be presented and discussed at a Councillor Briefing Session and a confidential report will be presented to Council in closed session for the final determination of award recipients. All twelve Councillors would participate in the process.

Council Resolution (Part 7)

7. *Five Councillors will be appointed to the four standing committees listed above and these five Councillors will be the only members of the committees.*

Proposed Action (Part 7)

Membership of Council Committees will be as follows:

- Community Services – Five Councillors
- Environment – Five Councillors
- Innovation and Partnerships – Five Councillors
- Disaster and Emergency – Twelve Councillors plus standing Agency representatives

Council is to nominate and appoint Councillors as members to the Community Services, Environment, and the Innovation and Partnerships Committees in accordance with the Council Committee Constitution.

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Each of these three Committees will appoint a Chair.

All five Councillors have equal voting rights, with the exception of the Chair, who will have a casting vote. The above Committees will have no community representation. Non-member Councillors and community members will be able to attend and participate in Committee meetings.

The Heritage Committee will maintain existing membership, being three Councillors and eleven community members with and voting rights. Non-member Councillors and community members will be able to attend and participate in Committee meetings.

The following will also attend all Committee meetings:

- The Director (or their delegate) charged with the responsibility for the Council Committee
- A subject matter expert staff member
- A Minute taker
- If required, a staff member responsible for the management of the audio - visual meeting

Council Resolution (Part 8)

8. *Is to receive a report at the first Ordinary Meeting of 2021 that:*

- *Informs Council of the outstanding actions of all of the dissolved committees and the Heritage Committee, so that strategically important work and short-term tasks can be reviewed, reassigned to a newly established committee or reported to Council for a decision.*
- *Assists Council to review the work of the existing committees and set the longer-term objectives, directions and timeframes for each new committee for 2021.*

Proposed Action (Part 8)

To assist Council in determining the appropriate action in regard to outstanding actions of the dissolved Committees, and the Heritage Committee, staff have collated a list of all outstanding actions arising in the period between September 2016 and December 2020. In regard to these actions staff have identified those actions that are best carried out through a Committee structure and would have an operational impact if they are discontinued. It is proposed that these are assigned to the relevant newly formed Committee to continue to action. The remaining outstanding actions can be absorbed through normal operational activities carried out by staff.

It is suggested that actions having an operational impact and any other actions that Council considers appropriate to be assigned to the new Committees an Agenda item of the first meeting of each respective Committee. It is further suggested that to ensure a smooth and timely transition a meeting of each respective Committee is held as soon as practicable to discuss the outstanding actions assigned to that Committee.

The list of outstanding actions and associated staff comments is attached as Attachment 2 to this report. Attachment 2 provides details on each outstanding action and whether the action can be included in operational work plans or referred to a Committee. The Attachment details the relevant Committee to which the action is recommended to be assigned.

Council Resolution (Part 9)

9. *Requires that committees shall report regularly to Council in the following ways:*

- *Provide succinct and clear minutes which include a summary of the committee's progress towards the objectives set for them by Council. This summary is to include a self-evaluation of the committee's performance linked to the Community Strategic Plan.*
- *Provide regular and timely advice including recommended actions.*

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Proposed Action (Part 9)

Minutes of the Council Committee meetings will be recorded. The Minutes will reflect the final resolution of the Committee in regard to the item. Draft Minutes will be distributed to Committee Members to review with a specified time period. The Chair will have the authority to finalise the Minutes.

The Minutes of Council Committee Meetings will continue to be reported to Council for adoption.

As context for the Minutes and as the avenue by which the Committees provide advice to Council in regard to a particular matter, the Committees will prepare a report back to Council in response to an Agenda item that has been considered by the Committee.

The report to Council will include a summary of the committee's progress towards the objectives set for them by Council. This summary is to include a self-evaluation of the Committee's performance linked to the Community Strategic Plan.

It is at the Chair's discretion to call for a Committee meeting to discuss a report before submission to Council.

Council Resolution (Part 10)

10. *Notes that the agenda for committee meetings will be set by Council. If the Council does not set any agenda matters then the committees will not meet. Council will refer matters to the committees either from Council Meetings or from Briefing Sessions. This system of committees is designed to imitate the committee system currently operating in State and Commonwealth Parliaments and many other councils. Where possible committees should restrict their meetings to Tuesdays.*

Proposed Action (Part 10)

Agenda items for Council Committee Meetings are to be aligned with Council's Community Strategic Plan. The Agenda for the Council Committee Meetings will be set by Council, noting that procedural items, such as the annual election of the Chair, will be automatically included in the Agenda.

Agenda items will be set by way of a Council resolution as a result of a Council report, Mayoral Minute or Notice of Motion. To ensure consistency, transparency and good governance, any Agenda items suggested during a Councillor Briefing Session will need to be subject to a Council resolution at a Council meeting. Agenda items set by Council will be comprised only of matters that seek advice rather than information items. In the case of the Disaster and Emergency Committee, Agenda items may include information items as well as matters seeking advice.

Meetings of the new four Committees will generally be held on a Tuesday between 4pm and 6pm, unless otherwise agreed by the Committee members. It is proposed that the Heritage Advisory Committee will continue to meet on a Thursday between 5pm and 7pm, unless otherwise agreed by the Committee members.

Council Resolution (Part 11)

11. *Requires that committee agendas be published in a similar manner to the way that Council Meetings are currently published so that the community has advanced notice of what will be discussed. All members of the public are welcome to make submissions to the committee and can attend and participate in the committee meetings. Only the five Councillors will have voting rights, with the exception of the Heritage Committee (see point 13).*

Proposed Action (Part 11)

Agendas for the Committee meetings will be published on Council's website and advertised through social media.

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All Council Committee meetings will be audio-visual meetings. Meetings will only be held when there are Agenda items set by Council, or as determined by the Chair of the Committee.

Public Participation

Whilst existing Committees have been dissolved, their previous work can continue as will the valuable input of the community and agency members, including through expanded community input and the set-up of certain Committees.

The procedural steps proposed to facilitate community input are as follows:

- To enable enhanced public and open participation, anyone wishing to attend and/or participate in the meeting will be able to do so via registration to attend as an attendee or speaker.
- Items on the agenda subject to registered speakers will be dealt with first.
- An attendee will be able to register as a speaker. Anyone registered as a speaker will be guaranteed a time to put their view forward. A time limit per speaker of five minutes will apply to ensure sufficient time is available for others to participate.
- Anyone registered as an attendee only will still be able to participate and express their views during the meeting. They will be requested to speak in the order as indicated by the Chair of the Meeting, and speaking time will be at the discretion of the Chair. Generally it would be expected that attendees speaking “from the floor” will only do so if they have new information or viewpoints not already identified by the registered speakers. All speakers, including attendees wishing to speak, will be heard at the beginning of an item, prior to the Committee Members discussing the item and making a resolution.
- To ensure order and integrity of the meeting, public participation will be guided through a set of procedures which will be provided to all registered attendees and advised at the commencement of each Committee meeting.
- It is expected that all participants in Council Committee meetings adhere to Council's Code of Conduct and generally observe processes necessary to ensure Meetings run in an orderly manner, including following the direction of the Chair and express behaviour that is appropriate in a public forum, including respect for others and refrain from any insult, allegation or other action that may bring Council in disrepute.

Council Resolution (Part 12)

12. *Recognises that committees have the ability to establish issues-based working groups when required. The committees will set the agenda for the working groups and the working groups will report back to the committee. Each working group is to focus on one particular issue and be dissolved when the relevant work has been completed. Working groups may be composed of community members as well as relevant experts.*

Proposed Action (Part 12)

It is recommended that appointments to working groups will be made informally, by agreement of the Committee members, and that the working groups may include Committee members. Any working group will be appointed by, and report to the applicable Committee. Working groups will be appointed to undertake a specific task and will be dissolved upon completion of their task as evidenced by a report back to the Committee. A new working group (which may consist of the same members as previous working groups) will need to be established for each specific task. This will provide a clear demarcation line between the various working groups established over time and the completion of the assigned tasks.

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Existing working groups, being the Reconciliation Action Plan and the Enhancing the Arts Working Groups will continue until their set tasks are finalised and reported to Council. Relevant Council officers will support the preparation of the final report to Council.

Council Resolution (Part 13)

13. *The existing Heritage Advisory Committee will remain unchanged in that it will retain its current membership with full voting rights. The way its agenda is set and its reporting requirements will change to coincide with the other newly formed committees.*

Proposed Action (Part 13)

The Heritage Advisory Committee will operate within the framework set for the new Committees and is subject to the Council Committees Constitution. The only difference is that the current membership of this Committee is unchanged.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

The proposal is consistent with the following Focus Area, Directions and Strategies within the CSP.

Our Leadership

- 1.1 Local Leadership and effective governance - Provide representative, responsive and accountable governance.
 - 1.1.1 Council's elected leaders will actively connect and collaborate with the community.
- 1.2 Communication and engagement - Encourage an informed community and enable meaningful engagement.
 - 1.2.1 Provide open and clear lines of communication with the community that use the most current forms of digital technology.
 - 1.2.2 Council's communication will be enhanced to ensure community awareness and understanding of the role Council plays in everyday life in the Hawkesbury.
- 1.4 Reinforcing and establishing effective strategic partnerships - Build strong relationships and shared responsibilities.
 - 1.4.1 Foster positive relationships with all tiers of government and peak bodies to ensure a thorough understanding of the challenges and local requirements of the Hawkesbury.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal has no resourcing implications, outside of Council's adopted Long Term Financial Plan.

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ATTACHMENTS:

- AT - 1** Draft Council Committee Constitution - (*Distributed under separate cover*).
- AT - 2** Council Committees – Outstanding Actions as at 31 December 2020 - (*Distributed under separate cover*).

oooO END OF REPORT Oooo

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Item: 011 **SS - 2020/2021 Community Sponsorship Program - Round 1 - (95496, 96328)**

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to advise Council of applications received for financial assistance under Round 1 of the 2020/2021 Community Sponsorship Program. The applications received under Round 1 of the Program have been scored against the assessment criteria of the Community Sponsorship Strategy. The report provides Council with the outcome of the assessment of applications and makes a recommendation based on this assessment as to what applications meet funding criteria.

EXECUTIVE SUMMARY:

The report lists six applications received under Round 1 of the 2020/2021 Community Sponsorship Program and the proposed level of financial assistance for each of the applications.

The applications received under Round 1 of the Program have been assessed in accordance with the assessment criteria in the Community Sponsorship Strategy and it is recommended that the six applications that meet the assessment criteria be funded under Round 1 of the 2020/2021 Community Sponsorship Program.

The 2020/2021 Operational Plan made provision for a budget amount of \$42,149 for the 2020/2021 Community Sponsorship Program.

RECOMMENDATION:

That Council:

1. Approve payments for Section 356 Financial Assistance to the organisations listed in this report and at the level recommended.
 2. Approve execution of Council's standard Sponsorship Agreement for those applications where the approved level of funding is over \$500.
-

BACKGROUND

The Community Sponsorship Program provides the opportunity for community groups and individuals to seek financial assistance from Council. The Program provides for three categories for financial assistance:

- Participation: funding to enable the participation of residents who have been selected to represent their community in regional, national or international sporting and cultural events (\$150 per individual or \$750 for a team of 5 or more).
- Access: funding to subsidise half (50%) of the cost of hiring a Council or community facility (to a maximum Council contribution of \$750).
- Building a Connected, Healthy, Inclusive and Resilient Hawkesbury: funding to the cost of an activity or project which will assist the community to come together to plan and deliver activities that support a connected, healthy and resilient Hawkesbury (up to \$3000).

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In accordance with the schedule for funding rounds within the 2020/2021 Community Sponsorship Program, Round 1 of the Program was opened in October 2020. The Community Sponsorship Program was promoted:

- Online on Council's website, Facebook page, and Hawkesbury eNews.
- At network and interagency meetings including Hawkesbury Connect and Hawkesbury Youth Interagency
- Community Recovery information meetings

Assessment of Round 1 2020/2021 Applications

In total six applications are presented for Council's consideration under Round 1 of the 2020/2021 Program.

There were no applications received in this round under the Participation category.

The following Tables summarise the applications received and the proposed recommended level of financial assistance.

Applications received in the Access category.

There was one application received under this category. The Community Sponsorship Strategy provides for Council to subsidise half (50%) of the cost of hiring a Council or community facility, with a maximum Council contribution of \$750.

Applicant	Proposal	Recommended Amount
1. Windsor Public School	Hire of Windsor Function Centre for Annual School Presentation Night	\$750

Applications received in the Building a Connected, Healthy, Inclusive and Resilient Hawkesbury category:

There were five applications received under this category. The Community Sponsorship Strategy provides for Council to fund the cost of an activity or project which will assist the community to come together to plan and deliver activities that support a connected, healthy and resilient Hawkesbury (up to \$3000).

Attachment 1 to this report provides a detailed summary of the applications received and the recommended proposed level of financial assistance.

A copy of the analysis of each Access category application against the Assessment Criteria Matrix is provided in Attachment 2 of this report. It is noted that the maximum score possible under the Matrix is 52. As noted in the Community Sponsorship Strategy, an applicant is deemed eligible for consideration by Council for sponsorship if the application receives a score of 30 or more.

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Applicant	Proposal	Recommended Amount
2. Hawkesbury Nepean Local Group – Australian Breastfeeding Association	Delivery of “Breastfeeding Education Live”	\$2,520
3. Hawkesbury Riding Club	Horsemanship Education and Training Programme	\$3,000
4. Community Defib Project	AED in the Macdonald Valley	\$3,000
5. Cobargo Wellness Group	Wellbeing Community Arts Project (Kurrajong)	\$3,000
6. Lowland Wanderers Soccer Club Inc.	Shower privacy screens in Ladies Change Rooms	\$3,000

TOTAL	Participation	Nil
	Access	\$ 750
	Resilience	\$14,520
	TOTAL RECOMMENDED UNDER ROUND 1	\$15,270

Policy considerations

The primary reference document relevant to Council's decision in relation to Round 1 of the Community Sponsorship Program 2020/2021 is the Community Sponsorship Strategy, adopted by Council at its meeting on 30 April 2019. The process to assess applications and the recommendations contained in this report are consistent with the adopted Community Sponsorship Strategy.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017 – 2036

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

Our Community

2.3 Community Partnerships continue to evolve

2.3.1 Encourage and facilitate community partnerships.

2.4 Community Wellbeing and local services

2.4.1. Work in partnership with government and community organisations to improve services and facilities for disadvantaged and vulnerable groups, and to build stronger and more cohesive communities.

FINANCIAL IMPACT

The matters in this report have direct financial implications.

The 2020/2021 Operational Plan makes provision for \$42,149 for the 2020/2021 Community Sponsorship Program. Round 1 of the 2020/2021 Community Sponsorship Program recommends the allocation of \$15,270 to applicants, leaving a remaining budget of \$26,879 for future rounds of funding.

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FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The proposal is aligned with Council's Long-Term Financial Plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal will enable Council to continue to provide and maintain levels to meet established community expectations as budgeted for in the Long-Term Financial Plan.

ATTACHMENTS:

AT - 1 Summary of Applications – Round 1 – 2020/2021 Community Sponsorship Program.

AT - 2 Round 1 – 2020/2021 Application Assessment – Assessment Matrix.

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AT – 1 Summary of Applications – Round 1 – 2020/2021 Community Sponsorship Program

#	Applicant	Purpose of funding sought	Score on the Assessment Criteria Matrix. Maximum score of 52	Requested amount	Recommended amount	Discussion
1	Windsor Public School	Hire of Windsor Function Centre for Annual School Presentation Night	N/A for this category	\$750	\$750	<p>The applicant wishes to use funding to contribute towards the hire of Windsor Function Centre to celebrate their School Presentation Night.</p> <p><u>The expected outcomes align with Council's Community Strategy Plan in building a connected, healthy, inclusive and resilient Hawkesbury.</u></p>
2	Hawkesbury, Nepean Local Group – Australian Breastfeeding Association	Delivery of "Breastfeeding Education Live"	37	\$2,520	\$2,520	<p>The applicant wishes to use funding to deliver 28 Australian Breastfeeding Association "Breastfeeding Education Live" sessions plus ongoing support and education for expectant Hawkesbury families.</p> <p><u>The expected outcomes align with Council's Community Strategy Plan in building a connected, healthy, inclusive and resilient Hawkesbury.</u></p>

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#	Applicant	Purpose of funding sought	Score on the Assessment Criteria Matrix. Maximum score of 52	Requested amount	Recommended amount	Discussion
3	Hawkesbury Riding Club	Horsemanship Education and Training Programme	38	\$3,000	\$3,000	<p>The applicant wishes to deliver 26 Training and Education days for club members and residents.</p> <p><u>The expected outcomes align with Council's Community Strategy Plan encouraging and enabling our community to participate in a healthy lifestyle</u></p>
4	Community Defib Project	Automated External Defibrillator	39	\$3,000	\$3,000	<p>The applicant wishes to continue a project working towards a community A Automated External Defibrillator (AED) within 5-10 minutes of every St Albans resident. The project currently has 22 AED's installed between St Albans, Sackville and Wisemans Ferry.</p> <p><u>The expected outcomes align with Council's Community Strategy Plan in building a connected, healthy, inclusive and resilient Hawkesbury.</u></p>

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#	Applicant	Purpose of funding sought	Score on the Assessment Criteria Matrix. Maximum score of 52	Requested amount	Recommended amount	Discussion
5	Cobargo Wellness Group	Wellbeing Community Arts Project for fire affected communities	37	\$3,000	\$3,000	<p>The applicant is seeking funding (in addition to a donation they have received from Arndell Anglican College) to deliver a wellbeing-community arts project to fire affected Hawkesbury communities. The program involves creative arts workshops for children, trauma recovery workshops, a theatre show, a wellbeing forum and follow up digital resource kit. The proposed community is Kurrajong</p> <p><u>The expected outcomes align with Council's Community Strategy Plan in building a connected, healthy, inclusive and resilient Hawkesbury.</u></p>

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#	Applicant	Purpose of funding sought	Score on the Assessment Criteria Matrix. Maximum score of 52	Requested amount	Recommended amount	Discussion
6	Lowland Wanderers Soccer Club Inc	Shower privacy screens in Ladies Change Rooms at Bensons Lane Soccer Field	36	\$3,000	\$3,000	<p>The applicant wishes to install privacy screens in the shower area of the Ladies Change Rooms at the Bensons Lane Soccer Complex.</p> <p><u>The expected outcomes align with Council's Community Strategy Plan in building a connected, healthy, inclusive and resilient Hawkesbury.</u></p>

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AT - 2 Round 1 – 2020/2021 Application Assessment – Assessment Matrix

Assessment Criteria Matrix

Applicant: Hawkesbury/Nepean Local Group - Australian Breastfeeding Association
 Sponsored Activity: "Breastfeeding Education Live" packages
 Funding Requested: \$3000-

OBJECTIVE	CRITERIA	SCORE OPTIONS	SCORE	APPLICANT SCORE
A connected community	Create or builds community partnerships	No Yes	0 1	<input type="text" value="1"/>
	Supports and expands active volunteering (volunteer involvement)	No Yes More than 10	0 1 3	<input type="text" value="1"/>
	Brings residents together	< 10 People 10 to 25 People > 25 People	0 2 3	<input type="text" value="3"/>
	Supports community leadership and builds community resilience	No Yes	0 2	<input type="text" value="2"/>
A healthy community	Responds to a priority health need (Wentworth Healthcare)	No Yes	0 2	<input type="text" value="2"/>
	Supports a recommendation in Hawkesbury Family and Domestic Violence Action Plan	No Yes	0 2	<input type="text" value="0"/>
	Supports recommendation identified by young people in Hawkesbury Youth Summit	No Yes	0 2	<input type="text" value="0"/>
An inclusive community	Improves outcomes for a disadvantaged or vulnerable group	No Yes	0 2	<input type="text" value="2"/>
	Includes provision for disability access and/or social inclusion strategies	No Yes	0 2	<input type="text" value="0"/>
	Supports key strategy or action in Hawkesbury Disability Inclusion Action Plan 2017-2021.	No Yes	0 2	<input type="text" value="0"/>
	Supports key action in Reconciliation Action Plan (currently under development)	No Yes	0 2	<input type="text" value="0"/>
Community Strategic Plan (supports identified community outcomes)	Consistent with community strategic plan	Not consistent Somewhat consistent Consistent Highly consistent	0 1 2 3	<input type="text" value="2"/>
	Makes Hawkesbury a friendly place where people feel safe	No Yes	0 1	<input type="text" value="1"/>
	Encourages sporting and recreational pursuits and/or healthy, active ageing	No Yes	0 1	<input type="text" value="1"/>
	Encourages community partnerships, active volunteering and resident involvement	No Yes	0 1	<input type="text" value="1"/>
	Improves services and facilities for disadvantaged and vulnerable groups	No Yes	0 1	<input type="text" value="1"/>
	Supports all residents to participate in community, cultural and civic life	No Yes	0 1	<input type="text" value="1"/>
	Encourages sustainable choices and reduced ecological footprint	No Yes	0 1	<input type="text" value="0"/>

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OBJECTIVE	CRITERIA	SCORE OPTIONS	SCORE	APPLICANT SCORE
Community Strategic Plan continued	Provides affordable and accessible facilities to support community's health and lifestyle	No Yes	0 1	1
	Makes our towns and villages vibrant local hubs	No Yes	0 1	1
Finance and Governance	Activity grounded in authentic community consultation	No Yes	0 2	2
	Applicant has limited access to other sources of funding (not funded by state/federal agency)	No Yes	2 0	2
	Financial capacity as measured by annual revenues	< \$50,000 \$50,000 TO \$200,000	3 2 1	2
	Local community organisation (office or service outlet in Hawkesbury)	No Yes	0 2	0
	Adequacy of budget proposal	No Yes	0 2	2
	Co-contribution identified (financial and in-kind)	No Yes	0 1	1
	Proven track record	No Yes	0 2	2
	Governance structures in place	No Yes	0 2	2
	Adequacy of proposed budget	No Yes	0 2	2

Total Score

35

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Assessment Criteria Matrix

Applicant: Hawkesbury Riding Club
 Sponsored Activity: Horsemanship Education and Training program
 Funding Requested: \$3000-

OBJECTIVE	CRITERIA	SCORE OPTIONS	SCORE	APPLICANT SCORE
A connected community	Create or builds community partnerships	No Yes	0 1	<input type="text" value="1"/>
	Supports and expands active volunteering (volunteer involvement)	No Yes More than 10	0 1 3	<input type="text" value="1"/>
	Brings residents together	< 10 People 10 to 25 People > 25 People	0 2 3	<input type="text" value="3"/>
	Supports community leadership and builds community resilience	No Yes	0 2	<input type="text" value="2"/>
A healthy community	Responds to a priority health need (Wentworth Healthcare)	No Yes	0 2	<input type="text" value="2"/>
	Supports a recommendation in Hawkesbury Family and Domestic Violence Action Plan	No Yes	0 2	<input type="text" value="0"/>
	Supports recommendation identified by young people in Hawkesbury Youth Summit	No Yes	0 2	<input type="text" value="0"/>
An inclusive community	Improves outcomes for a disadvantaged or vulnerable group	No Yes	0 2	<input type="text" value="2"/>
	Includes provision for disability access and/or social inclusion strategies	No Yes	0 2	<input type="text" value="2"/>
	Supports key strategy or action in Hawkesbury Disability Inclusion Action Plan 2017-2021.	No Yes	0 2	<input type="text" value="0"/>
	Supports key action in Reconciliation Action Plan (currently under development)	No Yes	0 2	<input type="text" value="0"/>
Community Strategic Plan (supports identified community outcomes)	Consistent with community strategic plan	Not consistent Somewhat consistent Consistent Highly consistent	0 1 2 3	<input type="text" value="2"/>
	Makes Hawkesbury a friendly place where people feel safe	No Yes	0 1	<input type="text" value="1"/>
	Encourages sporting and recreational pursuits and/or healthy, active ageing	No Yes	0 1	<input type="text" value="1"/>
	Encourages community partnerships, active volunteering and resident involvement	No Yes	0 1	<input type="text" value="1"/>
	Improves services and facilities for disadvantaged and vulnerable groups	No Yes	0 1	<input type="text" value="0"/>
	Supports all residents to participate in community, cultural and civic life	No Yes	0 1	<input type="text" value="1"/>
	Encourages sustainable choices and reduced ecological footprint	No Yes	0 1	<input type="text" value="0"/>

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OBJECTIVE	CRITERIA	SCORE OPTIONS	SCORE	APPLICANT SCORE
Community Strategic Plan continued	Provides affordable and accessible facilities to support community's health and lifestyle	No Yes	0 1	1
	Makes our towns and villages vibrant local hubs	No Yes	0 1	0
Finance and Governance	Activity grounded in authentic community consultation	No Yes	0 2	2
	Applicant has limited access to other sources of funding (not funded by state/federal agency)	No Yes	2 0	2
	Financial capacity as measured by annual revenues	< \$50,000 \$50,000 TO \$200,000	3 2 1	3
	Local community organisation (office or service outlet in Hawkesbury)	No Yes	0 2	2
	Adequacy of budget proposal	No Yes	0 2	2
	Co-contribution identified (financial and in-kind)	No Yes	0 1	1
	Proven track record	No Yes	0 2	2
	Governance structures in place	No Yes	0 2	2
	Adequacy of proposed budget	No Yes	0 2	2

Total Score 38

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Assessment Criteria Matrix

Applicant: Community Defib Project
 Sponsored Activity: AED in the Macdonald Valley
 Funding Requested: \$3000-

OBJECTIVE	CRITERIA	SCORE OPTIONS	SCORE	APPLICANT SCORE
A connected community	Create or builds community partnerships	No Yes	0 1	<input type="text" value="1"/>
	Supports and expands active volunteering (volunteer involvement)	No Yes More than 10	0 1 3	<input type="text" value="1"/>
	Brings residents together	< 10 People 10 to 25 People > 25 People	0 2 3	<input type="text" value="3"/>
	Supports community leadership and builds community resilience	No Yes	0 2	<input type="text" value="2"/>
A healthy community	Responds to a priority health need (Wentworth Healthcare)	No Yes	0 2	<input type="text" value="2"/>
	Supports a recommendation in Hawkesbury Family and Domestic Violence Action Plan	No Yes	0 2	<input type="text" value="0"/>
	Supports recommendation identified by young people in Hawkesbury Youth Summit	No Yes	0 2	<input type="text" value="0"/>
An inclusive community	Improves outcomes for a disadvantaged or vulnerable group	No Yes	0 2	<input type="text" value="2"/>
	Includes provision for disability access and/or social inclusion strategies	No Yes	0 2	<input type="text" value="2"/>
	Supports key strategy or action in Hawkesbury Disability Inclusion Action Plan 2017-2021.	No Yes	0 2	<input type="text" value="0"/>
	Supports key action in Reconciliation Action Plan (currently under development)	No Yes	0 2	<input type="text" value="0"/>
Community Strategic Plan (supports identified community outcomes)	Consistent with community strategic plan	Not consistent Somewhat consistent Consistent Highly consistent	0 1 2 3	<input type="text" value="2"/>
	Makes Hawkesbury a friendly place where people feel safe	No Yes	0 1	<input type="text" value="1"/>
	Encourages sporting and recreational pursuits and/or healthy, active ageing	No Yes	0 1	<input type="text" value="1"/>
	Encourages community partnerships, active volunteering and resident involvement	No Yes	0 1	<input type="text" value="1"/>
	Improves services and facilities for disadvantaged and vulnerable groups	No Yes	0 1	<input type="text" value="0"/>
	Supports all residents to participate in community, cultural and civic life	No Yes	0 1	<input type="text" value="1"/>
	Encourages sustainable choices and reduced ecological footprint	No Yes	0 1	<input type="text" value="0"/>

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OBJECTIVE	CRITERIA	SCORE OPTIONS	SCORE	APPLICANT SCORE
Community Strategic Plan continued	Provides affordable and accessible facilities to support community's health and lifestyle	No Yes	0 1	1
	Makes our towns and villages vibrant local hubs	No Yes	0 1	1
Finance and Governance	Activity grounded in authentic community consultation	No Yes	0 2	2
	Applicant has limited access to other sources of funding (not funded by state/federal agency)	No Yes	2 0	2
	Financial capacity as measured by annual revenues	< \$50,000 \$50,000 TO \$200,000	3 2 1	3
	Local community organisation (office or service outlet in Hawkesbury)	No Yes	0 2	2
	Adequacy of budget proposal	No Yes	0 2	2
	Co-contribution identified (financial and in-kind)	No Yes	0 1	1
	Proven track record	No Yes	0 2	2
	Governance structures in place	No Yes	0 2	2
	Adequacy of proposed budget	No Yes	0 2	2

Total Score

39

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Assessment Criteria Matrix

Applicant: Cobargo Wellness Group
 Sponsored Activity: Wellbeing Community Arts Project
 Funding Requested: \$3000-

OBJECTIVE	CRITERIA	SCORE OPTIONS	SCORE	APPLICANT SCORE
A connected community	Create or builds community partnerships	No Yes	0 1	<input type="text" value="1"/>
	Supports and expands active volunteering (volunteer involvement)	No Yes More than 10	0 1 3	<input type="text" value="1"/>
	Brings residents together	< 10 People 10 to 25 People > 25 People	0 2 3	<input type="text" value="3"/>
	Supports community leadership and builds community resilience	No Yes	0 2	<input type="text" value="2"/>
A healthy community	Responds to a priority health need (Wentworth Healthcare)	No Yes	0 2	<input type="text" value="2"/>
	Supports a recommendation in Hawkesbury Family and Domestic Violence Action Plan	No Yes	0 2	<input type="text" value="0"/>
	Supports recommendation identified by young people in Hawkesbury Youth Summit	No Yes	0 2	<input type="text" value="0"/>
An inclusive community	Improves outcomes for a disadvantaged or vulnerable group	No Yes	0 2	<input type="text" value="2"/>
	Includes provision for disability access and/or social inclusion strategies	No Yes	0 2	<input type="text" value="0"/>
	Supports key strategy or action in Hawkesbury Disability Inclusion Action Plan 2017-2021.	No Yes	0 2	<input type="text" value="0"/>
	Supports key action in Reconciliation Action Plan (currently under development)	No Yes	0 2	<input type="text" value="0"/>
Community Strategic Plan (supports identified community outcomes)	Consistent with community strategic plan	Not consistent Somewhat consistent Consistent Highly consistent	0 1 2 3	<input type="text" value="2"/>
	Makes Hawkesbury a friendly place where people feel safe	No Yes	0 1	<input type="text" value="1"/>
	Encourages sporting and recreational pursuits and/or healthy, active ageing	No Yes	0 1	<input type="text" value="1"/>
	Encourages community partnerships, active volunteering and resident involvement	No Yes	0 1	<input type="text" value="1"/>
	Improves services and facilities for disadvantaged and vulnerable groups	No Yes	0 1	<input type="text" value="1"/>
	Supports all residents to participate in community, cultural and civic life	No Yes	0 1	<input type="text" value="1"/>
	Encourages sustainable choices and reduced ecological footprint	No Yes	0 1	<input type="text" value="0"/>

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OBJECTIVE	CRITERIA	SCORE OPTIONS	SCORE	APPLICANT SCORE
Community Strategic Plan continued	Provides affordable and accessible facilities to support community's health and lifestyle	No Yes	0 1	1
	Makes our towns and villages vibrant local hubs	No Yes	0 1	1
Finance and Governance	Activity grounded in authentic community consultation	No Yes	0 2	2
	Applicant has limited access to other sources of funding (not funded by state/federal agency)	No Yes	2 0	2
	Financial capacity as measured by annual revenues	< \$50,000 \$50,000 TO \$200,000	3 2 1	2
	Local community organisation (office or service outlet in Hawkesbury)	No Yes	0 2	0
	Adequacy of budget proposal	No Yes	0 2	2
	Co-contribution identified (financial and in-kind)	No Yes	0 1	1
	Proven track record	No Yes	0 2	2
	Governance structures in place	No Yes	0 2	2
	Adequacy of proposed budget	No Yes	0 2	2

Total Score

35

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Assessment Criteria Matrix

Applicant: Lowland Wanderers Soccer Club Inc
 Sponsored Activity: Shower privacy screens in Bensons Lane Soccer Complex
 Funding Requested: \$3000-

OBJECTIVE	CRITERIA	SCORE OPTIONS	SCORE	APPLICANT SCORE
A connected community	Create or builds community partnerships	No Yes	0 1	<input type="text" value="1"/>
	Supports and expands active volunteering (volunteer involvement)	No Yes More than 10	0 1 3	<input type="text" value="1"/>
	Brings residents together	< 10 People 10 to 25 People > 25 People	0 2 3	<input type="text" value="3"/>
	Supports community leadership and builds community resilience	No Yes	0 2	<input type="text" value="2"/>
A healthy community	Responds to a priority health need (Wentworth Healthcare)	No Yes	0 2	<input type="text" value="2"/>
	Supports a recommendation in Hawkesbury Family and Domestic Violence Action Plan	No Yes	0 2	<input type="text" value="0"/>
	Supports recommendation identified by young people in Hawkesbury Youth Summit	No Yes	0 2	<input type="text" value="0"/>
An inclusive community	Improves outcomes for a disadvantaged or vulnerable group	No Yes	0 2	<input type="text" value="2"/>
	Includes provision for disability access and/or social inclusion strategies	No Yes	0 2	<input type="text" value="0"/>
	Supports key strategy or action in Hawkesbury Disability Inclusion Action Plan 2017-2021.	No Yes	0 2	<input type="text" value="0"/>
	Supports key action in Reconciliation Action Plan (currently under development)	No Yes	0 2	<input type="text" value="0"/>
Community Strategic Plan (supports identified community outcomes)	Consistent with community strategic plan	Not consistent Somewhat consistent Consistent Highly consistent	0 1 2 3	<input type="text" value="2"/>
	Makes Hawkesbury a friendly place where people feel safe	No Yes	0 1	<input type="text" value="1"/>
	Encourages sporting and recreational pursuits and/or healthy, active ageing	No Yes	0 1	<input type="text" value="1"/>
	Encourages community partnerships, active volunteering and resident involvement	No Yes	0 1	<input type="text" value="1"/>
	Improves services and facilities for disadvantaged and vulnerable groups	No Yes	0 1	<input type="text" value="1"/>
	Supports all residents to participate in community, cultural and civic life	No Yes	0 1	<input type="text" value="1"/>
	Encourages sustainable choices and reduced ecological footprint	No Yes	0 1	<input type="text" value="0"/>

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OBJECTIVE	CRITERIA	SCORE OPTIONS	SCORE	APPLICANT SCORE
Community Strategic Plan continued	Provides affordable and accessible facilities to support community's health and lifestyle	No Yes	0 1	1
	Makes our towns and villages vibrant local hubs	No Yes	0 1	1
Finance and Governance	Activity grounded in authentic community consultation	No Yes	0 2	2
	Applicant has limited access to other sources of funding (not funded by state/federal agency)	No Yes	2 0	2
	Financial capacity as measured by annual revenues	< \$50,000 \$50,000 TO \$200,000	3 2 1	3
	Local community organisation (office or service outlet in Hawkesbury)	No Yes	0 2	0
	Adequacy of budget proposal	No Yes	0 2	2
	Co-contribution identified (financial and in-kind)	No Yes	0 1	1
	Proven track record	No Yes	0 2	2
	Governance structures in place	No Yes	0 2	2
	Adequacy of proposed budget	No Yes	0 2	2

Total Score 36

oooO END OF REPORT Oooo

ORDINARY MEETING
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Item: 012 **SS - Naming of Reserve and Ovals at 204 Freemans Reach Road, Freemans Reach - (95496, 112106)**

Previous Item: 210, Ordinary (10 November 2020)
 173, Ordinary (8 September 2020)

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to recommend that the Reserve located at 204 Freemans Reach Road, Freemans Reach be officially named 'The Breakaway', and to name the two ovals located on the Reserve after Charlie and George Greentree, as 'The Charlie Greentree Oval' and 'The George Greentree Oval' by submitting a request to the Geographical Names Board requesting the same.

EXECUTIVE SUMMARY:

On 10 November 2020, Council proposed that the proposal for the Reserve located at 204 Freemans Reach Road, Freemans Reach be named 'The Breakaway', and to name the two ovals located on the Reserve after Charlie and George Greentree, as 'The Charlie Greentree Oval' and 'The George Greentree Oval', be publicly advertised and the results be reported back to Council following the public exhibition process.

The Reserve and Oval names were publicly advertised for a period of 28 days. At the close of the public consultation period, five submissions in support were received with no submissions objecting to the proposed names.

RECOMMENDATION:

That Council:

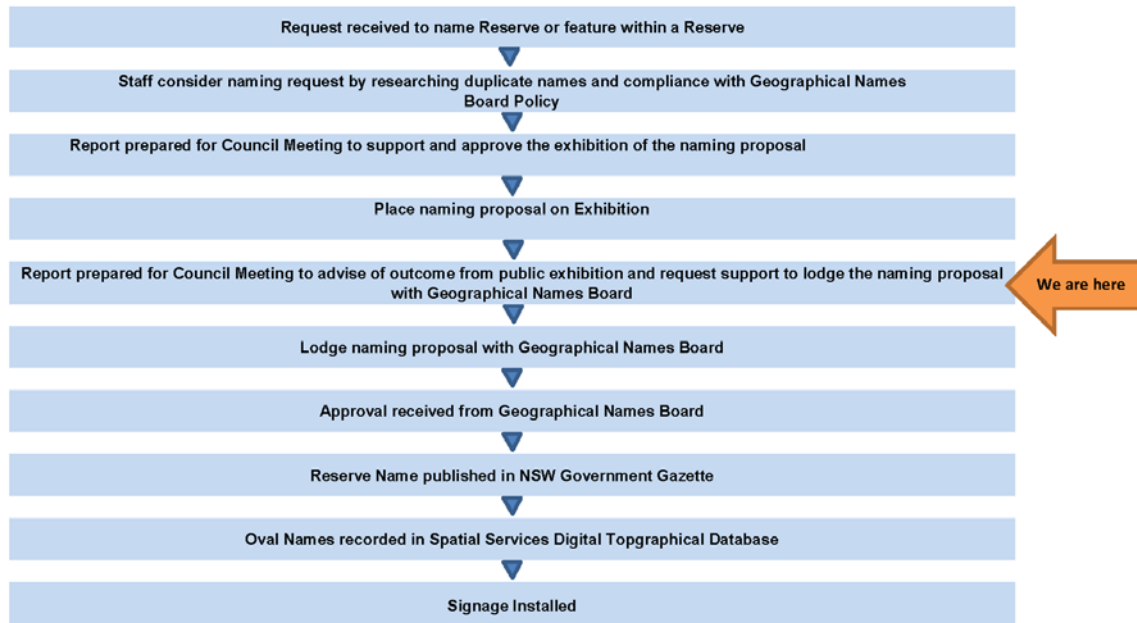
1. Endorse the application to the Geographical Names Board of New South Wales to formally assign under the Geographical Names Act 1966 the following parcels as 'The Breakaway':
 - a) Lot 4 DP 165153
 - b) Lot 3 DP 165153
 - c) Lot 91 DP 525429
 - d) Lot 92 DP 525429
 - e) Lot 1 DP 999867
 - f) Lot 8 DP 231633
 - g) Lot 2 DP 165153
 - h) Lot 7 DP 231633
 - i) Lot 1 DP 165153
2. Endorse the application to the Geographical Names Board of New South Wales to record in the Spatial Services Topographic Database the naming of the Ovals located on Lot 2 DP 165153, Lot 7 DP 231633 and Lot 1 DP 165153 as 'The Charlie Greentree Oval' and 'The George Greentree Oval', as show in attachment 2 of this Report.

BACKGROUND

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 25 January 2021

Council at its meeting on 8 September 2020 considered a Notice of Motion regarding the naming of the two Ovals located at the Reserve known as 'The Breakaway', 204 Freemans Reach Road, Freemans Reach. The resolution required a further report be prepared outlining the process to name the Ovals.

The process to name Reserves is outlined below:



On 10 November 2020, Council resolved that:

- “1. In accordance with the requirements of the Geographical Names Act 1966, the following proposed names be publicly exhibited for a period of 28 days:
 - (a) The following land parcels be named 'The Breakaway':
 - a. Lot 4 in Deposited Plan 165153
 - b. Lot 3 in Deposited Plan 165153
 - c. Lot 91 in Deposited Plan 525429
 - d. Lot 92 in Deposited Plan 525429
 - e. Lot 1 in Deposited Plan 999867
 - f. Lot 8 in Deposited Plan 231633
 - g. Lot 2 in Deposited Plan 165153
 - h. Lot 7 in Deposited Plan 231633
 - i. Lot 1 in Deposited Plan 165153
 - (b) The Oval located on Lot 1 in Deposited Plan 165153 be named as 'The Charlie Greentree Oval' and the Oval located on Lot 2 in Deposited Plan 165153 and Lot 7 in Deposited Plan 231633 be named as 'The George Greentree Oval'.
2. The matter be reported back to Council following the public exhibition process.”

The Reserve and Oval names were publicly advertised for a period of 28 days from 19 November 2020 to 17 December 2020 on Council's website and Facebook, letter to adjoining owners and advertisement in the Hawkesbury Courier on 19 November 2020. At the close of the public consultation period, five submissions in support were received with no submissions objecting to the proposed names.

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Reserve Name

Geographical Names Board have advised that the name 'The Breakaway' was gazetted as a Rural Place on 27 May 1983. Rural Places means a place, site or precinct in a rural landscape, generally small extent, the name of which is in current use.

This report seeks to officially name the Reserve as 'The Breakaway'. Refer to Attachment 1 of this report for the location of the area to be named. This would occur prior to the naming of the Ovals.

Oval Name

The Notice of Motion proposed naming the ovals, either:

1. Both collectively as 'The Greentree Ovals, or
2. Individually as 'The Charlie Greentree Oval' and 'The George Greentree Oval'.

This report recommends that the Ovals be named individually as 'The Charlie Greentree Oval' and 'The George Greentree Oval'. This will allow easier recognition for Cricketers as to which Oval they are playing on, as well as acknowledging Charlie and George Greentree's contribution to cricket separately.

Attachment 2 of this Report shows the proposed location of the Ovals being named.

Clause 9.10 of the Geographical Names Board of New South Wales Policy provides for the Board to name features within Reserves, such as pavilions, gardens and buildings. There is no formal approval for the naming of features. Council can apply to have the name of the Ovals recorded in the Spatial Services Digital Topographical Database maintained by the Geographical Names Board of New South Wales. If approved, the name would then be shown on relevant maps.

The proposed Reserve and Oval names are considered appropriate for lodgement of a request with the Geographical Names Board of New South Wales.

COMMUNITY ENGAGEMENT

Consultation has been undertaken in accordance with Council's Community Engagement Policy and the Geographical Names Act, 1966. The consultation was for a period of 28 days, ending on 17 December 2020, with a further 14 days allowed for the receipt of written public submissions.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Community

- 2.2 Participation in recreational and lifestyle activities is increased - Encourage and enable our community to participate in a healthy lifestyle
 - 2.2.2 Encourage active participation in a range of sporting and recreational pursuits.
- 2.5. Cultural Development and Heritage - Enable broad and rich celebration of our local culture and significant heritage
 - 2.5.3 Recognise, conserve and promote the areas history and heritage for current and future generations.

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Our Assets

4.3 Places and Spaces - Provide the right places and spaces to serve our community

4.3.2 Provide a variety of quality active recreation spaces including playgrounds, sporting fields, pool, stadium and multipurpose centres to enhance our community's health and lifestyle.

FINANCIAL IMPACT

There are no financial implications applicable to this report arising from the naming proposal, however once the names are gazetted, cost of signage can be funded from within existing operational budgets.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

This matter is not specifically aligned with any Fit For The Future Strategies. The report does not result in any additional resources outside Council's Long Term Financial Plan.

ATTACHMENTS:

AT - 1 Locality Plan.

AT - 2 Oval Naming Plan.

ORDINARY MEETING
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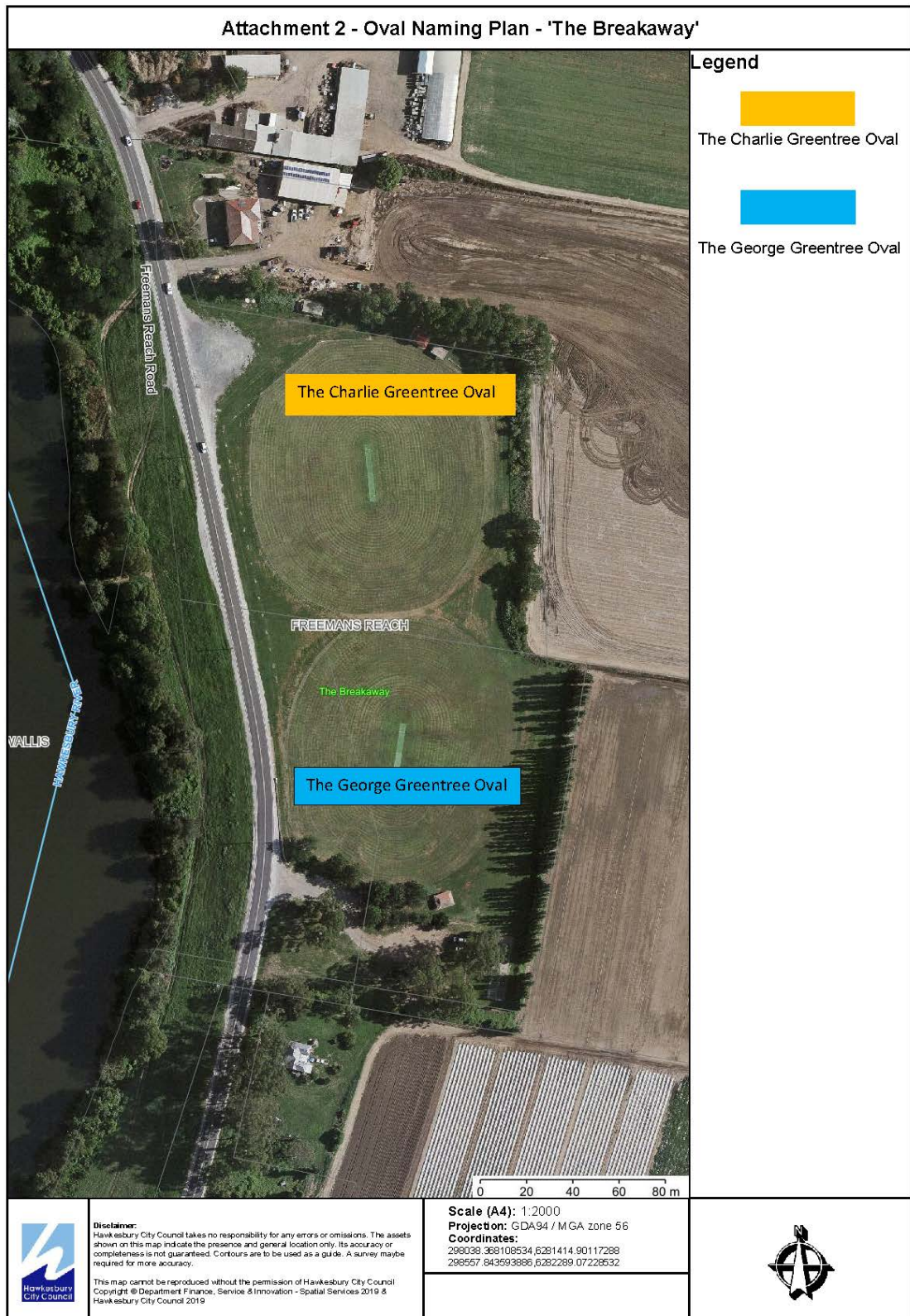
AT - 1 Locality Plan

Attachment 1 - Locality Plan - 'The Breakaway'



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AT - 2 Oval Naming Plan



oooO END OF REPORT Oooo

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ORDINARY MEETING

SECTION 4 – Reports of Committees

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ORDINARY MEETING
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SECTION 4 – Reports of Committees

Item: 013 **ROC - Floodplain Risk Management Advisory Committee - 3 December 2020 - (95498, 124414, 86589)**

Directorate: City Planning

PURPOSE OF THE REPORT:

The purpose of this report is to present the Minutes of the Floodplain Risk Management Advisory Committee held on 3 December 2020.

EXECUTIVE SUMMARY:

The Floodplain Risk Management Advisory Committee considered four items, and a General Business item at its meeting on 3 December 2020. These items have no policy or financial implications to Council, and are therefore presented for information only.

RECOMMENDATION:

That Council receive and note the Minutes of the Floodplain Risk Management Advisory Committee Meeting held on 3 December 2020.

DISCUSSION

The Floodplain Risk Management Advisory Committee met on 3 December 2020, and considered reports on the following matters, as shown in the minutes attached as Attachment 1 to this report.

Item 1 - Floodplain Management Australia Quarterly Meeting 19 November 2020
Item 2 - Update from Infrastructure NSW - Implementation of Hawkesbury-Nepean Valley Flood Risk Management Strategy
Item 3 - Update on Grant Applications
Item 4 - Flood Policy 2020

General Business - Hawkesbury Disaster and Emergency Dashboard

ATTACHMENTS:

AT - 1 Minutes of the Floodplain Risk Management Advisory Committee held on 3 December 2020.

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 25 January 2021

Minutes of the Meeting of the Floodplain Risk Management Advisory Committee held via audio visual link, on 3 December, commencing at 4:07pm.

ATTENDANCE

Present: Councillor Mary Lyons-Buckett, Chairperson
 Councillor Danielle Wheeler, Hawkesbury City Council
 Ms Carol Edds, Community Representative
 Mr Kevin Jones, SES
 Ms Margaret Mackisack, Community Representative
 Mr Maurice Smith, Community Representative
 Mr Kim Ford, Community Representative
 Mr Sadeq Zaman, Department of Planning, Industry and Environment

Apologies: Councillor Amanda Kotlash, Hawkesbury City Council
 Councillor Paul Rasmussen, Deputy Chairperson
 Councillor Peter Reynolds, Hawkesbury City Council
 Mr Harry Terry, Community Representative

In Attendance: Mr Andrew Kearns, Hawkesbury City Council
 Mr Chris Amit, Hawkesbury City Council
 Ms Jodie Tillinghast - Minute Taker, Hawkesbury City Council
 Mr Stephen Yeo, Infrastructure NSW
 Ms Virginia Ellis, Representative of Member for Hawkesbury

RESOLVED on the motion of Mr Kim Ford and seconded by Ms Margaret Mackisack that the apologies be accepted.

Member	26/09/2019	05/12/2019	27/02/2020	16/04/2020	25/06/2020	24/09/2020	03/12/2020
Councillor Mary Lyons-Buckett	✓	✓	✓	✓	✓	✓	✓
Councillor Amanda Kotlash	A	✓	✓	A	✓	A	A
Councillor Paul Rasmussen	A	✓	X	✓	✓	✓	A
Councillor Danielle Wheeler	A	✓	✓	✓	✓	✓	✓
Councillor Peter Reynolds	✓	✓	✓	✓	A	✓	A
Ms Carol Edds	✓	✓	✓	✓	✓	A	✓
Mr Harry Terry	✓	✓	✓	✓	✓	✓	A
Ms Margaret Mackisack	✓	✓	✓	✓	X	✓	✓
Mr Kim Ford	✓	✓	✓	✓	✓	✓	✓
Mr Maurice Smith	✓	✓	✓	✓	✓	✓	✓
Mr Kevin Jones – (SES Headquarters)	✓	X	✓	A	✓	✓	✓
Mr Peter Cinque OAM – (SES Sydney Western Division)	X	X	✓	✓	✓	✓	X
Ms Robyn Preston, Member for Hawkesbury (or Representative)	✓	✓	✓	✓	A	✓	✓
Mr Sadeq Zaman – (Department of Planning, Industry and Environment)	✓	X	✓	✓	✓	✓	✓

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 25 January 2021

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr Ford and seconded by Ms Mackisack that the Minutes of the Floodplain Risk Management Advisory Committee held on the 24 September 2020, be confirmed.

SECTION 3 - Reports for Determination

Item: 1 **FRMAC - Floodplain Management Australia Quarterly Meeting 19 November 2020 - (86589, 124414, 95498)**

Directorate: City Planning

OFFICERS RECOMMENDATION:

That the Floodplain Risk Management Advisory Committee provide input into a proposed paper and presentation to be delivered (subject to selection) at the Floodplain Management Australia National Conference in May 2021.

DISCUSSION

- Officers provided an update regarding the quarterly meeting of Floodplain Management Australia, and advised the Committee that the National Conference in May 2021 will be held in Sydney with the theme being 'Essential knowledge for a flood resilient future'. Officers advised that an abstract has been submitted by Council for the conference, and asked for the Committee to provide feedback and input on the type of topics that could be included in the presentation.
- Committee members provided the following feedback and suggestions regarding the topics to be included in the presentation:
 - Constraints regarding evacuations
 - Cumulative overland flooding
 - Community involvement in decisions
 - That planning is adequately resourced
- Committee members were advised that if there were any further suggestions or feedback regarding the paper/presentation for the conference that they are to submit this to officers as soon as possible.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Ms Mackisack, seconded by Ms Edds.

That the Floodplain Risk Management Advisory Committee provide input into a proposed paper and presentation to be delivered (subject to selection) at the Floodplain Management Australia National Conference in May 2021.

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 25 January 2021

SECTION 4 - Reports for Information

Item: 2 **FRMAC - Update from Infrastructure NSW - Implementation of Hawkesbury-Nepean Valley Flood Risk Management Strategy - (86589, 124414, 95498)**

Directorate: City Planning

Mr Stephen Yeo from Infrastructure NSW provided a presentation to the Committee on Implementation of the Hawkesbury-Nepean Valley Flood Risk Management Strategy.

OFFICERS RECOMMENDATION:

That the information be received and noted.

DISCUSSION

- The presentation included updates with respect to:
 - Hawkesbury-Nepean River Flood Study
 - Caravan Parks Project
 - 'Get Ready' campaign
 - Bureau of Meteorology Project
- Committee members enquired as to the products used by the SES and the Bureau of Meteorology that would be released during different stages of a Flood emergency. It was advised that there is currently a flood warning project that is looking at this matter.
- Committee members requested if the amount of "hits" that occurred on the Stage 2 "Get Ready Campaign" relating to Hawkesbury residents could be shared with Committee members.
- Committee members enquired as to how the flood resilience program for caravan parks would be shared to inform all the relevant parties across the Hawkesbury LGA.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr Smith, seconded by Councillor Wheeler.

That the information be received and noted.

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 25 January 2021

Item: 3 **FRMAC - Update on Grant Applications - 986589, 124414, 95498)**

Previous Item: 6, FRMAC (25 June 2020)

Directorate: City Planning

OFFICERS RECOMMENDATION:

That the information be received and noted.

DISCUSSION

- Officers provided an update to the Committee on the existing grants regarding the Review of the Hawkesbury Flood Risk Management Plan and the Flood Risk Management Study Plan for the Macdonald Valley and Colo Rivers. Consultants will be appointed in the near future.
- Officers advised that the four grants applied for the in 2020/ 2021 Floodplain Grants Program have been unsuccessful, with the following feedback provided: -

1. Flood Risk Management Policy and Regulation for Caravan Parks of the Hawkesbury Local Government Area

This project appears to be duplication of work underway by the NSW State Emergency Service and Infrastructure NSW as part of the Hawkesbury Nepean Flood Strategy

2. Vulnerability Assessment of Properties in the Floodplain of Hawkesbury LGA for Resilience Planning

This project does not align with the program objectives and it is unclear why Council need information on insurance premiums and structural integrity of private dwellings.

3. Secondary flooding impacts and resilience planning in Hawkesbury LGA

This project does not align with the program objectives and is considered as core asset management responsibilities of Council and the other service providers.

4. Redbank Creek Flood Study

Council is yet to commence project that were awarded in the 2019-20 funding round.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr Smith, seconded by Ms Mackisack.

That the information be received and noted.

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 25 January 2021

Item: 4 **FRMAC - Flood Policy 2020 - (86589, 124414, 95498)**

Previous Item: 4, FRMAC (31 August 2017)
 3, FRMAC (19 April 2018)
 3, FRMAC (25 October 2018)
 1, FRMAC (18 April 2019)
 3, FRMAC (27 February 2020)
 1, FRMAC (16 April 2020)
 2, FRMAC (25 June 2020)

Directorate: City Planning

OFFICERS RECOMMENDATION:

That the Floodplain Risk Management Advisory Committee receive and note the information contained within this report.

DISCUSSION

- Officers advised the Committee that Council has adopted the Flood Policy that the Committee had provided considerable input into the process during the developing of the Policy.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr Smith, seconded by Ms Edds.

That the Floodplain Risk Management Advisory Committee receive and note the information contained within this report.

SECTION 5 - General Business

- Officers advised the Committee that the Hawkesbury Emergency and Disaster Dashboard is now live on the new Council website, and demonstrated to the Committee its location on the website.
- Committee members enquired as to whether the Dashboard could be put on an 'app' so the community could download it, Officers advised that this is currently possible to be downloaded as an app.
- Committee members enquired as to whether the emergency tab on the website could be changed to a different colour to make it more obvious to the public. Officers advised that in times of Emergency and Disaster the tab would be more prominent.
- An enquiry was made with respect to an issue previously raised for a site on Pitt Town Bottoms Road.

The meeting terminated at 5:23pm

oooO END OF REPORT Oooo

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 25 January 2021

Item: 014 **ROC - Local Traffic Committee - 11 January 2021 - (80245, 95495)**

Directorate: Infrastructure Services

PURPOSE OF THE REPORT:

The purpose of this report is to present the Minutes of the Local Traffic Committee, held on 11 January 2021. The Local Traffic Committee is not a Committee of Council but a Statutory Committee.

EXECUTIVE SUMMARY:

The Local Traffic Committee considered five items, contained within the Minutes of the Local Traffic Committee. As these items have no policy or financial implications to Council, they are presented for information only.

RECOMMENDATION:

That Council receive and note the Minutes of the Local Traffic Committee Meeting held on the 11 January 2020.

DISCUSSION

The Committee considered staff reports on a range of matters as shown in the attached Minutes (Attachment 1).

- Special Event Traffic – Pitt Town Anzac Day Memorial Service 2021
- Special Event Traffic – Bondi2Blue Mountains 2021 Cycling Event – Vineyard to Berambing
- General Traffic Matter – Proposed Intersection Treatment at Bathurst Street and Buckingham Street, Pitt Town
- General Traffic Matter – Proposed Parking Restrictions Mulgrave Road at Windsor High School, Mulgrave
- Special Event Traffic – Cancellation/Rescheduling of 2020 Special Events due to the COVID-19 Pandemic

ATTACHMENTS:

AT - 1 Minutes of the Local Traffic Committee held on 11 January 2021.

ORDINARY MEETING
SECTION 4 – Reports of Committees
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AT - 1 Minutes of the Local Traffic Committee held on 11 January 2021

Minutes of the Meeting of the Local Traffic Committee held remotely, on Monday, 11 January 2021.

ATTENDANCE

Present: Councillor Peter Reynolds, Hawkesbury City Council
Senior Constable Damien Mitchell, NSW Police Force
Mr David Osborne, Transport for NSW
Mr Mark Rusev, representing Ms Robyn Preston, MP (Hawkesbury)
Mr Steve Grady, Busways

Apologies: Nil

In Attendance: Mr Christopher Amit, Hawkesbury City Council, (Chair)
Ms Cathy Mills, Hawkesbury City Council

Mr Christopher Amit advised the Committee that the position of Chair is to be undertaken in accordance with RMS (formerly RTA) Guidelines "Delegation to Councils for Regulation of Traffic" Section 5.3 which states that the meeting is to be convened by a Council Representative, either voting or non-voting. On this basis Mr Amit is to take up the position of the Chair for this meeting.

SECTION 1 – Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the Motion of Mr David Osborne, seconded by Councillor Peter Reynolds, that the Minutes from the previous meeting held on Monday, 9 November 2020 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 - Pitt Town Anzac Day Memorial Service 2021 - (Hawkesbury) - (80245, 146679)

REPORT:

An application has been received from the Pitt Town Anzac Day Planning Committee seeking approval (in traffic management terms) to conduct the Pitt Town Anzac Day Memorial Service 2021, on Sunday, 25 April 2021.

The event organiser is proceeding with the event based on the current Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 6) 2020 under the Public Health Act 2010 (NSW)

The event organiser has advised;

- The event is a Memorial Service commemorating Anzac Day.
- The event has been held in previous years and this is the fourth year an application relating to traffic management has been provided to Council.

ORDINARY MEETING
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- Approximately 500 spectators/participants are expected for the event.
- The event will be conducted between 7am and 12noon, which includes set up and pack down.
- The event location is adjacent to No. 81 Bathurst Street, Pitt Town (The Bird in The Hand – Inn).
- It is anticipated that the majority of people attending the event will walk to the site from surrounding residences and any parking of vehicles will be undertaken in surrounding streets.
- The following Road Closures are proposed;
 - Bathurst Street extending from Church Street for approximately 80 metres in a southerly direction from Eldon Street, past No.81 Bathurst Street (The Bird in The Hand – Inn).
 - Eldon Street at Bathurst Street and Grenville Street.
 - Grenville Street at Eldon Street
 - Bathurst Street at Chatham Street.
 - Bathurst Street at Buckingham Street.
 - Traffic will be detoured around the event site.
 - Road Closures will be between 7am and 12noon.
- Authorised Traffic Controllers will be used to implement all traffic control measures.
- No live traffic will be entering the event whilst it is taking place.
- Consultation is to be undertaken with adjoining property owners along the proposed road closures, noting that in previous years concurrence has been provided by the property owners.
- Existing access to private properties affected by the event shall be maintained during the event or alternative access arrangements acceptable to the property owners/tenants shall be made.

Details of the traffic control measures are contained in Attachment 1.

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 Transport for NSW – TfNSW (formerly RTA/RMS) as the event may impact minor traffic and transport systems, which includes the proposed road closures, and there may be a low scale disruption to the non-event community.

The following Road Closures are proposed for Sunday, 25 April 2021, between 7am and 12noon;

- Bathurst Street extending from Church Street for approximately 80 metres in a southerly direction from Eldon Street, past No.81 Bathurst Street (The Bird in The Hand – Inn).
- Eldon Street at Bathurst Street and Grenville Street.
- Grenville Street at Eldon Street.
- Bathurst Street (Local road section) at Chatham Street. Bathurst Street traffic travelling in a northerly direction along the State road towards Chatham Street will not be permitted to turn left into Bathurst Street (Local road section).
- Bathurst Street at Buckingham Street. Bathurst Street traffic travelling in a southerly direction from Bottles Lane towards Eldon Street will be detoured into Buckingham Street towards Chatham Street. Traffic from Church Street and Bathurst Street between Church Street and Buckingham Street will be permitted to travel in a northerly direction towards Buckingham Street.
- Traffic will be detoured around the event site utilising Buckingham Street and Chatham Street.
- Road Closures will be between 7am and 12noon.
- Adjoining property owners are to be consulted, noting that they have been supportive of the event in previous years.

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- Access to adjacent properties will be maintained where possible in consultation with the property owners.
- The speed limit in the vicinity of the event site for the local roads is 50kph, with Bathurst Street and Chatham Street within the state network being 60kph.

The event organiser is to ensure that Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 6) 2020 under the Public Health Act 2010 (NSW), as a minimum, is adhered to and changes to the Public Health Order may lead to the event being cancelled/postponed.

The event organiser has submitted the following items in relation to the event: Attachment 2 (ECM Document Set ID No: 7328862):

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 (Transport for NSW – TfNSW),
4. Transport Management Plan – referred to in the application as Traffic Management Plan (TMP) from the 2020 event,
5. Road Closure Plan Traffic Control Plan for the proposed road closures – dated 2017.

The Transport Management Plan (TMP) and the associated Traffic Control Plan (TCP) are to be submitted to Transport for NSW – TfNSW (formerly TMC) for authorisation due to the proposed road closures.

RECOMMENDATION TO COMMITTEE:

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <https://www.hawkesbury.nsw.gov.au/your-council/events/traffic-management-for-special-events>, 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 Transport for NSW – TfNSW (formerly RTA/RMS) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Pitt Town Anzac Day Memorial Service event planned for Sunday, 25 April 2021 between 7am and 12noon 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 Transport for NSW – TfNSW (formerly RTA/RMS).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser and the event organiser is to ensure that Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 6) 2020 under the Public Health Act 2010 (NSW), as a minimum, is adhered to and changes to the Public Health Order may lead to the event being cancelled/postponed.
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; Bathurst Street, Pitt Town extending from Church Street for approximately 80 metres in a southerly direction from Eldon Street, past No.81 Bathurst Street (The Bird in The Hand – Inn).

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- Road Closure; Eldon Street, Pitt Town at Bathurst Street and Grenville Street.
- Road Closure; Grenville Street, Pitt Town at Eldon Street.
- Road Closure; Bathurst Street, Pitt Town (Local road section) at Chatham Street. Bathurst Street traffic travelling in a northerly direction along the State road towards Chatham Street will not be permitted to turn left into Bathurst Street (Local road section).
- Road Closure; Bathurst Street, Pitt Town at Buckingham Street. Bathurst Street traffic travelling in a southerly direction from Bottles Lane towards Eldon Street will be detoured into Buckingham Street towards Chatham Street.
- Road Closures only permitted for Sunday, 25 April 2021, between 7am and 12noon.
- 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 and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the site by the event organiser prior to preparing the TMP and prior to the event. The event organiser must have a risk assessment that includes COVID-19 risk and must have a COVID-19 Safety Plan developed;
- 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 Transport for NSW – TfNSW (formerly TMC) as road closures are proposed; a copy of the Transport for NSW – TfNSW (formerly TMC) approval to be submitted to Council;
- 4e. the event organiser is to submit a Transport Management Plan (TMP) for the entire event incorporating 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 for acknowledgement and Transport for NSW – TfNSW (formerly TMC and RTA/RMS) for concurrence. The TCP should be prepared by a person holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;
- 4f. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not

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less than \$10,000,000 noting Council and Transport for NSW – TfNSW (formerly RTA/RMS) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;

- 4g. the event organiser is to advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures, 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);
- 4h. 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;
- 4i. 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;
- 4j. 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, and as a minimum to the full extent of the proposed road closure, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;
- 4k. 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:

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

APPENDICES:

AT – 1 Pitt Town Anzac Day 2021 – Road Closure Plan

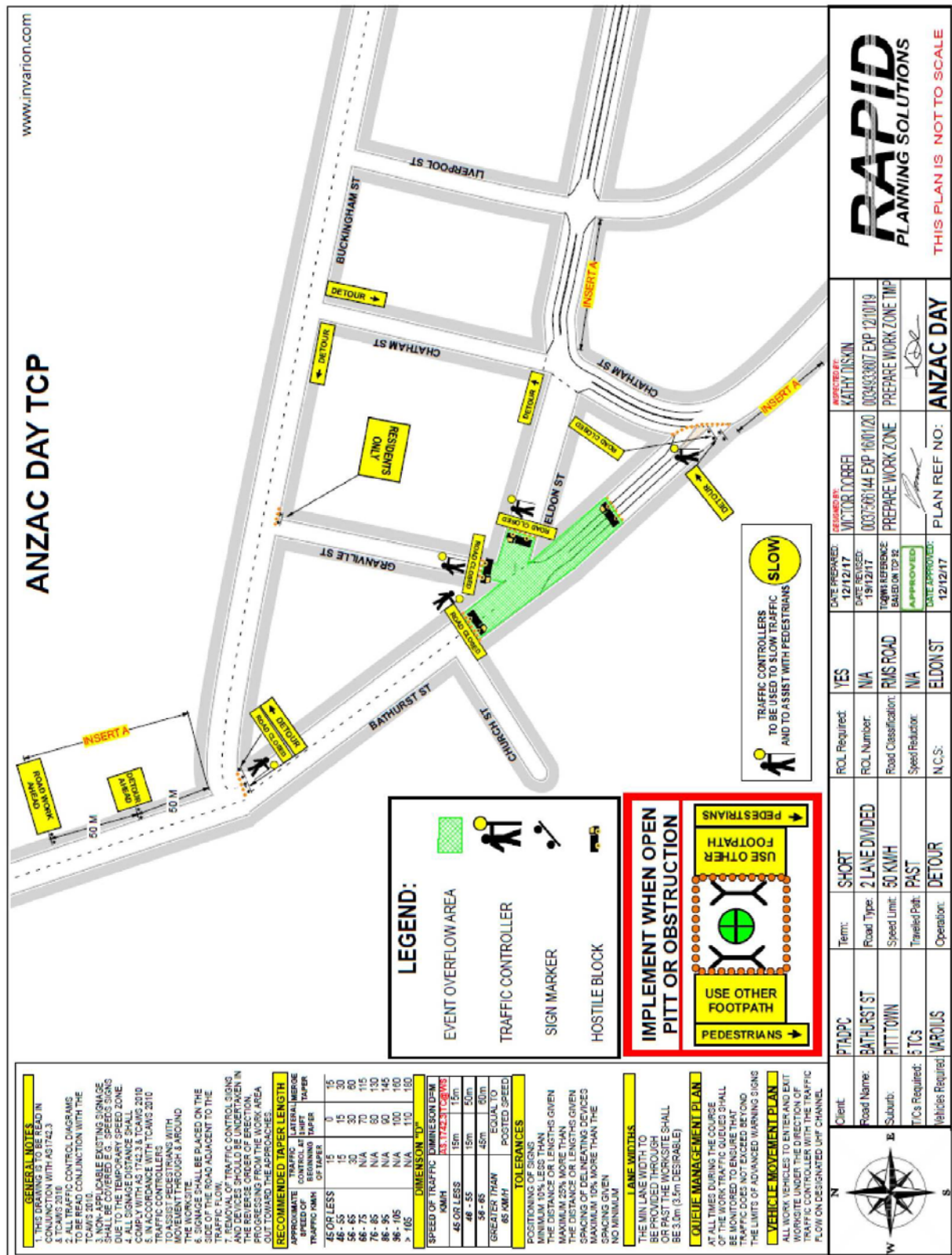
AT – 2 Special Event Application - (ECM Document Set ID No: 7328862) - *see attached*

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SECTION 4 – Reports of Committees

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AT – 1 Pitt Town Anzac Day 2021 – Road Closure Plan



ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 25 January 2021

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr David Osborne, seconded by Councillor Peter Reynolds.

Support for the Recommendation: Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <https://www.hawkesbury.nsw.gov.au/your-council/events/traffic-management-for-special-events>, 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 Transport for NSW – TfNSW (formerly RTA/RMS) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Pitt Town Anzac Day Memorial Service event planned for Sunday, 25 April 2021 between 7am and 12noon 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 Transport for NSW – TfNSW (formerly RTA/RMS).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser and the event organiser is to ensure that Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 6) 2020 under the Public Health Act 2010 (NSW), as a minimum, is adhered to and changes to the Public Health Order may lead to the event being cancelled/postponed.
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; Bathurst Street, Pitt Town extending from Church Street for approximately 80 metres in a southerly direction from Eldon Street, past No.81 Bathurst Street (The Bird in The Hand – Inn).
 - Road Closure; Eldon Street, Pitt Town at Bathurst Street and Grenville Street.
 - Road Closure; Grenville Street, Pitt Town at Eldon Street.
 - Road Closure; Bathurst Street, Pitt Town (Local road section) at Chatham Street. Bathurst Street traffic travelling in a northerly direction along the State road towards Chatham Street will not be permitted to turn left into Bathurst Street (Local road section).
 - Road Closure; Bathurst Street, Pitt Town at Buckingham Street. Bathurst Street traffic travelling in a southerly direction from Bottles Lane towards Eldon Street will be detoured into Buckingham Street towards Chatham Street.
 - Road Closures only permitted for Sunday, 25 April 2021, between 7am and 12noon.
 - 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

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

- 4b. the event organiser is to assess the risk and address the suitability of the entire site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the site by the event organiser prior to preparing the TMP and prior to the event. The event organiser must have a risk assessment that includes COVID-19 risk and must have a COVID-19 Safety Plan developed;
- 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 Transport for NSW – TfNSW (formerly TMC) as road closures are proposed; a copy of the Transport for NSW – TfNSW (formerly TMC) approval to be submitted to Council;
- 4e. the event organiser is to submit a Transport Management Plan (TMP) for the entire event incorporating 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 for acknowledgement and Transport for NSW – TfNSW (formerly TMC and RTA/RMS) for concurrence. The TCP should be prepared by a person holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;
- 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 Transport for NSW – TfNSW (formerly RTA/RMS) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4g. the event organiser is to advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures, 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);
- 4h. 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;
- 4i. 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;
- 4j. 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

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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, and as a minimum to the full extent of the proposed road closure, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;

- 4k. 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:

- 4l. access is to be maintained for businesses, residents and their visitors;
- 4m. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4n. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4o. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the event and detour route (including the road closure points and detour routes), during the event, under the direction of a traffic controller holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4p. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4q. 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.

**Item: 2.2 LTC - Bondi2BlueMountains 2021 Cycling Event - Vineyard to Berambing
(Hawkesbury) - (80245, 110636)**

REPORT:

Introduction:

An application has been received seeking approval (in traffic management terms) to conduct the Hawkesbury component of the Bondi2BlueMountains Cycling Event on Saturday, 06 March 2021.

The event organiser is proceeding with the event based on the current Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 6) 2020 under the Public Health Act 2010 (NSW).

The event organiser has advised;

- This is the first year that the Cycling Event travels through the Hawkesbury LGA.
- The Bondi2BlueMountains event is a charity cycling event that raises funds for Dementia Australia.
- This event consists of a cycling route travelling from Bondi to the Blue Mountains.

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- The event starts at the North Bondi Surf Life Saving Club located in Campbell Parade, North Bondi and finishing at Centennial Park, Sydney.
- Spectators are not expected for this event although some spectators may be present along the course of the ride.
- The event is over four days:
 - Day 1 – 06 March 2021 – Bondi to Lithgow (152 kilometres)
 - Day 2 – 07 March 2021 – Lithgow to Goulburn (202 kilometres)
 - Day 3 – 08 March 2021 – Goulburn to Berry (130 kilometres)
 - Day 4 – 09 March 2021 – Berry to Sydney (135 kilometres).
- Day 1 – 06 March 2021 is undertaken over three sections
 - Section 1 – Bondi to Pymble = 26 kilometres
 - Section 2 – Pymble to Richmond = 49 kilometres
 - Section 3 – Richmond to Lithgow = 77 kilometres
- The event for Day 1 will be commencing at 6am at Bondi with riders expected to arrive at Lithgow by 2pm. Riders are expected to be within the Hawkesbury LGA between 9am and 11am.
- The Bicycle Ride within the Hawkesbury LGA will be on 06 March 2021 and conducted along the following route;
 - All roads within the Hawkesbury component of the cycling event are on state roads under the control of Transport for NSW.
 - Commencing along Windsor Road, arriving from Annangrove Road (The Hills LGA) after turning right into Windsor Road and travelling for 9 kilometres to Groves Avenue and turn left into Groves Avenue,
 - Travel along Groves Avenue and turn right into Hawkesbury Valley Way,
 - Travel along the full length of Hawkesbury Valley Way into Windsor Street and arrive at the Richmond Pit stop (location to be confirmed),
 - Continue along Windsor Street and turn left into East Market Street,
 - Travel along East Market Street and turn right into March Street,
 - Travel along March Street and into Kurrajong Road and then into Bells Line Road.
 - Travel along Bells Line of Road to Berambing and cross into the Blue Mountains LGA continuing onto Lithgow.
 - The route distance within the Hawkesbury LGA is approximately 52 kilometres.
- The event does not require any road closures.
- All participants will receive information about the COVID-19 safety Plan.
- There will be a maximum of 40 riders participating in this event which will be broken down into two separate groups of 20 riders. This will allow the riders to ride 2 abreast on dual carriageways as well as single file on single lane roads and safely adhere to all road rules.
- Each group will have two ride captains, one at the front of the group and one at the rear of the group, each with radio communication with in-ear pieces and be in communication with each of the escort vehicles.
- The riders are experienced cyclist and not professional cyclists. The majority of riders will hold a 2021 ride or race license from Cycling Australia.
- Each group will have a Lead Escort Vehicle and a Follow Escort Vehicle and carry appropriate signage and lights.

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- As per the “Traffic Control Point (TCP) – Rolling on-road special events” requirements from NSW Police/state Planning Unit, the lead vehicle will be positioned approximately 100-200 metres ahead of the riding group. This vehicle will display a sign directed to the front of the vehicle “CAUTION CYCLISTS FOLLOWING” of an approximate size of 900mmx x400mm, so as to provide advance warning to oncoming motorists and other road users.
- The rear support vehicle will be positioned about 300 metres to the rear of the riding group, warning motorists of cyclists on the road ahead. This vehicle will display a sign directed to the rear of the vehicle “CAUTION CYCLISTS AHEAD” of an approximate size of 900mmx x400mm, so as to provide advance warning to overtaking vehicles.
- Each of the support vehicles will be fitted with a flashing amber light on the roof of the car, and will drive with hazards lights on.
- In the likely event of traffic build up, it will be the responsibility of the rear support car to communicate with the ride captains of each group to manage the overtaking traffic. Depending on the number of cars building up behind the riding groups, the rear support car and ride captains will decide on the fastest process – either the riders continue in single file and allow cars to pass, or pull over at a safe location to clear the road and allow traffic to pass.
- The support vehicles are to move off the carriageway when required to wait for the participants, so as not to obstruct traffic on single lane carriageways.
- The support vehicles will have a volunteer Doctor and or bike mechanic and carry supplies for each group, including spares, nutrition and first aid kits.
- In addition to the support vehicles, it is proposed that one additional vehicle accompany the ride with a mechanic and will be able to serve as a sag wagon in case any riders are unable to continue.

Refer to Attachment 1: Bondi2BlueMountains 2021 – Event Route Plan.

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 Transport for NSW – TfNSW (formerly RTA/RMS) as the event may disrupt major traffic and transport systems along the specified route and there may be a low scale disruption to the non-event community.

The event organiser should assess the risk and address the suitability of the route as part of the risk assessment considering that the route within the Hawkesbury LGA is along State roads and follows a priority run for the cyclists. The assessment should take into account the road width, number of bicycles, traffic volume and bicycles travelling close to the edge of the sealed travelling lane.

The event organiser is to ensure that Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 6) 2020 under the Public Health Act 2010 (NSW), as a minimum, is adhered to and changes to the Public Health Order may lead to the event being cancelled/postponed.

The event organiser has submitted the following items in relation to the event: Attachment 2 (ECM Document Set ID No: 7335291):

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 (Transport for NSW – TfNSW),
4. Event Management Plan,

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5. Event Route Plan.

RECOMMENDATION TO COMMITTEE:

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <https://www.hawkesbury.nsw.gov.au/your-council/events/traffic-management-for-special-events>, 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 Transport for NSW – TfNSW (formerly RTA/RMS) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Bondi2BlueMountains 2021 Cycling event, which is a cross regional event, will traverse across several Local Government Areas, with the Hawkesbury LGA component undertaken from Vineyard to Berambing via Richmond, planned for Saturday 06 March 2021, 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 Transport for NSW – TfNSW (formerly RTA/RMS).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser and the event organiser is to ensure that Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 6) 2020 under the Public Health Act 2010 (NSW), as a minimum, is adhered to and changes to the Public Health Order may lead to the event being cancelled/postponed.
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; The event organiser must have a risk assessment that includes COVID-19 risk and must have a COVID-19 Safety Plan developed;
- 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 submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP) for the entire route (within the Hawkesbury LGA), which needs to include details such as the specific position of barriers, signs etc, required for the event, to Council for acknowledgement and Transport for NSW – TfNSW (formerly RTA/RMS) for concurrence. The TCP should be prepared by a person holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;
- 4e. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$20,000,000 noting Council and Transport for NSW – TfNSW (formerly RTA/RMS) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4f. as the event will traverse public roads and require traffic control, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4g. the event organiser is to obtain 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;
- 4h. the event organiser is to advise all adjoining Councils such as The Hills, Blacktown and The Blue Mountains of the event and obtain any necessary approvals from these Councils; a copy of this approval to be submitted to Council;
- 4i. 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 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);
- 4j. 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;
- 4k. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4l. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;
- 4m. 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:

- 4n. access is to be maintained for businesses, residents and their visitors;
- 4o. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4p. all traffic controllers / marshals operating within the public road network or road related area,

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are to hold appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);

- 4q. the cyclists are to be made aware of and are to follow all the general road user rules whilst cycling on public roads;
- 4r. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route during the event, under the direction of a traffic controller holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 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.

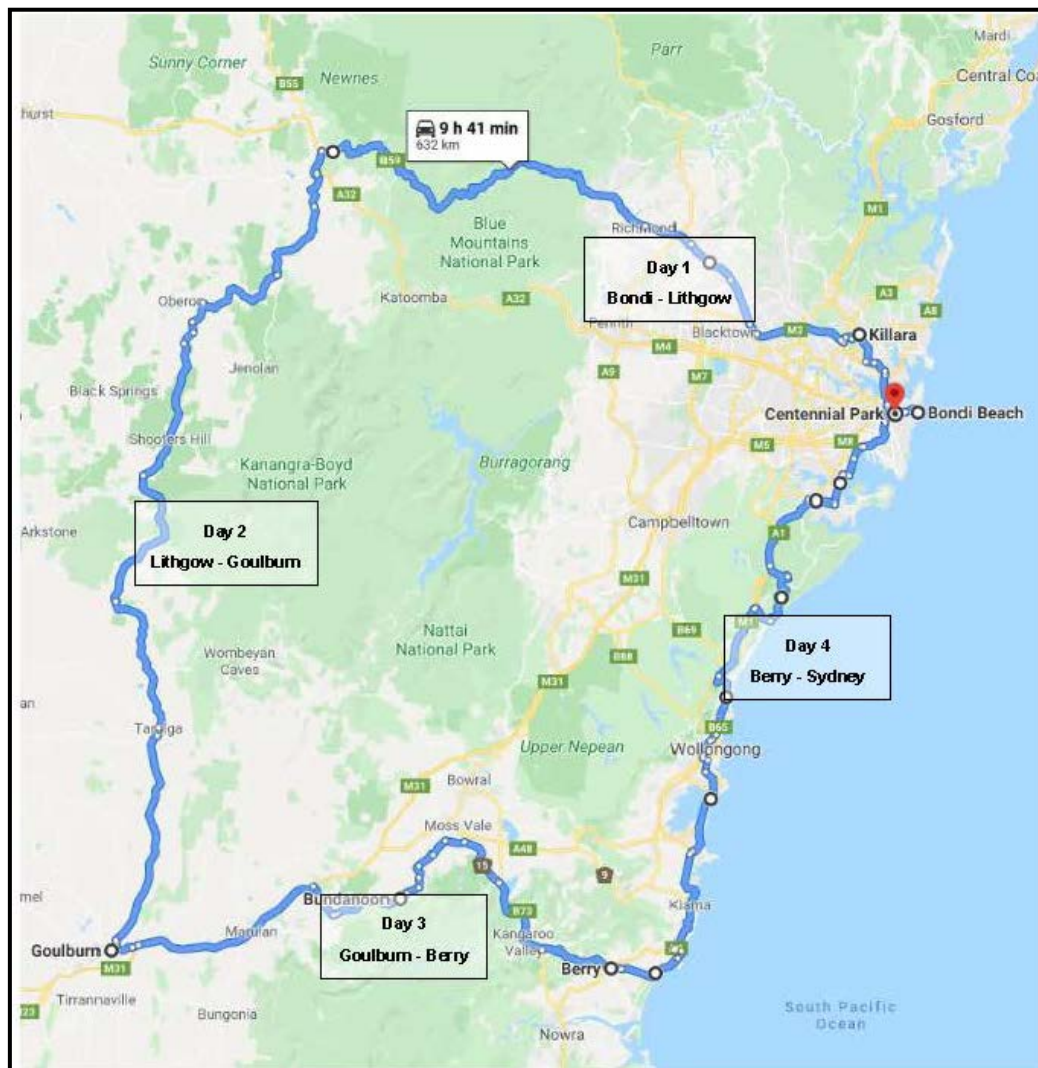
APPENDICES:

AT - 1 Bondi2BlueMountains 2021 – Event Route Plan

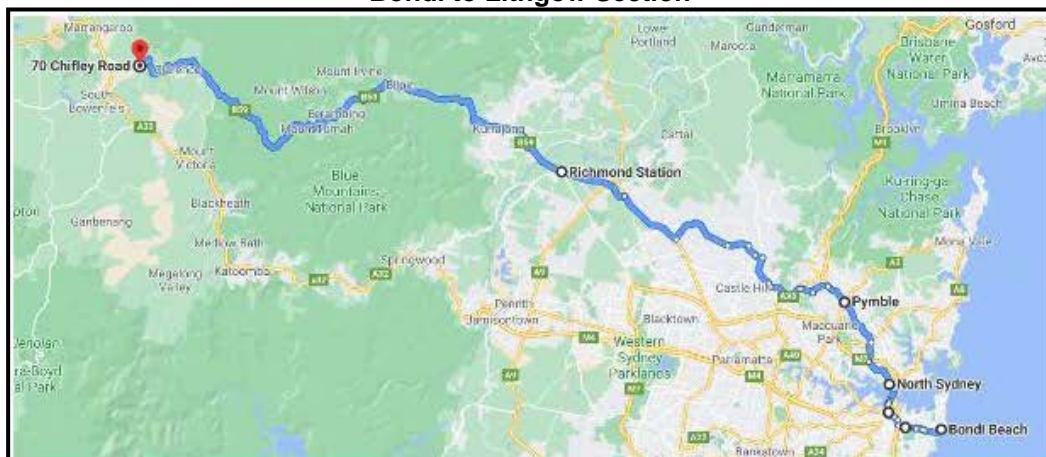
AT - 2 Special Event Application - (ECM Document Set ID No: 7335292) - *see attached*.

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AT - 1 Bondi2BlueMountains 2021 – Event Route Plan



Bondi to Lithgow Section



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COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr David Osborne, seconded by Councillor Peter Reynolds.

Support for the Recommendation: Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <https://www.hawkesbury.nsw.gov.au/your-council/events/traffic-management-for-special-events>, 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 Transport for NSW – TfNSW (formerly RTA/RMS) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Bondi2BlueMountains 2021 Cycling event, which is a cross regional event, will traverse across several Local Government Areas, with the Hawkesbury LGA component undertaken from Vineyard to Berambing via Richmond, planned for Saturday 06 March 2021, 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 Transport for NSW – TfNSW (formerly RTA/RMS).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser and the event organiser is to ensure that Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 6) 2020 under the Public Health Act 2010 (NSW), as a minimum, is adhered to and changes to the Public Health Order may lead to the event being cancelled/postponed.
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; The event organiser must have a risk assessment that includes COVID-19 risk and must have a COVID-19 Safety Plan developed;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a

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copy of the Police Force approval to be submitted to Council;

- 4d. the event organiser is to submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP) for the entire route (within the Hawkesbury LGA), which needs to include details such as the specific position of barriers, signs etc, required for the event, to Council for acknowledgement and Transport for NSW – TfNSW (formerly RTA/RMS) for concurrence. The TCP should be prepared by a person holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;
- 4e. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$20,000,000 noting Council and Transport for NSW – TfNSW (formerly RTA/RMS) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4f. as the event will traverse public roads and require traffic control, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4g. the event organiser is to obtain 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;
- 4h. the event organiser is to advise all adjoining Councils such as The Hills, Blacktown and The Blue Mountains of the event and obtain any necessary approvals from these Councils; a copy of this approval to be submitted to Council;
- 4i. 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 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);
- 4j. 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;
- 4k. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4l. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;
- 4m. 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:

- 4n. access is to be maintained for businesses, residents and their visitors;
- 4o. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;

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- 4p. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4q. the cyclists are to be made aware of and are to follow all the general road user rules whilst cycling on public roads;
- 4r. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route during the event, under the direction of a traffic controller holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 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.

Item: 2.3 LTC - Proposed Intersection Treatment at Bathurst Street and Buckingham Street, Pitt Town - (Hawkesbury) - (80245, 73625)

Previous Item: LTC Item 2.1 – 16 June 2019

REPORT:

Background:

Council is currently undertaking road improvements in Pitt Town along Bathurst Street, Hawkesbury Street, Hall Street, Johnston Street, Wells Street and Punt Road. Part of the road improvements will result in intersection treatments being undertaken.

The proposed works will improve the Traffic Flows, Road Safety, Transport Accessibility and Stormwater flows within the Pitt Town road network by upgrading the existing rural standard roads and linking these roads into the works that have already been completed by the developers. The purpose of the proposed works is to improve the Pitt Town Local Environment by completing these remaining existing rural standard roads to cater for additional traffic generated and increase of overland stormwater flows due to the conversion of the surrounding lands from rural to urban standards.

The upgrade of three intersections as part of the road improvements in Pitt Town was reported to the Local Traffic Committee in June 2019. The three intersections are to be modified by utilising either one or a combination of the following actions such as road realignment, priority change, intersection control or a roundabout. The location of the three intersections is listed below and identified in Figure 1:

- Location 1: Bathurst Street – Hall Street - Punt Road. Treatment: Road realignment and intersection control.
- Location 2: Hall Street – Hawkesbury Street. Treatment: Roundabout.
- Johnston Street – Hawkesbury Street – Bona Vista Drive. Road realignment, priority change and intersection control.

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Design for the section of Bathurst Street between Church Street and Buckingham Street has been undertaken. The design process has identified that an intersection treatment is required in Bathurst Street at Buckingham Street. The site is identified in Figure 1 as Location 4 and Figure 2.



Figure 2: Existing Intersection Bathurst Street and Buckingham Street

Currently the sight distance to the north is partially obscured for vehicles turning out of Buckingham Street into Bathurst Street by a row of trees along the Bathurst Street property boundary of No. 115 Bathurst Street. These trees also obscure the vision for vehicles travelling south along Bathurst Street of the Buckingham Street intersection.

The available sight distance is further compromised at the intersection as Buckingham Street presents itself at the Bathurst Street intersection at an acute angle. Bathurst Street at this point is on a bend (horizontal curve) and the angled approach of Buckingham Street creates the acute angle. This presents a problem for drivers not only turning left out of Buckingham Street but more so for those turning right as the driver need to scan over 180 degrees for vehicles approaching from both directions.

There are also speeding issues along Bathurst Street and in particular through the bend in the road in the vicinity of Buckingham Street. The existing speed limit is 50km/h. Vehicles travelling south along Bathurst Street are on a relatively long straight section of road as they approach the bend near Buckingham Street, and due to the lack of visibility of the Buckingham Street intersection and the road ahead are not aware of vehicles either approaching north bound on Bathurst Street or in Buckingham Street.

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It is proposed to construct a roundabout at this intersection which will provide improved safety and improved access out of Buckingham Street into Bathurst Street. The roundabout will also serve as a traffic calming device to slow vehicles travelling both north and south along Bathurst Street and will improve the safety for vehicles turning from Bathurst Street into Buckingham Street as the approaching traffic will be slowing down to negotiate the roundabout.

A road safety audit has been undertaken for the existing intersection in relation to the proposed roundabout treatment. The safety audit has concluded that the provision of the roundabout at the intersection of Bathurst Street and Buckingham Street will improve safety at this intersection and is warranted.

Extracts from the safety audit are provided below:



Figure 3: Looking south along Bathurst Street towards the sight-limiting curve in the immediate approach to Buckingham Street.

“Figure (Figure 3) shows a view of Bathurst Street in the southbound direction at the northern end of the audited section. The key shortcoming at this location is the lack of visibility to the intersection with Buckingham Street. This is a combined result of the horizontal curve and the sight-limiting trees on the inside of the curve. The sight distance deficiency is exacerbated because this point is after a long straight section where drivers could be travelling at potentially high speeds. As operating speed increases, most of the sight distance requirements also increase (stopping sight distance from southbound drivers to the intersection; safe intersection sight distance from southbound drivers to side road vehicles; minimum gap sight distance from the side road approach to southbound traffic approaching from around the blind corner). The audit team notes that there is a posted 50km/h speed limit in place. However, given the semi-rural nature of this road and (as stated above) the long, straight alignment up to this point, speeds in excess of 50km/h would be expected in the southbound travel direction.

The lack of visibility around this curve is a critical safety shortcoming for any drivers egressing from Buckingham Street. These drivers need to be able to see southbound traffic on Bathurst Street to judge gaps to exit this side road. This is irrespective of whether they are turning left or right. The added complication for right-turning drivers is that they need to view (and perhaps hope for) gaps in the southbound travel direction, whilst ensuring that the northbound approach is also free of traffic. As this intersection is near the curve/ kink in Bathurst Street, the side road driver has a very large angle which they need to scan for approaching traffic. This angle is more than 180-degrees.

Given these road safety shortcomings, there is significant justification for the following treatment categories:

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The movement of Buses at this location has been discussed with Busways. Advice from Busways is that during the AM period only two buses access Buckingham Street by turning left from Bathurst Street. During the PM period, there are three School buses that turn right from Bathurst Street into Buckingham Street. None of these buses return to Bathurst Street via Buckingham Street.

The proposed roundabout does not compromise any of the bus turning movements. The existing intersection restriction for the left turn from Buckingham Street into Bathurst Street for vehicles longer than 8.8metres will remain with the proposed roundabout. The right turn out of Buckingham Street into Bathurst Street is not restricted and any vehicle longer than 8.8metres can undertake a right turn and traverse the area to return in a southerly direction along Bathurst Street.

Summary:

The road safety audit undertaken for the existing intersection in relation to the proposed roundabout treatment has concluded that the provision of the roundabout at the intersection of Bathurst Street and Buckingham Street will improve safety at this intersection and is warranted.

It is recommended that the installation of a roundabout at the intersection of Bathurst Street and Buckingham Street, Pitt Town be implemented:

Details of the proposed intersection works and turning paths are included in Attachments 1 to 4.

RECOMMENDATION TO COMMITTEE:

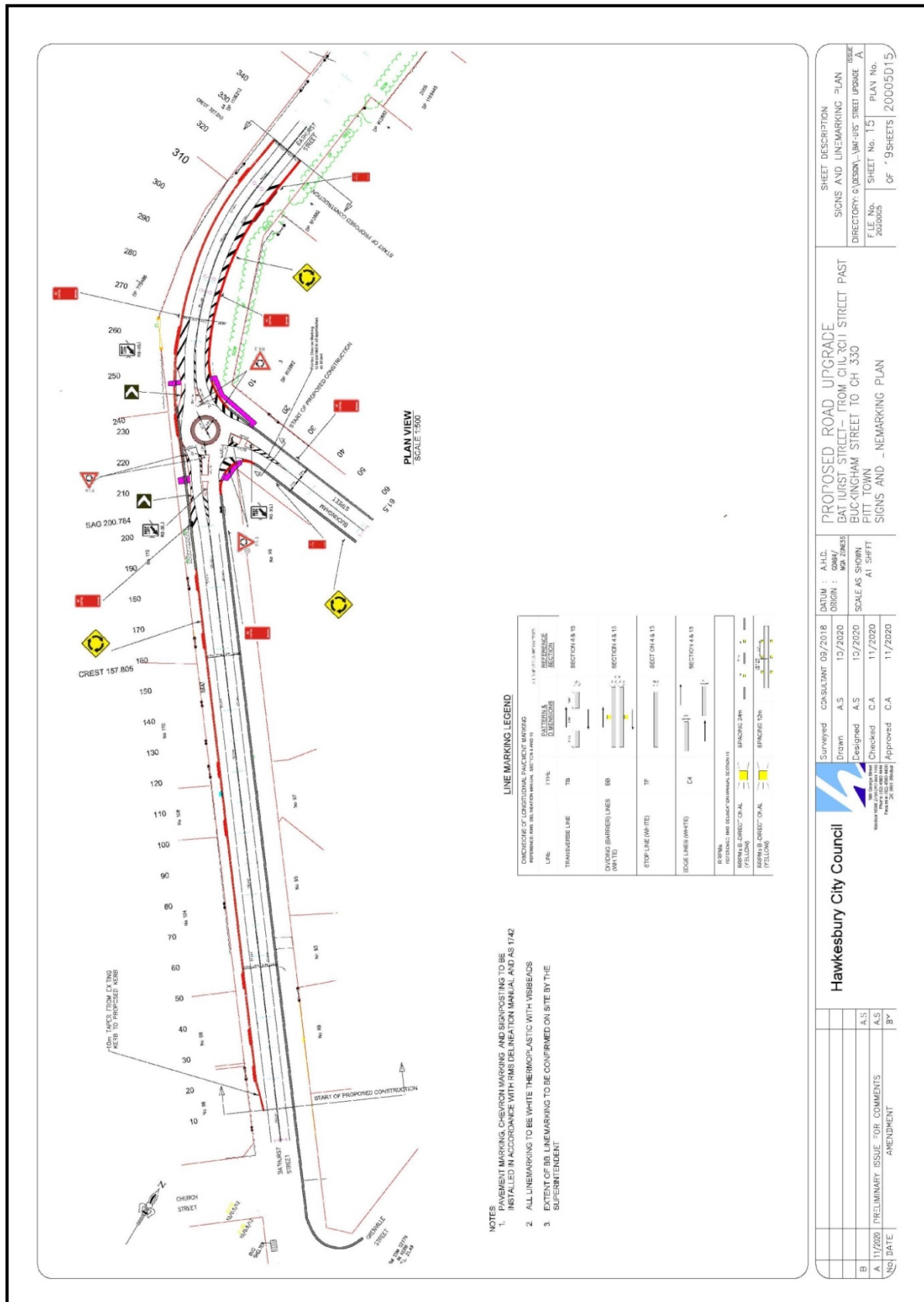
That the installation of a roundabout, which includes the provision of linemarking, signage and lighting, at the intersection of Bathurst Street and Buckingham Street, Pitt Town, be undertaken in accordance with the details outlined in Attachments 1 to 4.

APPENDICES:

- AT – 1** Bathurst Street and Buckingham Street, Pitt Town – Sign and Linemarking Plan – Plan No. 20005D15
- AT – 2** Bathurst Street and Buckingham Street, Pitt Town – Vehicle Turning Path Sheet 1 - Plan No. 20005D17
- AT – 3** Bathurst Street and Buckingham Street, Pitt Town – Vehicle Turning Path Sheet 2 - Plan No. 20005D18
- AT – 4** Bathurst Street and Buckingham Street, Pitt Town – Vehicle Turning Path Sheet 3 - Plan No. 20005D19

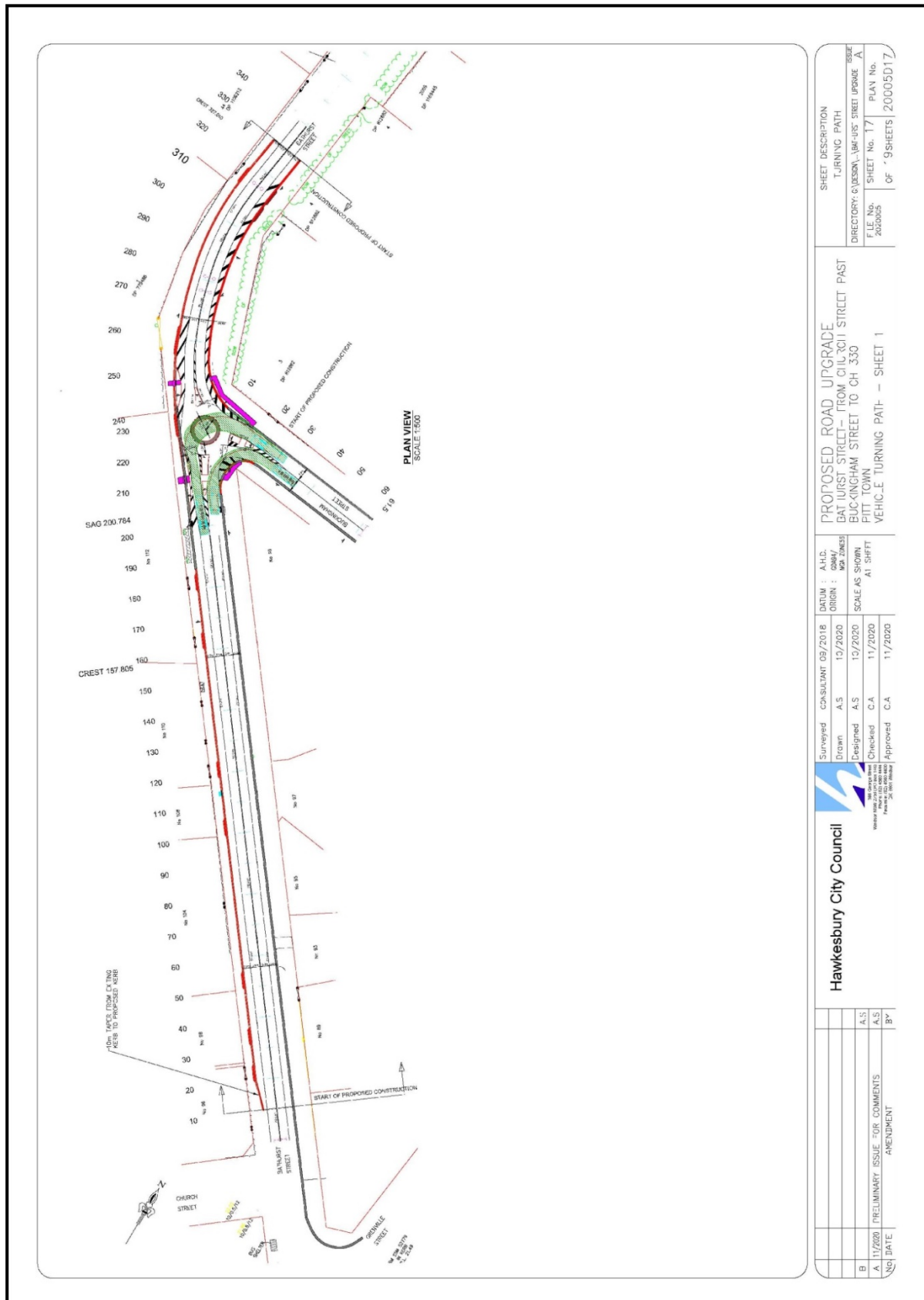
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AT – 1 Bathurst Street and Buckingham Street, Pitt Town – Sign and Linemarking Plan – Plan No. 20005D15.



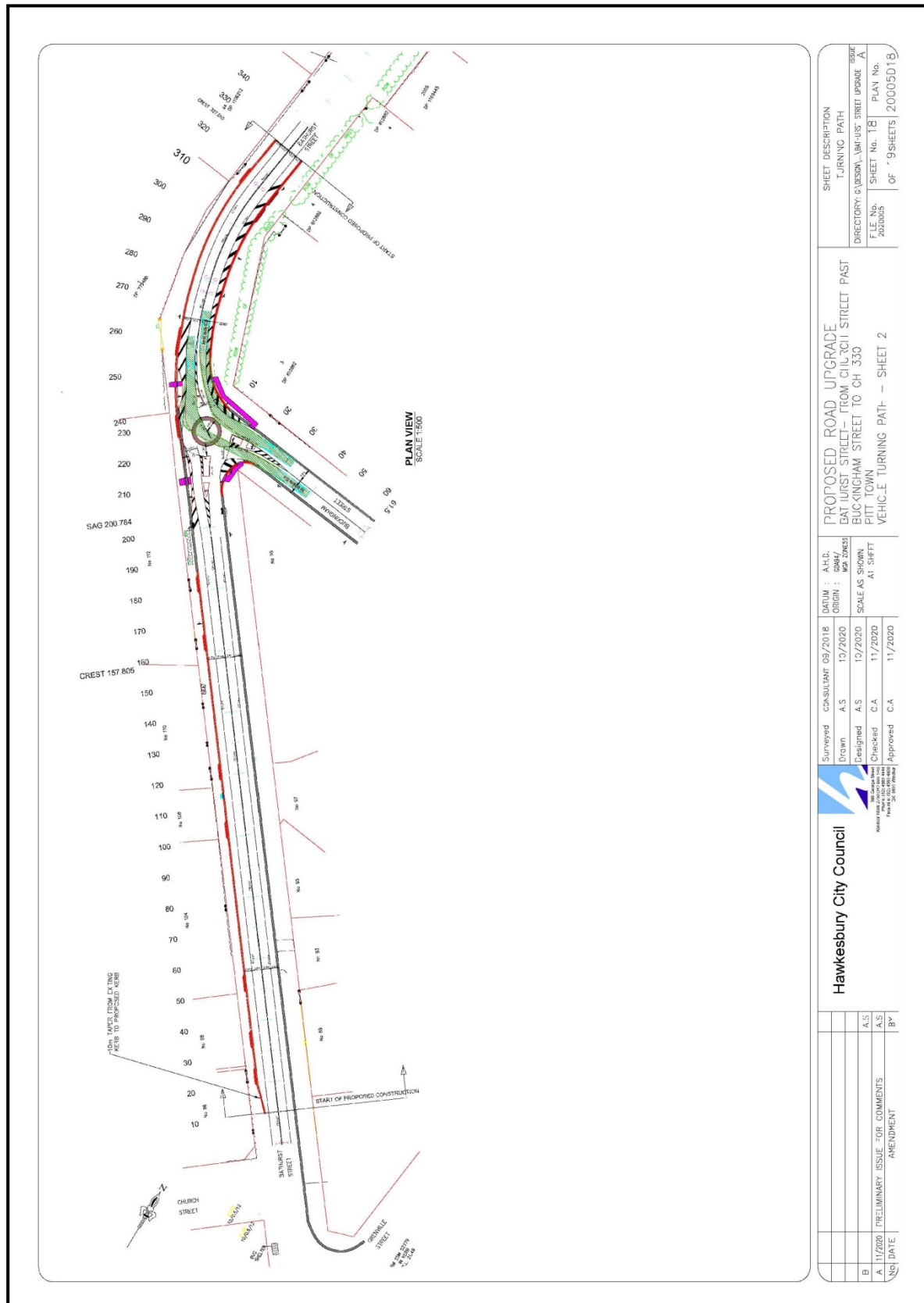
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AT – 2 Bathurst Street and Buckingham Street, Pitt Town – Vehicle Turning Path Sheet 1 - Plan No. 20005D17



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AT – 3 Bathurst Street and Buckingham Street, Pitt Town – Vehicle Turning Path Sheet 2 - Plan No. 20005D18



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COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr David Osborne, seconded by Councillor Peter Reynolds.

Support for the Recommendation: Unanimous support

That the installation of a roundabout, which includes the provision of linemarking, signage and lighting, at the intersection of Bathurst Street and Buckingham Street, Pitt Town, be undertaken in accordance with the details outlined in Attachments 1 to 4.

Item: 2.4 LTC - Proposed Parking Restrictions Mulgrave Road at Windsor High School, Mulgrave - (Hawkesbury) - (80245, 13462, 123265)

REPORT:

Background:

Representations have been made by the Principal of Windsor High School requesting changes to the existing parking arrangements along Mulgrave Road adjacent to the School.

Discussions on proposed changes with the School have been ongoing over time. This has included options presented by the School requesting the formalisation of parking for students along Mulgrave Road on the opposite side of the School as well as pedestrian upgrade works including a pedestrian crossing at the School.

Council has previously prepared a concept design which included a crossing point (previous pedestrian/vehicles counts have not met the required warrant for a pedestrian crossing), a drop off / pick up area adjacent to the School, formalising the bus turnaround area and a proposal to move the School Bus Zone that is currently outside of the School in an easterly direction away from the main entry to facilitate the crossing point. The overall concept has not been accepted by the School.

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Figure 1: Concept Design with Crossing Point

At a recent site meeting with the School Principal, it was agreed to improve the safety in the vicinity of the bus turnaround area by implementing the measures outlined in the initial concept plan – Refer to Figure 1. In addition to this, removing the parking for large trucks and their trailers along Mulgrave Road adjacent to the School would provide additional parking along Mulgrave Road.

Discussion:

Mulgrave Road is located within an area Zoned for Light and General Industrial, Primary Production and Infrastructure. Windsor High School is located along Mulgrave Road near its intersection with Windsor Road. The movement of heavy vehicles in the vicinity of the School as well as the parking of the larger vehicles and their trailers is a concern raised by the School community.

There are trailers at various times of the day or week parked on the opposite side of the School along Mulgrave Road. It is an offence to park for longer than 1 hour at this location, whereby the vehicle has a Gross Vehicle Mass (GVM) of 4.5tonnes or more, as this is a built up area.

Mulgrave Road in the vicinity of Windsor High School has street lighting and is considered to be in a built up area, although there can be some discrepancy in the interpretation of the adjacent land (McGraths Hill STP) opposite to the School as built up area or not built up area.

Windsor High School is primarily located in an industrial/commercial area and not within a residential area as is commonly the case for schools. This site poses a problem as some of the adjoining businesses are taking advantage of the available road space and parking their trailers along the road shoulder. The space is used as a defacto pick up transition area for trailers. Upon investigation by Council's Regulatory Services Section, it is noted that many of the trailers are destined to locations outside the Hawkesbury LGA.

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Infringement notices have been issued, however the practice of parking of the trailers is continuing. In most cases the Infringement Notices are directed to the owner of the trailer who may be located out of the region or even interstate. Regulatory Services will continue to take this action. The provision of regulatory signage will provide the truck drivers with a clear direction as to what vehicles can park in this area. One option is to allow for standard vehicles to park and at the same time prohibit the parking of larger vehicles and trailers. This can be achieved by providing “No Parking-Motor Vehicles under 4.5 GVM excepted” zones on both sides of Mulgrave Road adjacent to the School. Other sections of Mulgrave Road beyond the extent of the School and the School Zone can remain unchanged.

The parking of trailers is limiting the available road space for parents and carers to park along Mulgrave Road. This has resulted in the school vehicles parking in the bus turnaround area which is located directly opposite the School access. With a mix of bus movement and vehicle parking in this area, the overall safety of students is being compromised.

With the proposed “No Parking-Motor Vehicles under 4.5 GVM excepted” zones on both sides of Mulgrave Road, this will free up parking for vehicles dropping off and picking up students. It is also proposed to further signpost the bus turnaround area by adding a No Stopping zone to operate during School days and School zone times, with the existing No Parking zone to operate at all other times. A Painted Island will be provided to differentiate the ingress and egress at the bus turn around point as well as prohibit school related vehicles parking in the centre part of this area.

Details of the parking restrictions proposed for Mulgrave Road are outlined in Attachment 1.

The provision of a Crossing Point and relocation of the School Bus Zone to facilitate the Crossing point is matter for further consideration by the School. In the interim the measures outlined will assist in providing sufficient parking for students, parents and carers.

Summary:

The following parking restrictions are proposed along Mulgrave Road, Mulgrave adjacent to Windsor High School as outlined in attachment 1:

1. Implementation of “No Parking-Motor Vehicles under 4.5 GVM excepted” zones on both sides of Mulgrave Road, Mulgrave adjacent to Windsor High School.
2. The bus turnaround be further signposted by adding a No Stopping zone to operate during School days and School zone times, with the existing No Parking zone to operate at all other times. In addition to this, a painted island with ‘No Stopping’ be provided to differentiate the ingress and egress as well as prohibit parking near the centre part of the turnaround area.

RECOMMENDATION TO COMMITTEE:

That:

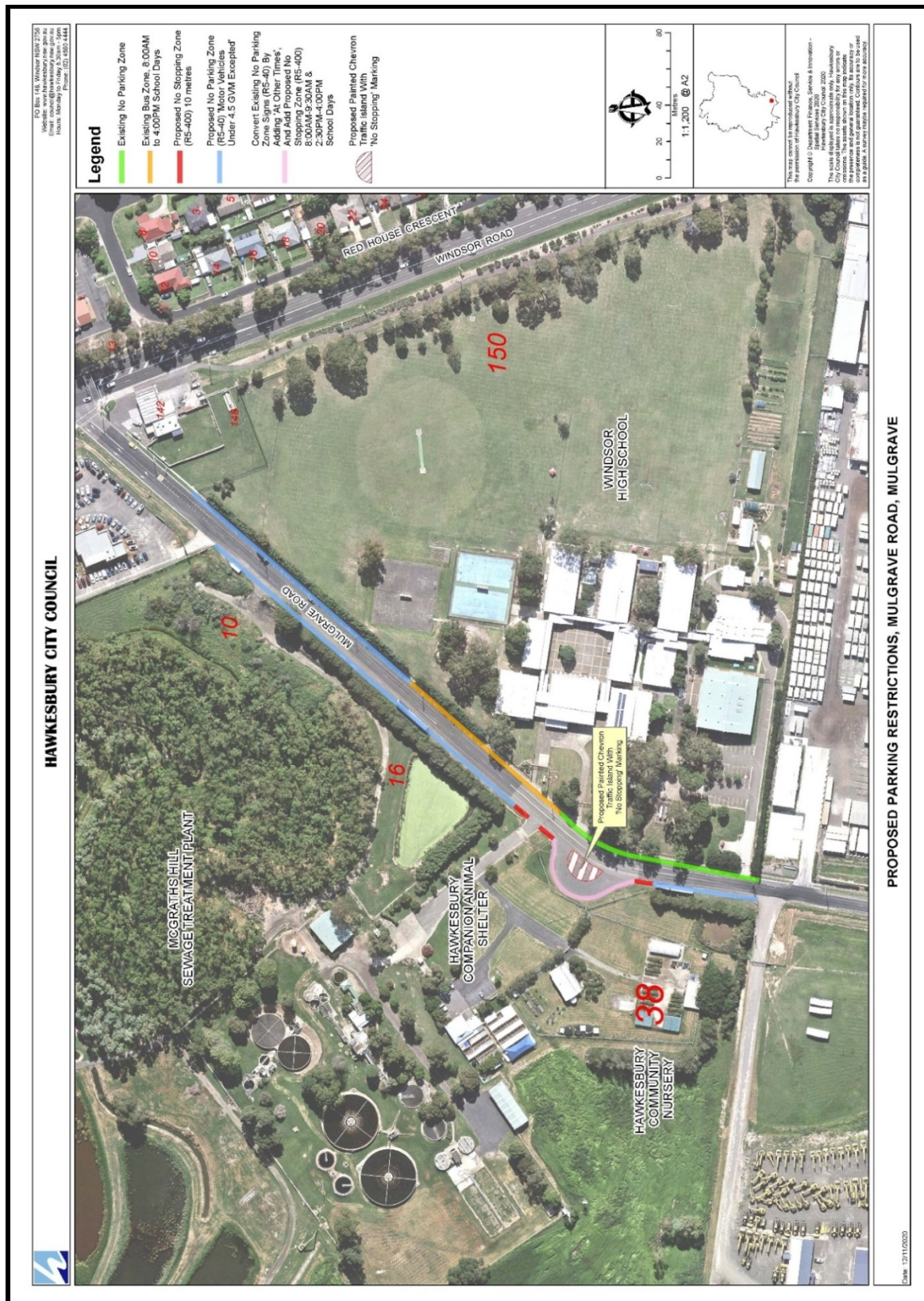
Parking restrictions of “No Parking-Motor Vehicles under 4.5 GVM excepted” zones on both sides of Mulgrave Road, Mulgrave adjacent to Windsor High School, including changes to the parking restrictions at the bus turnaround area and other regulatory measures as outlined in Attachment 1 be implemented.

APPENDICES:

AT – 1 Proposed Parking Restrictions – Mulgrave Road, Mulgrave

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AT – 1 Proposed Parking Restrictions – Mulgrave Road, Mulgrave



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COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr David Osborne, seconded by Councillor Peter Reynolds.

Support for the Recommendation: Unanimous support

That:

Parking restrictions of “No Parking-Motor Vehicles under 4.5 GVM excepted” zones on both sides of Mulgrave Road, Mulgrave adjacent to Windsor High School, including changes to the parking restrictions at the bus turnaround area and other regulatory measures as outlined in Attachment 1 be implemented.

Item: 2.5 LTC - Cancellation/Rescheduling of 2020 Special Events due to COVID-19- (Hawkesbury) - (80245)

Previous Item: LTC 20 April 2020 – Item 2.1
 LTC 14 September 2020 – Item 2.1
 LTC 12 October 2020 – Item 2.1
 LTC 9 November 2020 – Item 2.4

REPORT:

Several events planned to be undertaken during 2020 within the Hawkesbury Local Government Area were either cancelled or rescheduled due the COVID-19 pandemic.

The current Public Health order (COVID-19 Restrictions on Gathering and Movement) Order 2020 under the Public Health Act 2010 (NSW) is ongoing and extending into 2021.

The following event has been rescheduled from 2020:

1. Mountain Lagoon Endurance Ride Weekend - Zone One of the NSW Endurance Riders' Association: The event for 2020 was originally approved for 28 & 29 March 2020 and rescheduled to 22 & 23 August 2020 and was subsequently cancelled/postponed until further notice. The event is now rescheduled to 27 and 28 March 2021 based on concurrence provided by National Parks in line with the approvals granted in 2020. **Event Rescheduled using the 2020 approval for the 2021 event planned for 27 and 28 March 2021.**

RECOMMENDATION TO COMMITTEE:

That the information be received.

APPENDICES:

There are no supporting documents for this report.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr David Osborne, seconded by Councillor Peter Reynolds.

Support for the Recommendation: Unanimous support

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That the information be received.

SECTION 3 - Reports for Information

There are no Reports for Information.

SECTION 4 - General Business

There was no General Business.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Monday, 8 February 2021 at 3pm in the Large Committee Room.

oooO END OF REPORT Oooo

ordinary

section 5

notices of motion

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SECTION 5 – Notices of Motion
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ORDINARY MEETING
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Meeting Date: 25 January 2021

SECTION 5 – Notices of Motion

Item: 015 **NM - Telstra Tower Upgrades - (79351,138882)**

Submitted by: Councillor Lyons-Buckett and Councillor Wheeler

NOTICE OF MOTION:

That as part of Council's resilience action planning that Council:

1. Organise a public meeting for affected residents to discuss Telstra telecommunication improvements in the Bilpin area.
2. Telstra and the Member for Macquarie, Susan Templeman MP be invited to attend and address the meeting.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

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ORDINARY MEETING
Confidential Reports
Meeting Date: 25 January 2021

CONFIDENTIAL REPORTS

Item: 016 **GM - Recruitment of the General Manager - (125610, 79351)**

Previous Item: 229, Ordinary (24 November 2020)
 258, Ordinary (8 December 2020)

Directorate: General Manager

REASON FOR CONFIDENTIALITY

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning quotations received from agencies and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

In accordance with the provisions of Section 11(2) & (3) of the Local Government Act 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.

ORDINARY MEETING

Confidential Reports

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Item: 017 **SS - Lease to OSR Group Pty Ltd - Windsor Function Centre - 7 Dight Street, Windsor - (95496, 112106, 144755)**

Directorate: Support Services

REASON FOR CONFIDENTIALITY

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

In accordance with the provisions of Section 11(2) & (3) of the Local Government Act 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.



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