



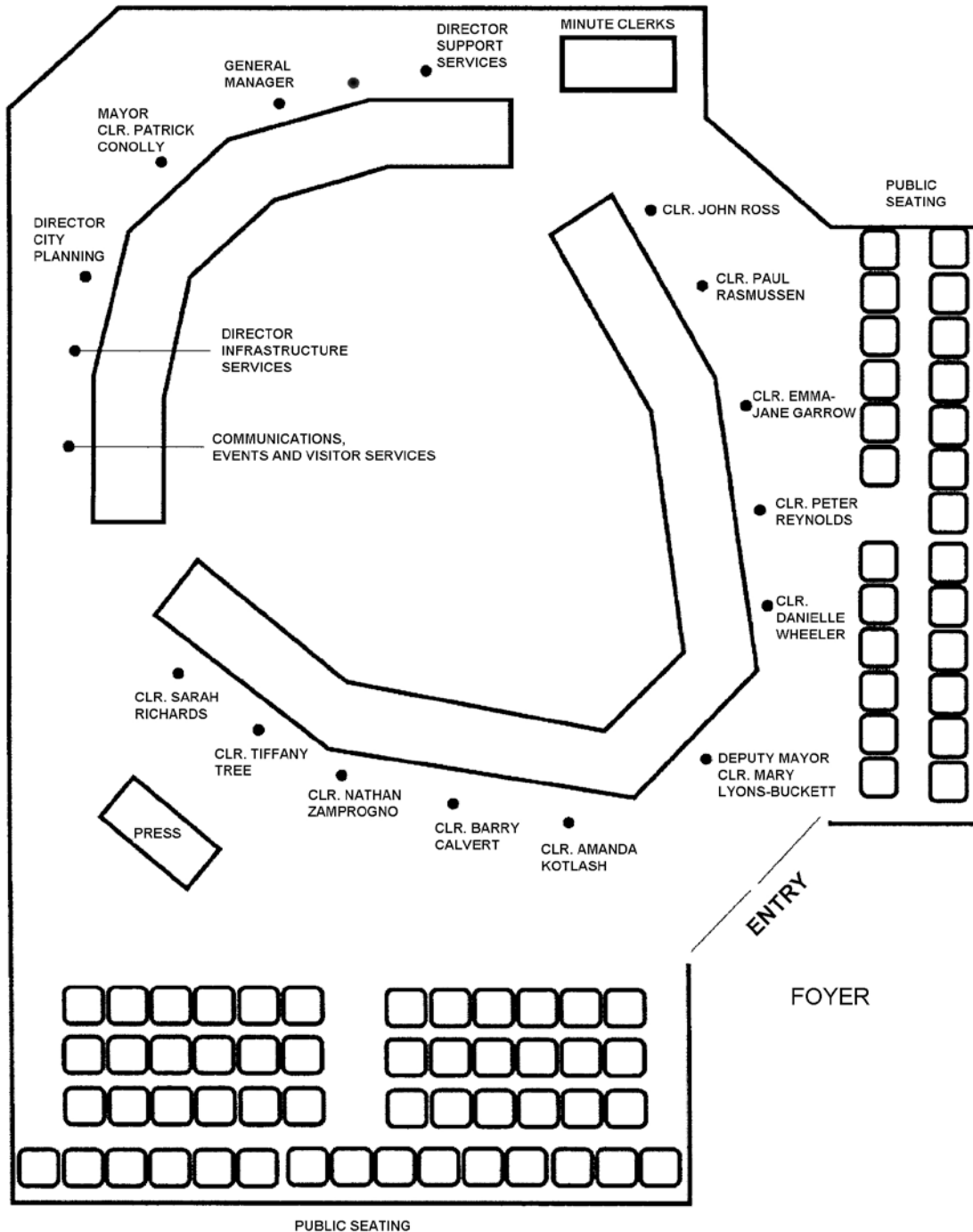
Ordinary Meeting

Date of meeting: 23 November 2021
Location: By audio-visual link
Time: 6:30 p.m.

BUSINESS PAPER

Mission Statement

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



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ORDINARY MEETING
Procedural Matters
Meeting Date: 23 November 2021

PROCEDURAL MATTERS

Welcome

The Mayor, Councillor Patrick Conolly 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: 23 November 2021

Ordinary

Section 1

Confirmation of minutes

ORDINARY MEETING

SECTION 1 - Confirmation of Minutes

Meeting Date: 23 November 2021

SECTION 1 - Confirmation of Minutes



Ordinary Meeting

Date of meeting: 09 November 2021
Location: By audio-visual link
Time: 6:30 p.m.

MINUTES

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ORDINARY MEETING

Minutes: 09 November 2021

Minutes of the Ordinary Meeting held by Audio-Visual Link, on 9 November 2021, commencing at 6:30pm.

Welcome

The Mayor, Councillor Patrick Conolly acknowledged the Indigenous Heritage and addressed the Council meeting, mentioning:

- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile Phones

ATTENDANCE

PRESENT: Councillor Patrick Conolly, Mayor, 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: General Manager - Elizabeth Richardson, Director City Planning - Linda Perrine, Acting Director Infrastructure Services - Emma Galea, Director Support Services - Laurie Mifsud, Acting Chief Financial Officer - Vanessa Browning, Manager Strategic Planning - Andrew Kearns, Manager Corporate Communication - Suzanne Stuart, Manager Design and Mapping Services - Christopher Amit, Manager Parks and Recreation - Sean Perry, Manager Corporate Services and Governance - Charles McElroy, Administrative Support Coordinator - Tracey Easterbrook and Council Committee Officer - Amy Birks.

APOLOGIES AND LEAVE OF ABSENCE

There were no apologies or requests for leave of absence received from Councillors.

DECLARATIONS OF INTEREST

Councillor Garrow declared an interest on Item 221.

Councillor Kotlash declared an interest on Items 218 and 221.

Acknowledgement of Official Visitors to the Council

There were no official visitors to the Council.

SECTION 1 - Confirmation of Minutes

278 RESOLUTION:

RESOLVED on the motion of Councillor Lyons-Buckett and seconded by Councillor Rasmussen that the Minutes of the Ordinary Meeting held on the 26 October 2021, be confirmed.

ORDINARY MEETING

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SECTION 3 - Reports for Determination

CITY PLANNING

Item: 216 CP - Exhibition of Draft Development Assessment Policy - Post Exhibition Report - (95498)

Previous Item: 173, Ordinary (14 September 2021)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

279 RESOLUTION:

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

That Council:

1. Note the outcome of public exhibition of the Draft Development Assessment Policy.
2. Adopt the Development Assessment Policy, attached as Attachment 1 to this report.

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

Against the Motion: Councillor Ross.

Absent: Nil.

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Item: 217 **CP - Local Heritage Assistance Fund 2021/2022 - Minor Maintenance/Conservation Works to Heritage Listed Properties within the Hawkesbury Local Government Area - (95498, 124414)**

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

280 RESOLUTION:

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

That Council:

1. Approve grant funding under Section 356 of the Local Government Act 1993 for each of the 25 successful applicants that have met the grant funding criteria in Table 1 in the report, under the terms of the Local Heritage Assistance Fund 2021/2022.
2. Contact the NSW Heritage Office, the Member for Hawkesbury, Robyn Preston, and the Minister for Planning and Public Spaces, Rob Stokes, to request additional funding for this scheme given the very high concentration of heritage items in the Hawkesbury LGA and the value-add obtained.

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: 09 November 2021

INFRASTRUCTURE SERVICES

Item: 218 **IS - Pesticide Notification Plan - (95495, 79354)**

Previous Item: 250, Ordinary (8 December 2020)

Directorate: Infrastructure Services

Councillor Kotlash declared a less than significant non-pecuniary conflict of interest in this matter as she is employed by Sydney Weeds Network which Council is a member of. There are often discussions and sharing of information about pesticide use, but these don't have any bearing on the Pesticide Notification Plan. Council's Pesticide Notification Plan has no impact on the Sydney Weed's Network and no further action is required.

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

That:

1. Council adopt the Pesticide Notification Plan, attached as Attachment 1 to this report, subject to the following changes:
 - a) Phase out the use of Confidor by June 2022.
 - b) Phase out the use of products containing metaldehyde and replace with iron-based snail and slug pellets by June 2022.
 - c) Prevent the use of products containing Diflufenican near any water source or stormwater drain.
2. A notice be placed in the NSW Gazette and Council notices in accordance with the Pesticide Regulation 2017 and a copy of the Plan, be forwarded to the Department of Environment and Conservation for their notification.
3. Council receive and note the information regarding the use of pesticides by Council and its agencies, including quantities and associated costs for the 2020/2021 financial year.
4. Council request that Hawkesbury Sports Council phase out the use of Grazon by June 2022.
5. Council investigate alternatives to chemical weed control, to be reported to Council by June 2022.

ORDINARY MEETING

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An AMENDMENT was moved by Councillor Richards, seconded by Councillor Tree.

That:

1. Council adopt the Pesticide Notification Plan, attached as Attachment 1 to this report.
2. A notice be placed in the NSW Gazette and Council notices in accordance with the Pesticide Regulation 2017 and a copy of the Plan, be forwarded to the Department of Environment and Conservation for their notification.
3. The matter of the use of pesticides by Council be referred to a Councillor Briefing Session.

For the Amendment: Councillors Conolly, Calvert, Garrow, Kotlash, Rasmussen, Reynolds, Richards, Tree and Zamprogno.

Against the Amendment: Councillors Lyons-Buckett, Ross and Wheeler.

Absent: Nil.

MOTION:

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

Refer to RESOLUTION

281 RESOLUTION:

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

That:

1. Council adopt the Pesticide Notification Plan, attached as Attachment 1 to this report.
2. A notice be placed in the NSW Gazette and Council notices in accordance with the Pesticide Regulation 2017 and a copy of the Plan, be forwarded to the Department of Environment and Conservation for their notification.
3. The matter of the use of pesticides by Council be referred to a Councillor Briefing Session.

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

Against the Motion: Councillors Ross and Wheeler.

Absent: Nil.

ORDINARY MEETING

Minutes: 09 November 2021

Item: 219 **IS - Road Naming Proposal - Jacaranda Development Glossodia - (95495, 79346)**

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

282 RESOLUTION:

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

That Council ask the Developer to provide another list of road names that better reflects a sense of place, and a better connection to the local area.

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

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

Absent: Nil.

ORDINARY MEETING

Minutes: 09 November 2021

Item: 220 **IS - Emergency Management Charge - (95495)**

Previous Item: 198, Ordinary (12 October 2021)

Directorate: Infrastructure Services

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

That Council:

1. Write to Minister for Local Government, the Hon. Shelley Hancock to request an urgent change to the Local Government Act 1993 and/or the Local Government (General) Regulation 2021, to enable Hawkesbury City Council to implement an annual Emergency Charge, similar to Blue Mountains City Council.
2. Endorse an annual Emergency Charge of \$15 per property in the Draft 2022/2023 Operational Plan to be placed on public exhibition between April and May 2022, subject to legislative provisions applicable at that time.
3. In the event that legislative provisions applicable at the time the Draft 2022/2023 Operational Plan is exhibited do not permit Council to implement an Emergency Management Charge, such a charge will be considered in future Operational Plans.

It was moved by Mayor, Councillor Conolly that this motion be dealt with in seriatim.

The Motion to deal with in seriatim was carried.

MOTION:

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

Refer to RESOLUTION

283 RESOLUTION:

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

That Council:

1. Write to Minister for Local Government, the Hon. Shelley Hancock to request an urgent change to the Local Government Act 1993 and/or the Local Government (General) Regulation 2021, to enable Hawkesbury City Council to implement an annual Emergency Charge, similar to Blue Mountains City Council.

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: 09 November 2021

MOTION:

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

Refer to RESOLUTION

284 RESOLUTION:

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

That Council:

2. Endorse an annual Emergency Charge of \$15 per property in the Draft 2022/2023 Operational Plan to be placed on public exhibition between April and May 2022, subject to legislative provisions applicable at that time.

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, Councillor Conolly.

MOTION:

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

Refer to RESOLUTION

285 RESOLUTION:

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

That Council:

3. In the event that legislative provisions applicable at the time the Draft 2022/2023 Operational Plan is exhibited do not permit Council to implement an Emergency Management Charge, such a charge will be considered in future Operational Plans.

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

Against the Motion: Councillor Ross.

Absent: Nil.

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Minutes: 09 November 2021

SECTION 5 – Notices of Motion

Item: 221 **NM1 - Warragamba Dam Raising Project - (141931)**

Councillor Garrow declared a less than significant non-pecuniary conflict of interest in this matter as her father is an executive on the Hawkesbury Nepean River Flood Mitigation Action Committee. She left the meeting and did not take part in voting or discussion on the matter.

Councillor Kotlash declared a significant non-pecuniary conflict of interest in this matter as she is a member of the Greater Blue Mountains World Heritage Area Advisory Committee. The Committee has recently been briefed on the EIS for this project. She therefore felt it was not appropriate to be involved in discussions and decisions about this matter. She left the meeting and did not take part in voting or discussion on the matter.

Mr Leslie Sheather addressed Council, speaking against the recommendation in the business paper.

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

That Council make a submission in response to the public exhibition of the Environmental Impact Statement for the Warragamba Dam Wall Raising Project. The submission should include the following:

1. Information about the impacts of flooding on the Hawkesbury LGA in 2020 and 2121 and progress with recovery.
2. Concerns about infrastructure provision, including potential loss of power, telecommunications, and lack of access to emergency services.
3. Lack of flood studies for all tributaries.
4. Prohibitive costs of insurance and the need for a government-based insurance scheme.
5. Lack of water level monitoring and timely access to this information for residents.
6. Concerns about increased development in areas likely to be inundated or cut off by flooding (Pitt Town, McGraths Hill, South Windsor, Windsor Downs, Bligh Park, etc).
7. Inadequate evacuation routes, improvement of which would also improve travel times for those working outside the LGA each day.
8. Concerns about development along flood evacuation routes which will slow evacuation by Hawkesbury residents.
9. Concerns about water quality following inundation.
10. The likely delayed drop in flood levels due to water being released from the dam and the impact of prolonged flooding on downstream communities.
11. Environmental impacts downstream, including bank erosion, high impacts on critically endangered ecological communities and wetlands, and prolonged flooding of Scheyville and Cattai National Parks.
12. Impacts on downstream prawn and fishing industries.
13. Lack of disclosure of documents relating to this projects, as detailed in the NSW Select Committee Report.

ORDINARY MEETING

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14. Expert advice that changes in land use will change overland flow of water into the Hawkesbury-Nepean basin, rendering the dam less able to mitigate flooding and giving a false sense of security for residents and emergency services.
15. Unsatisfactory environmental and cultural heritage impact statements, including the lack of acknowledgement of the impacts on the Aboriginal Cultural Heritage of the Gundungurra People and failure to comply with the Burra Charter.
16. Council's Flood Policy 2020, which recognises the need for a collaborative approach to floodplain management across the Hawkesbury-Nepean Valley and demonstrates our commitment to providing up to date and relevant, best practice controls based on consideration of flood hazard and risks.

An AMENDMENT was moved by Councillor Zamprogno.

That Council make a submission in response to the public exhibition of the Environmental Impact Statement for the Warragamba Dam Wall Raising Project. The submission should include the following:

1. Information about the impacts of flooding on the Hawkesbury LGA in 2020 and 2121 and progress with recovery.
2. The estimated number of buildings and damage to buildings within the Hawkesbury River floodplain within the Hawkesbury local government area at risk of potential flooding in various design flood events, including 1 in 5, 1 in 20, 1 in 50, 1 in 100, 1 in 200, 1 in 500 and Probable Maximum Flood and the reduction of the number of buildings and damage to buildings that the Warragamba Dam Raising project could potentially achieve
3. The small proportion of the Blue Mountains World Heritage Area that would be affected by temporary inundation in the event of a major flood event, and that the project includes significant offsets to ensure there are no material impacts on biodiversity.
4. Council's Flood Policy 2020, which recognises the need for a collaborative approach to floodplain management across the Hawkesbury-Nepean Valley and demonstrates our commitment to providing up to date and relevant, best practice controls based on consideration of flood hazard and risks.
5. Concerns about infrastructure provision, including potential loss of power, telecommunications, and lack of access to emergency services.
6. Lack of flood studies for all tributaries.
7. Prohibitive costs of insurance.
8. Gaps in water level monitoring and therefore in timely access to information for some residents.
9. Concerns about increased development in areas likely to be inundated or cut off by flooding (Pitt Town, McGraths Hill, South Windsor, Windsor Downs, Bligh Park, etc.).
10. Advocacy for better and more evacuation routes, improvement of which would also improve travel times for those working outside the LGA each day.
11. Concerns about development along flood evacuation routes which will slow evacuation by Hawkesbury residents.
12. The likely delayed drop in flood levels due to water being released from the dam and the impact of prolonged but less significant flooding on downstream communities.

ORDINARY MEETING

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13. Environmental impacts downstream, including bank erosion, high impacts on critically endangered ecological communities and wetlands, and prolonged flooding of Scheyville and Cattai National Parks following flood events.
14. Impacts of a mitigated and unmitigated 1 in 100 year flood event on downstream prawn and fishing industries.

There was no seconder for the amendment and the amendment lapsed.

It was moved by Mayor, Councillor Conolly, seconded by Councillor Zamprogno that this Motion be voted in seriatim.

The Motion to deal with in seriatim was lost.

MOTION:

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

Refer to RESOLUTION

286 RESOLUTION:

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

That Council make a submission in response to the public exhibition of the Environmental Impact Statement for the Warragamba Dam Wall Raising Project. The submission should include the following:

1. Information about the impacts of flooding on the Hawkesbury LGA in 2020 and 2121 and progress with recovery.
2. Concerns about infrastructure provision, including potential loss of power, telecommunications, and lack of access to emergency services.
3. Lack of flood studies for all tributaries.
4. Prohibitive costs of insurance and the need for a government-based insurance scheme.
5. Lack of water level monitoring and timely access to this information for residents.
6. Concerns about increased development in areas likely to be inundated or cut off by flooding (Pitt Town, McGraths Hill, South Windsor, Windsor Downs, Bligh Park, etc).
7. Inadequate evacuation routes, improvement of which would also improve travel times for those working outside the LGA each day.
8. Concerns about development along flood evacuation routes which will slow evacuation by Hawkesbury residents.
9. Concerns about water quality following inundation.
10. The likely delayed drop in flood levels due to water being released from the dam and the impact of prolonged flooding on downstream communities including ratepayer funded infrastructure.

ORDINARY MEETING

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11. Environmental impacts downstream, including bank erosion, high impacts on critically endangered ecological communities and wetlands, and prolonged flooding of Scheyville and Cattai National Parks.
12. Impacts on downstream prawn and fishing industries.
13. Lack of disclosure of documents relating to this projects, as detailed in the NSW Select Committee Report.
14. Expert advice that changes in land use will change overland flow of water into the Hawkesbury-Nepean basin, rendering the dam less able to mitigate flooding and giving a false sense of security for residents and emergency services.
15. Unsatisfactory environmental and cultural heritage impact statements, including the lack of acknowledgement of the impacts on the Aboriginal Cultural Heritage of the Gundungurra People and failure to comply with the Burra Charter.
16. Council's Flood Policy 2020, which recognises the need for a collaborative approach to floodplain management across the Hawkesbury-Nepean Valley and demonstrates our commitment to providing up to date and relevant, best practice controls based on consideration of flood hazard and risks.

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

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

Absent: Councillors Garrow and Kotlash.

ORDINARY MEETING

Minutes: 09 November 2021

QUESTIONS FOR NEXT MEETING

Item: 222 Questions with Notice - 9 November 2021 - (79351)

There was no comment on Response to the Question with Notice at the Council Meeting on 9 November 2021.

Item: 223 Response to Councillor Question Taken on Notice at the Council Meeting - 26 October 2021 - (79351)

There was no comment on the response to the Question Taken on Notice at the Council Meeting on 26 October 2021.

The meeting terminated at 9:07pm.

Submitted to and confirmed at the Ordinary meeting held on 23 November 2021.

.....
Mayor

Ordinary

Section **2**

Mayoral minutes

ORDINARY MEETING
SECTION 2 – Mayoral Minute
Meeting Date: 23 November 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: 23 November 2021

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 23 November 2021

SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 224 **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 2 Inverary Drive, Kurmond - (124414, 95498)**

Directorate: City Planning

PURPOSE OF THE REPORT:

The purpose of this report is to provide Council with an overview of Planning Proposal LEP005/14, which seeks to amend Hawkesbury Local Environmental Plan 2012 to enable the future subdivision of 2 Inverary Drive, Kurmond into a total of 11 lots.

The report provides an assessment of the merits of the Planning Proposal, including the outcome of community and relevant public agency consultation, and makes a recommendation that Council proceed with the making of an amendment to Hawkesbury Local Environmental Plan 2012 to give effect to the Planning Proposal, noting that this Planning Proposal is not delegated to Council to finalise, with a final determination to be made by the Department of Planning, Industry and Environment.

EXECUTIVE SUMMARY:

The Planning Proposal and concept subdivision layout has been prepared having regard to:

- The slope of the land
- The location of minor watercourses and native vegetation
- Bushfire asset protection
- On-site wastewater disposal requirements
- Council's Kurmond Kurrajong Development Principles
- The Kurmond and Kurrajong Landscape Character Study
- The conditions of the Department of Planning, Industry and Environment's Gateway Determination.

The background section of this report details the various key steps associated with the Planning Proposal.

This Planning Proposal has been assessed against the relevant requirements, including feedback from relevant state agencies, and the community.

This report recommends that Council support the proposed amendment to the Hawkesbury Local Environmental Plan 2012, and submit the Planning Proposal and supporting documentation to the Department of Planning, Industry and Environment for the making of a plan to give effect to the Planning Proposal.

RECOMMENDATION:

That Council:

1. Receive and note the outcome of consultation on the Planning Proposal and supporting documentation for Lot 2 DP 600414, 2 Inverary Drive, Kurmond.
2. Support the making of the plan to amend the Hawkesbury Local Environmental Plan 2012 in order to permit the subdivision of Lot 2 DP 600414, 2 Inverary Drive, Kurmond into a total of 11 lots with minimum lot size of not less than 4,000m², 1 hectare, or 2 hectares.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 23 November 2021

3. Submit the Planning Proposal and supporting documentation to the Department of Planning, Industry and Environment for the making of a plan to give effect to the Planning Proposal.
4. Publicly exhibit the Draft Voluntary Planning Agreement included as Attachment 2 to this report for a minimum of 28 days, with the Draft Voluntary Planning Agreement to be reported back to Council following public exhibition prior to finalisation.

SUBJECT SITE AND SURROUNDS

The subject site is legally described as Lot 2 DP 600414 and is known as 2 Inverary Drive, Kurmond. It has an area of 10.96ha and is mostly regular in shape with an average width of 246m and an average depth of 566m.

The subject site is located on the eastern boundary of the former Kurmond and Kurrajong Investigation Area as shown in Figure 1 below.

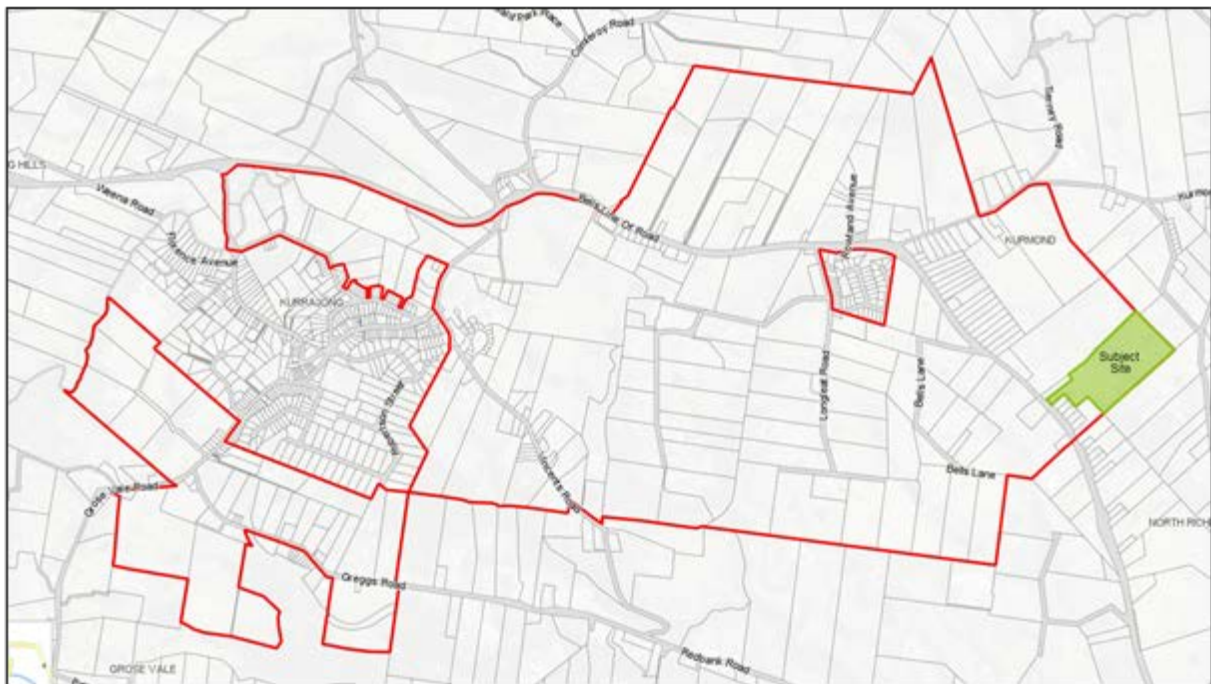


Figure 1 - Location of 2 Inverary Drive, Kurmond within Kurmond Kurrajong Investigation Area

The subject site is used for rural residential purposes and contains an existing dwelling and outbuildings.

The land varies in height from approximately 90m AHD at the Inverary Drive/Bells Line of Road frontage to approximately 60m AHD at the 3rd order watercourse which runs north-west to south-east through the centre of the subject site. From this watercourse the land rises to a level of approximately 80m AHD at the rear of the subject site. Based on Council's slope mapping, the subject site contains some land having slopes in excess of 15%, particularly around the watercourses and at the front of the subject site.

The subject site and properties to the north, south, east and west of the subject site are all zoned RU1 Primary Production. The current minimum lot size applicable for the subdivision of the immediate surrounding properties is generally 10ha, with a few exceptions including the adjoining property at 396 Bells Line of Road.

Land to the north-west along Bells Line of Road up to Kurmond Road comprises a number of large residential lots, generally in the order of 1,500m² to 8,000m². Land to the south-east along Bells Line of

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Road comprises a number of residential lots of approximately 2,000m² in size. The land between the south-western boundary and Bells Line of Road is 9,242m² and is occupied by a restaurant. The remainder of the land is surrounded by rural-residential lots ranging in size from approximately 2.5ha to 10ha. Land on the opposite side of Bells Line of Road comprises rural-residential lots ranging in size from approximately 8,000m² to 8ha. Figure 2 below shows the mix of existing lot sizes in the area surrounding the subject site. The site directly adjoins the development site at 396 Bells Line of Road, Kurmond which is currently nearing completion, with lots ranging from 2,000m² to 4,000m².



Figure 2 - Lot Size Mix

The site and some surrounding sites have been used for agricultural activity in the form of low scale animal grazing, and the subject site is adjoined to the east by a commercial flower grower.

A number of watercourses traverse the subject site. Figure 3 below shows the location of these watercourses, the Strahler classification of the watercourses, and corresponding widths of their riparian corridors.



Figure 3 - Watercourse Locations and Riparian Corridor Width

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BACKGROUND

History of the Planning Proposal

Initial Application

On 23 December 2014, Council received a Planning Proposal in relation to 2 Inverary Drive, Kurmond. The purpose of the Planning Proposal was to amend the Lot Size Map of Hawkesbury Local Environmental Plan 2012 to permit subdivision of the subject site into a total of 41 lots with minimum lot sizes of 1,000m², 2000m², 6000m² and 2ha, and including land within "Area A" which is subject to Clause 4.1D(1) of Hawkesbury Local Environmental Plan 2012.

Clause 4.1D(1) prohibits the subdivision of land that is identified as "Area A" on the Lot Size Map if the land is not serviced by reticulated sewerage and the lots to be created for a dwelling house is less than 4,000m². It is proposed that the land will be serviced by a sewerage system that will connect into the Sydney Water reticulated sewerage system.

Discussions between the Applicant and Council Officers were undertaken throughout 2015 - 2017 in an attempt to establish a realistic lot yield for each site having regard to the physical constraints of the land, and Council's adopted development constraint principles for the Kurmond and Kurrajong Investigation Area based on the slope of land, and the presence of watercourses, riparian areas and significant vegetation.

In particular, the Applicant was advised of Council's Resolution of 28 July 2015 which adopted an Interim Policy relating to a suite of development constraint principles for planning proposals in the Kurmond Kurrajong Investigation Area. Part B of this Policy contains the following development constraint principles:

"Part B - Development Constraints

Planning proposals will not be supported by Council unless:

- 1. Essential services under LEP 2012 and fundamental development constraints are resolved.*
- 2. Building envelopes, asset protection zones (APZs), driveways and roads are located on land with a slope less than 15%.*
- 3. Removal of significant vegetation is avoided.*
- 4. Fragmentation of significant vegetation is minimised.*
- 5. Building envelopes, APZs, driveways and roads (not including roads for the purposes of crossing watercourse) are located outside of riparian corridors.*
- 6. Road and other crossings of water courses is minimised.*
- 7. Fragmentation of riparian areas is minimised.*
- 8. Removal of dams containing significant aquatic habitat is avoided."*

In accordance with Council's Resolution of 28 July 2015, the Planning Proposal was not reported to Council to proceed to 'Gateway' as the proposal did not meet the adopted development constraints principles. The Applicant submitted a total of 2 amended proposals over the period of 2015 to 2017 attempting to satisfy these principles.

On 31 May 2017, the Applicant provided a revised Planning Proposal, and requested that the application be reported to Council.

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Rezoning Review

On 18 October 2017, the Department of Planning & Environment notified Council that a request for a Rezoning Review for this Planning Proposal had been submitted for consideration by the Sydney Western City Planning Panel.

A proponent may request a Rezoning Review if a council has not indicated its support of a planning proposal within 90 days of submitting an application. As a result, the Planning Panel, not Council, determines whether the proposal should proceed to Gateway.

On 27 February 2018, the Sydney Western City Planning Panel resolved that the Planning Proposal should be submitted for a 'Gateway' Determination subject to additional studies and considerations.

In progressing this proposal to a Gateway Determination, the Panel identified a number of matters that they considered required further attention, including:

1. Consideration of:
 - appropriate lot sizes for the site,
 - providing a buffer with adjoining large lot rural land to the southwest, and
 - graduating an increase in lot sizes as distance from Kurmond village increases.
2. Potential to include adjustment to the zoning so that the zoning objectives are more consistent with the proposed land use and housing types/densities.
3. The consideration of the inclusion of an environmental zone to protect those areas identified in the supporting ecological assessments as being significant, such as watercourses and endangered ecological communities.
4. Referral of the planning proposal to relevant public authorities for comment.
5. Consideration of the following matters in the assessment of the planning proposal:
 - The impact of subsequent development on the creek system;
 - The impact of subsequent development on existing native vegetation on site and any offsets to mitigate the loss of vegetation;
 - The provision of adequate fire protection precautions and management measures; and
 - The extent to which resulting development meets the objectives of the RU1 Primary Production zone.
6. The ordered provision and improvement of infrastructure that may be needed to support the intensification of development resulting from the planning proposal.

Gateway Determination

On 28 June 2018, the Department of Planning, Industry and Environment determined that the Planning Proposal should proceed subject to the conditions within the 'Gateway' Determination.

The Department of Planning, Industry and Environment also advised:

"In view of the comments made by the Sydney Western City Planning Panel at the time it recommended that the proposal proceed to Gateway determination, I have conditioned the determination so that Council is to review the suitability of the proposed minimum allotment sizes. Should Council decide to pursue the proposal with different subdivision standards, I would recommend that Council seek an alteration to the Gateway determination..."

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The conditions of the 'Gateway' Determination included:

- *“review the proposed maximum allotment sizes, and if amended, prepare a proposed lot size map for inclusion in the planning proposal and make necessary amendments to the proposal, including amendment of text and highlighting the subject land and denoting with a label in the map”*
- The preparation of a Preliminary Contamination Report and updating of the planning proposal to clarify that the proposal does not require consideration under State Environmental Planning Policy No. 55 – Remediation of land
- The inclusion of assessment against the Greater Sydney Region Plan 2018 – A Metropolis of Three Cities and the Sydney Western District Plan
- Formatting changes
- The requirements for public exhibition and consultation with public authorities.

Following a request from Council on 25 November 2019 to extend the timeframe for completion of the Planning Proposal, the Department of Planning, Industry and Environment issued an Alteration of Gateway Determination on 3 December 2020. In particular, the Department of Planning, Industry and Environment determined to alter the Gateway Determination dated 28 June 2018 (since altered) for the proposed amendment to the Hawkesbury Local Environmental Plan 2012 by requiring:

“An indicative subdivision layout must be submitted to the Department of Planning, Industry and Environment for endorsement following exhibition of the planning proposal and resolution of the issues raised in the Environment, Energy and Science submission.

This subdivision layout is to demonstrate how the proposal adequately complies with all of the Hawkesbury Council's 2015 Interim Policy - Kurmond Kurrajong Development Principles and demonstrate how the proposal maintains the landscape character of the area as described in the draft 2019 Kurmond Kurrajong Structure Plan.

Consideration should be given to a 1 hectare minimum lot size as exhibited in the 2019 draft Kurmond Kurrajong structure plan to more appropriately address the values of the MRA and to avoid fragmentation of significant vegetation. Consideration should also be given to the retention of 'significant vegetation' in single ownership or a biodiversity stewardship agreement. A maximum residential lot yield is to be identified within the map Restricted Lot Yield”.

Gateway Review, Final Gateway Determination and Endorsement

On 14 January 2021, the Applicant requested that the Department of Planning, Industry and Environment review the altered Gateway Determination dated 3 December 2020.

As part of the Department's review, the Gateway Review request was referred to the Independent Planning Commission for advice.

Following the review, a further Gateway Alteration was issued on 27 September 2021. This Planning Proposal is now based on the 27 September 2021 Gateway Determination and compliance with the conditions therein:

1. *“Delete:
“condition no.5”*

and replace with:

a new condition no.5: “Council is not authorized to be the local plan making authority as previously issued on 28 June 2018 and this condition is now revoked”.

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2. *Delete:*
“condition no. 6”

and replace with:

a new condition no.6: “The timeframe for completion and notification of the LEP is by 24 December 2021. To ensure this timeframe is met, the additional information outlined under condition no.7 must be submitted to the Department and Council by 15 October 2021. In addition, council must consider a post exhibition report by 30 November 2021 as to whether Council supports forwarding an LEP amendment to the Department for finalisation.”

3. *Delete:*
“condition no. 7

and replace with:

a new condition no. 7:

- (a) “The planning proposal and subdivision concept plan is to be amended to:*
- (i) Include a minimum lot size of 4,000m² at the front of the site west of the riparian areas and 1 hectare lots at the rear of the site east of the riparian areas. Lot sizes may be required to be larger to address the outcomes of conditions (b) – (f) below.*
 - (ii) Show the location of building envelopes and asset protection zones for each lot to demonstrate that future development will have minimal impact on vegetation.*
- (b) The Ecological Assessment Report (EAR) December 2020 is to be updated to respond to matters raised by the Department of Planning, Industry and Environment – Environment, Energy and Science Group in their letter of 28 April 2021 to include, at a minimum:*
- (i) Map vegetation on site, including all endangered ecological communities, to geographically illustrate the quality/condition of vegetation.*
 - (ii) Identify habitat elements for example watercourses, riparian areas, rock outcrops, wetlands.*
 - (iii) Provide further details regarding how the watercourses and riparian areas on the site are to be retained, managed and restored in one lot, where practical.*
 - (iv) Demonstrate the planning proposal can meet the principles of avoid, minimize and mitigate vegetation/habitat with a priority given the avoiding or minimizing.*
- (c) The planning proposal and subdivision concept plan is to be updated to include a detailed site survey showing the exact location of the two waterways identified in the EAR and associate riparian areas. Riparian corridor widths are to be provided as per the Office of Water Guidelines for riparian corridors on waterfront land, July 2021.*
- (d) The subdivision concept plan is to demonstrate consistency with the Hawkesbury City Council's 2015 Interim Development Principles for planning proposals within the Kurmond Kurrajong Investigation Area. This is to be supported by a commentary in the planning proposal. The Interim Principles include:*
- (i) Essential services under LEP 2012 and fundamental development constraints are resolved.*
 - (ii) Building envelopes, asset protection zones (APZs), driveways and roads are located on land with a slope less than 15%.*
 - (iii) Removal of significant vegetation is minimised.*
 - (iv) Fragmentation of significant vegetation is minimised.*
 - (v) Building envelopes, APZs, driveways and roads (not including roads for the purposes of crossing watercourse) are located outside of riparian corridors.*
 - (vi) Road and other crossings of watercourses is minimised.*
 - (vii) Fragmentation of riparian areas is minimised.*
 - (viii) Removal of dams containing significant aquatic habitat is avoided.*

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- (e) *Demonstrate the planning proposal will have minimal impact on vistas, view corridors and landscape character as identified within the Landscape Character Study. The Landscape Character Study will assist in assessing the proposal's consistency with Planning Priority W16 of the District Plan.*
- (f) *Demonstrate the planning proposal's consistency with the following Planning Priorities in the District Plan:*
- *W14 Protecting and enhancing bushland and biodiversity*
 - *W16 Protecting and enhancing scenic and cultural landscapes*
 - *W17 Better managing Rural Areas.*
4. *Insert:*
- "condition no.8" Part 2 – Explanation of Provisions of the planning proposal is to be updated to include a new site specific provision to be inserted into the Hawkesbury LEP. The new provision is a clause requiring that the Department of Planning's Secretary issue concurrence to a development application prior to consent being granted."*
- In granting concurrence, the Department of Planning's Secretary must be satisfied that the development appropriately responds to the outcomes of surveys for the Cumberland Land Snail and the Green and Golden Bell Frog. The Secretary must also consider whether the infrastructure demands of the development have been addressed.*

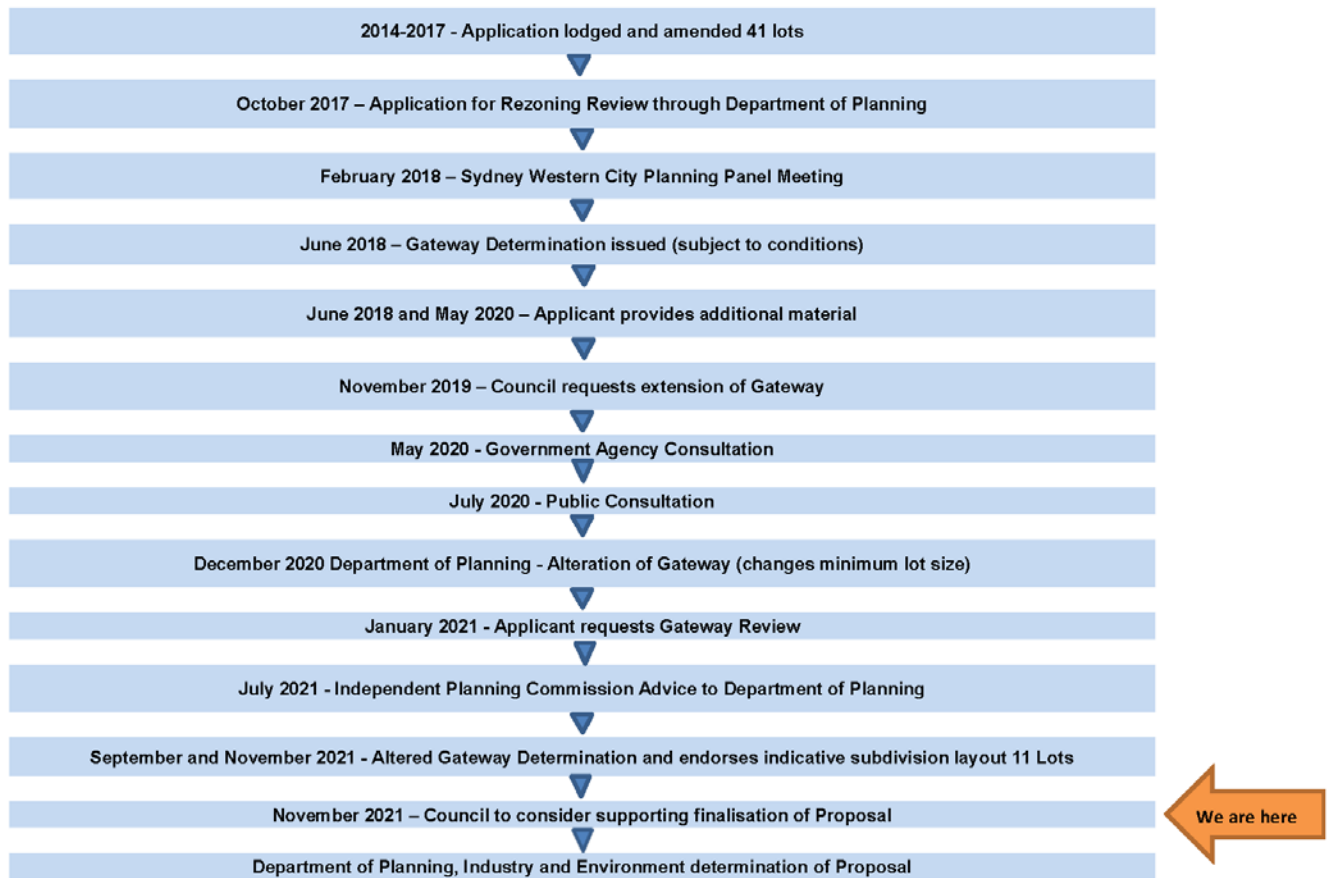
Continual discussions between the Department of Planning, Industry and Environment, Council officers and the Applicant took place throughout September and October 2021 to ensure satisfaction with the above requirements of the Gateway Alteration. Compliance with these requirements is demonstrated within this report.

The amended Planning Proposal was received on 2 November 2021.

The Department of Planning, Industry and Environment endorsed the current subdivision plan on 10 November 2021.

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The following provides a summary of the various key steps associated with this Planning Proposal:



PLANNING PROPOSAL

The Planning Proposal seeks to amend the Lot Size Map of Hawkesbury Local Environmental Plan 2012 to permit the subdivision of the subject site into 11 lots having a minimum lot size of not less than 4,000m², 1 hectare, or 2 hectares.

A planning proposal is required to demonstrate the strategic merit of the proposed amendment to the local environmental plan and provide enough information to determine there is merit in the proposed amendment proceeding to the next stage of the plan-making process.

Importantly, it should be noted that the Department of Planning and Environment's document "A Guide to Preparing Planning Proposals", October 2012 advises:

"The planning proposal should contain enough information to demonstrate that relevant environmental, social, economic, and other site specific matters have been identified and if necessary that any issues can be addressed with additional information and/or through consultation with agencies and the community." and

"To prevent unnecessary work prior to the Gateway stage, specific information nominated as being necessary would not be expected to be completed prior to the submission of the planning proposal. In such circumstances, it would be sufficient to identify what information may be required to demonstrate the proposal."

The Planning Proposal has identified particular environmental matters which may have consequences for the future subdivision and development of the land, including bushfire protection, contamination and

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biodiversity, including flora/fauna and riparian considerations. Reports have been provided to demonstrate that these identified matters are not prohibitive to potential future development.

A subdivision concept plan is shown in Figure 4 below. This plan has been provided for illustrative purposes and is the result of ongoing discussions between the Applicant, Council officers and the Department of Planning, Industry and Environment to determine a suitable potential lot yield and minimum lot sizes, and does not form part of the Planning Proposal.

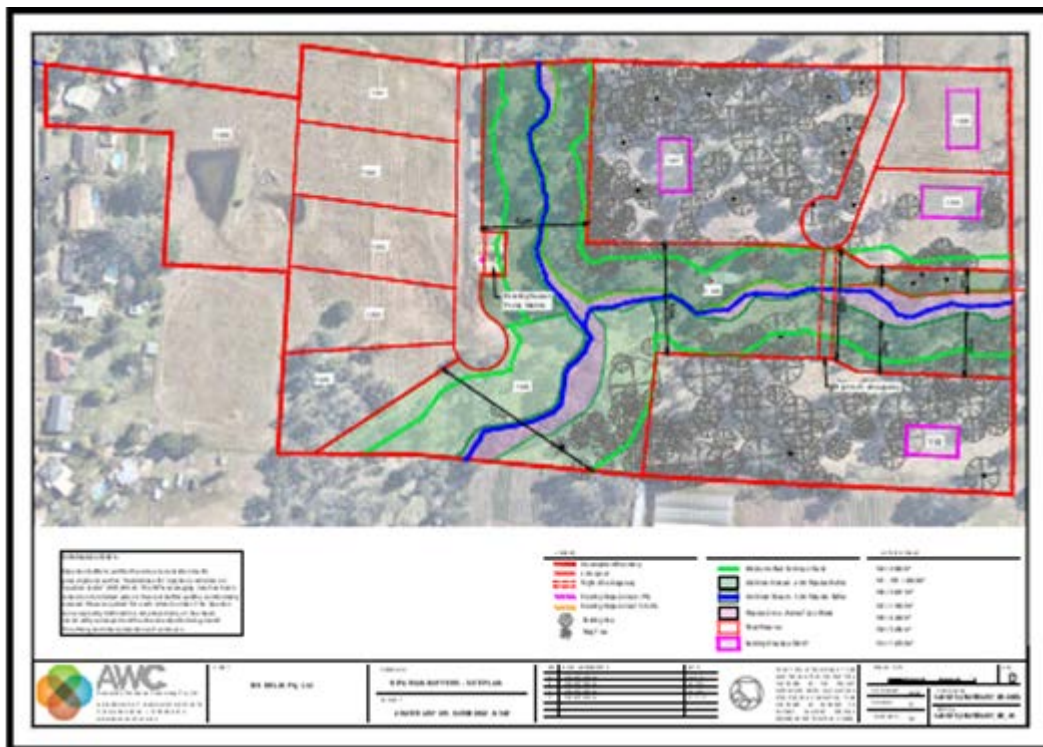


Figure 4 - 2 Inverary Drive, Kurmond - Concept Subdivision Plan

CURRENT PLANNING CONTROLS

The subject site is currently zoned RU1 Primary Production under the Hawkesbury Local Environmental Plan 2012. The current minimum lot size for subdivision of this land is 10ha.

The subject site is shown as being bushfire prone (Bushfire Vegetation Category 3) on the NSW Rural Fire Service's Bushfire Prone Land Map.

The whole site is shown as being within Class 5 Acid Sulfate Soils on the Acid Sulphate Soils Planning Maps contained within Hawkesbury Local Environmental Plan 2012. Acid Sulfate Soil Classification 5 represents a relatively low chance of acid sulphate soils being present on the site.

The subject site is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture.

The subject site contain 'Significant Vegetation', including 'Endangered Ecological Communities' and 'Connectivity between Remnant Vegetation' as identified on the Terrestrial Biodiversity Map of Hawkesbury Local Environmental Plan 2012. The 'Significant Vegetation' is predominantly located within the rear two thirds of the subject site.

The subject site falls within the Middle Nepean and Hawkesbury River Catchment Area of Sydney Regional Environmental Plan No.20 Hawkesbury - Nepean River (No.2 - 1997) and is not within an area of scenic significance under this Policy.

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POLICY CONSIDERATIONS

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

An assessment of the Planning Proposal against the relevant State Planning framework including the Greater Sydney Region Plan - A Metropolis of Three Cities, Western City District Plan, State Environmental Planning Policies and Section 9.1 Ministerial Directions and Local Planning/policy Framework contained within this report demonstrates that the amended planning proposal is considered to be consistent with both the State and Local Planning Framework.

Greater Sydney Region Plan - A Metropolis of Three Cities

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

This strategic framework intends to transform land use and transport patterns and boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth to all its residents.

The emerging Western Parkland City with the Western Sydney Airport and Badgerys Creek Aerotropolis as a catalyst for the city cluster will grow a strong trade, logistics, advanced manufacturing, health, education and science economy and be the most connected place in Australia. It will produce knowledge-intensive jobs close to new well-designed neighbourhoods. Liveability for residents will be key – such as more trees to provide shade and shelter and walkable neighbourhoods within easy reach of shops and services.

It is the first plan to be prepared concurrently with *Future Transport 2056* and the State Infrastructure Strategy, aligning land use, transport and infrastructure planning to reshape Greater Sydney as three unique but connected cities.

The objectives and metrics of 'A Metropolis of three Cities' are based on 10 Directions:

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

These Directions are supported by objectives and strategies.

In accordance with these strategies, the planning proposal intends to provide a minor increase in housing opportunities near the rural village of Kurmond. The proposal is not for urban development. Rather, the proposal will facilitate large rural-residential lots which will retain the rural character of the locality and contribute to a suitable buffer between village development and larger rural holdings.

Western City District Plan

The Western City District Plan is a guide for implementing the Greater Sydney Region Plan - 'A Metropolis of Three Cities'. The District Plan is a bridge between regional and local planning.

The Western City District covers the Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly local government areas. The Western City District Plan is a 20-year plan

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to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney.

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

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

The Planning Proposal is considered to be consistent with the relevant objectives, strategies and actions, including W14 Protecting and enhancing bushland and biodiversity, W16 Protecting and enhancing scenic and cultural landscapes, W17 Better managing Rural Areas, for the following reasons:

- The Planning Proposal will facilitate a small number of large lot residential properties located within a rural village setting. This minor growth will assist in better utilising existing infrastructure, in terms of schools and community facilities by the marginal increase in population. In addition, the land owners have agreed to enter into a voluntary planning agreement with Council for the provision and improvement of relevant public infrastructure, such as roads.
- The preliminary concept subdivision plan includes a single lot which contains the two watercourses on the subject site and includes the associated riparian corridors, and therefore provides for the protection and enhancement of the riparian bushland. The larger lot is designed to ensure that future building envelope, bushfire asset protection zone and effluent disposal area will achieve required separation distances and will not create interference with the vegetated riparian corridor.

In addition, vegetation management plans will be implemented through positive covenants ensuring ongoing protection of the waterways and riparian corridors.

- Larger lots have been proposed at the rear of the subject site to accommodate future building envelopes and asset protection zones within previously cleared/disturbed area on these lots, thereby minimising removal of native vegetation for future development.
- The number of lots proposed, and the size and configuration of the lots will ensure that the density of future development will be compatible with the existing landscape character and scenic values of the locality.

The Hawkesbury Local Government Area (other than the Vineyard Growth Centre Precinct) is identified as part of the Metropolitan Rural Area under the Western City District Plan. The Western City District's rural areas contribute to habitat and biodiversity, support productive agriculture, provide mineral and energy resources, and sustain local rural towns and villages.

The Western City District Plan recognises that increased urban development is not appropriate within the Metropolitan Rural Area so as to support agriculture and mineral resources. In addition, support for increased rural residential development will only be considered where it meets local demand, and there are no adverse impacts on the amenity and character of the local area and the development provides incentives to maintain and enhance the environmental, social and economic values of the Metropolitan Rural Area.

It is considered that the Planning Proposal is consistent with the policy intent for the Metropolitan Rural Area as the Proposal represents appropriate and sustainable development which maintains the values of the Metropolitan Rural Areas as described above.

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Section 9.1 Directions (Formerly Section 117 Directions)

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

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

Direction 1.2 Rural Zones

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

The Planning Proposal does not propose any changes to the current RU1 Primary Production zoning, however seeks amendment to the Lot Size Map of Hawkesbury Local Environmental Plan 2012. As a consequence, the Planning Proposal will result in an increase in the density of land. The Applicant states:

“The proposal will increase the permissible density of land within a rural zone, however the land is effectively within an existing village.”

The Department of Planning, Industry and Environment issued a Gateway Determination to proceed with the Proposal on 28 June 2018, and in doing so has acknowledged that the Proposal has merit, and that any inconsistencies with, or variation to Section 9.1 Directions are acceptable.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. This Direction primarily provides for consultation with the Department of Primary Industries.

In accordance with the provisions of this Direction, Geological Survey of NSW – Mining, Exploration and Geoscience was consulted, and raised no objections.

Direction 1.5 Rural Lands

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

The Planning Proposal proposes to change the minimum lot size for subdivision of the subject sites. It is considered that the Planning Proposal is consistent with this Direction as:

- It is consistent with applicable strategic plans, including the Greater Sydney Region Plan and the Western City District Plan, as discussed in this report.
- The land is located within a predominantly rural residential area, is no longer being used for agricultural purposes and is of a size and location that will allow for potential land use conflicts to be managed.
- The Planning Proposal, and the use and development of the land, will have no adverse impacts on the environmental values of the land and is compatible with the natural and physical constraints of the land as discussed further in this report.

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Direction 2.6 Remediation of Contaminated Land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

In accordance with the Gateway Determination, a Preliminary Site Investigation was carried out by Geotest Services Pty Ltd in July 2012, who concluded that *“the site is considered suitable for future residential land-uses from a contamination perspective”*.

Direction 3.4 Integrating Land Use and Transport

Planning proposals must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of Improving Transport Choice - Guidelines for Planning and Development 2001.

In summary this document seeks to provide guidance on how future development may reduce growth in the number and length of private car journeys and make walking, cycling and public transport more attractive. It contains 10 “Accessible Development” principles which promote concentration within centres, mixed uses in centres, aligning centres with corridors, linking public transport with land use strategies, street connections, pedestrian access, cycle access, management of parking supply, road management, and good urban design.

The document is very much centres based and not readily applicable to consideration of a rural residential planning proposal. The document also provides guidance regarding consultation to be undertaken as part of the planning proposal process and various investigations/plans to be undertaken.

The Department of Planning, Industry and Environment issued a Gateway Determination to proceed with the Proposal on 28 June 2018, and in doing so has acknowledged that the Proposal has merit, and that any inconsistencies with, or variation to Section 9.1 Directions are acceptable.

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. This Direction requires consideration of the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning, Industry & Environment.

The subject site is identified as containing “Class 5 Acid Sulfate Soils on the Acid Sulphate Soils Planning Maps contained within the Hawkesbury Local Environmental Plan 2012, and as such any future development on the land will be subject to Clause 6.1 Acid Sulfate Soils of the Hawkesbury Local Environmental Plan 2012 which has been prepared in accordance with the Acid Sulfate Soils Model Local Environmental Plan provisions within the Acid Sulfate Soils Planning Guidelines adopted by the Director General.

This Direction requires that a relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soil study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act. An acid sulfate soil study has not been included in the Planning Proposal, however the Department of Planning, Industry & Environment issued a Gateway Determination to proceed with the Proposal on 28 June 2018, and did not require any further investigations in relation to this matter.

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Direction 4.4 Planning for Bushfire Protection

This Direction applies to planning proposals that will affect or is in the proximity to land mapped as bushfire prone land.

The subject site is shown as being bushfire prone on the NSW Rural Fire Service's Bushfire Prone Land Map. This Direction requires consultation with the NSW Rural Fire Service following receipt of a 'Gateway' Determination, and compliance with Planning for Bushfire Protection 2019, and various Asset Protection Zone, vehicular access, water supply, layout, and building material provisions.

Consultation with NSW Rural Fire Services was carried out prior to the exhibition of the Planning Proposal. The NSW Rural Fire Services raised no objection to the Planning Proposal, and highlighted that future development will be required to meet the requirements of the Rural Fires Act 1997 and the document 'Planning for Bush Fire Protection 2019'.

Direction 5.10 Regional Plans

This Direction requires planning proposals to be consistent with a Regional Plan that has been released by the Minister for Planning and Public Spaces. As discussed previously in this report, the Planning Proposal is consistent with the Greater Sydney Region Plan – A Metropolis of Three Cities.

Direction 6.1 Approval and Referral Requirements

The Planning Proposal is inconsistent with this Direction as it includes the introduction of a provision requiring the concurrence of the Secretary of the Department of Planning, Industry and Environment prior to the approval of an application for subdivision. The purpose of this requirement is to ensure protection of the Cumberland Land Snail and Green and Gold Bell Frog on the site, and to ensure that infrastructure requirements have been addressed. The inclusion of this concurrence provision is a requirement of the Department's Gateway Determination.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. The Planning Proposal proposes an amendment to the Lot Size Map of Hawkesbury Local Environmental Plan 2012, however does not propose any site specific provisions, other than the concurrence provision discussed above.

State Environmental Planning Policies

The Planning Proposal has been considered against the applicable State Environmental Planning Policies. The State Environmental Planning Policies most relevant to the planning proposal are:

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

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

State Environmental Planning Policy No. 55 requires consideration as to whether or not land is contaminated and, if so, is it suitable for future permitted uses in its current state or whether it requires remediation. This Policy may require Council to obtain, and have regard to, a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

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The Planning Proposal states that:

“the land has been used for agriculture in the form of animal grazing for many years. There is no evidence to suggest that any activities or processes have occurred on the land which would give rise to contamination”

In accordance with the Gateway Determination, a Preliminary Site Investigation was carried out by Geotest Services Pty Ltd in July 2012, who concluded that *“the site is considered suitable for future residential land-uses from a contamination perspective”*.

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

The primary aims of Sydney Regional Environmental Plan No. 9 are to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance and to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential.

The site is not within the vicinity of land described in Schedule 1, 2 and 5 of the State Regional Environmental Plan No. 9 nor will the proposed development restrict the obtaining of deposits of extractive material from such land.

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

The aim of Sydney Regional Environmental Plan No. 20 (No. 2 - 1997) is to protect the environment of the Hawkesbury - Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. This requires consideration of the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as total catchment management, water quality, water quantity, flora and fauna, agriculture, rural residential development and the metropolitan strategy.

Specifically the Plan encourages Council to consider the following:

- rural residential areas should not reduce agricultural viability, contribute to urban sprawl or have adverse environmental impact (particularly on the water cycle and flora and fauna);
- develop in accordance with the land capability of the site and do not cause land degradation;
- the impact of the development and the cumulative environmental impact of other development proposals on the catchment;
- quantify and assess the likely impact of any predicted increase in pollutant loads on receiving waters;
- consider the need to ensure that water quality goals for aquatic ecosystem protection are achieved and monitored;
- consider the ability of the land to accommodate on-site effluent disposal in the long term and do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site;
- minimise or eliminate point source and diffuse source pollution by the use of best management practices;
- site and orientate development appropriately to ensure bank stability;
- protect the habitat of native aquatic plants;

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- locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land;
- consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms;
- conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities and existing or potential fauna corridors;
- minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices;
- consider the impact on ecological processes, such as waste assimilation and nutrient cycling;
- consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas;
- consider the need to control access to flora and fauna habitat areas;
- give priority to agricultural production in rural zones;
- protect agricultural sustainability from the adverse impacts of other forms of proposed development;
- consider the ability of the site to sustain over the long term the development concerned;
- maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development;
- consider any adverse environmental impacts of infrastructure associated with the development concerned.

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

It is considered that the future use of the planned additional lots for residential purposes will be able to satisfy the planning policies, strategies and development controls contained in the Plan or be able to appropriately minimise any impacts. As planning continues for the site, the impacts on the Hawkesbury-Nepean will continue to be considered, and ultimately addressed in a future development application.

Council Policies

Council Policy - Rezoning of Land for Residential Purposes - Infrastructure Issues

On 30 August 2011, Council adopted the following Policy:

"That as a matter of policy, Council indicates that it will consider applications to rezone land for residential purposes in the Hawkesbury LGA only if the application is consistent with the directions and strategies contained in Council's adopted Community Strategic Plan, has adequately considered the existing infrastructure issues in the locality of the development (and the impacts of the proposed development on that infrastructure) and has made appropriate provision for the required infrastructure for the proposed development in accordance with the sustainability criteria contained in Council's adopted Hawkesbury Residential Land Strategy.

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Note 1:

In relation to the term “adequately considered the existing infrastructure” above, this will be determined ultimately by Council resolution following full merit assessments, Council resolution to go to public exhibition and Council resolution to finally adopt the proposal, with or without amendment.

Note 2:

The requirements of the term “appropriate provision for the required infrastructure” are set out in the sustainability matrix and criteria for development/settlement types in chapter six and other relevant sections of the Hawkesbury Residential Land Strategy 2011.”

The Hawkesbury Residential Land Strategy 2011 was in part a response to the abovementioned State strategies and sought to identify residential investigation areas and sustainable development criteria which are consistent with the NSW Government’s strategies.

The Hawkesbury Residential Land Strategy 2011 contained the following commentary and criteria regarding large lot residential/rural residential development:

“2.10 Strategy for Rural Village Development

The Hawkesbury Residential Development Model focuses on future residential development in urban areas and key centres. However, the importance of maintaining the viability of existing rural villages is recognised. As such, the Hawkesbury Residential Strategy has developed a strategy for rural residential development.

Future development in rural villages should be of low density and large lot dwellings, which focus on proximity to centres and services and facilities. Rural village development should also minimise impacts on agricultural land, protect scenic landscape and natural areas, and occur within servicing limits or constraints.”

The Planning Proposal can be considered as a rural residential development on the fringe of the Kurmond Village.

The Hawkesbury Residential Land Strategy 2011 stated that the future role of rural residential development is as follows:

Rural residential developments have historically been a popular lifestyle choice within Hawkesbury LGA. However, rural residential development has a number of issues associated with it including:

- *Impacts on road networks*
- *Servicing and infrastructure*
- *Access to facilities and services*
- *Access to transport and services*
- *Maintaining the rural landscape*
- *Impacts on existing agricultural operations*

Whilst this Strategy acknowledges rural residential dwellings are a part of the Hawkesbury residential fabric, rural residential dwellings will play a lesser role in accommodating the future population. As such, future rural development should be low density and large lot residential dwellings.

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For the purposes of this Planning Proposal, the relevant criteria for rural residential development, as stated in Section 6.5 of the Hawkesbury Residential Land Strategy 2011, are that it be large lot residential dwellings and:

- *Be able to have onsite sewerage disposal*
- *Cluster around or on the periphery of villages*
- *Cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within a 1km radius)*
- *Address environmental constraints and have minimal impact on the environment*
- *Occur only within the capacity of the rural village*

It is considered that the Planning Proposal is consistent with the above criteria of the Hawkesbury Residential Land Strategy 2011, as the Planning Proposal:

- Has provided lot sizes that are of sufficient size to support onsite sewerage disposal. Whilst this is the case, it is noted that the future lots will be serviced by a reticulated sewer system
- Involves land that is located within the boundaries of the former Kurmond Kurrajong Investigation Area, and therefore satisfies the locational criteria of being within a 1km radius of the village centre and being on the periphery of the village
- Will create additional residential lots that can be supported within the capacity of the Kurmond village
- Will have no adverse environmental impacts as demonstrated further in this report.

Council Policy - Our City Our Future Rural Rezoning Policy

This Policy was adopted by Council on 7 November 1995 and revised on 16 May 1998. Since that time, the Policy has essentially been superseded by the following studies and documents:

- Western City District Plan
- Hawkesbury Residential Land Strategy
- Hawkesbury Community Strategic Plan

Notwithstanding the above strategies and plans, the Our City Our Future Rural Rezoning Policy remains a formal policy of the Council.

The Policy is repeated below with responses provided by the Applicant, and officer comments provided where relevant.

a) Fragmentation of the land is to be minimised

Applicant's Response *"It is considered that the proposal minimises fragmentation of rural lands by creating an average density of one lot per hectare, allowing for an acceptable increase in population, while not fragmenting larger agricultural lots."*

Officer Comment The land is within an area identified within Council's Residential Land Strategy 2011 as having potential for residential growth. Some fragmentation of this land is envisaged by this strategy.

b) Consolidation within and on land contiguous with existing towns and villages be preferred over smaller lot subdivision away from existing towns and villages.

Applicant's Response *"It is submitted that the proposal is within a location which has access to services and facilities and is contiguous with residential lots along Bells Line of Road associated with Kurmond Village."*

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This policy statement has been adopted by the Hawkesbury Residential Lands Strategy in Section 6.5 – Rural Village Criteria:

Cluster around or on the periphery of villages

Cluster around villages with services that meet existing neighbourhood criteria services as a minimum (within 1 km radius)"

Relevantly, the Hawkesbury Residential Land Strategy draws on effective 1km radius around the Kurmond Village. The subject land is within that radius.

- c) No subdivision along main roads and any subdivision to be effectively screened from minor roads.

Applicant's Response *"Bells Line of Road is a main road. The proposal intends to utilise the proposed single access to Bells Line of Road on the adjoining property, 396 Bells Line of Road. This new intersection is supported by Council and the NSW Roads and Maritime Services.*

The land falls away from Bells Line of Road. Bells Line of Road is development with narrow residential lots which screen views into the land. The proposed lots will have frontage and access to new internal roads. The proposed subdivision will not be readily visible from this road and access to that road will be restricted.

As part of the subdivision of the adjoining land, the RMS has approved intersection works at Bells Line of Road and the proposed road which will result in management of traffic movements in and out of the subdivision."

Officer Comment *Whilst this Planning Proposal includes access from Bells Line of Road future development will be located below the ridgeline and behind existing properties, preserving existing views and vistas along this main road, and the character of Bells Line of Road in the locality.*

- d) No subdivision along ridgelines or escapements.

Applicant's Response *"Bells Line of Road follows a minor ridgeline. The land which is proposed to be subdivided falls away from the road to the north, which reduces visual impact of the proposal. As the land slopes toward the north east, development would be screened by vegetation both in and beyond the riparian corridor. Lots of 1ha will be able to retain vegetation to assist in reducing any visual impacts. Further, any proposed subdivision can be required to implement street tree planting along the proposed internal roads."*

- e) Where on site effluent disposal is proposed, lots are to have an area of at least one (1) hectare unless the effectiveness of a smaller area can be demonstrated by geotechnical investigation.

Applicant's Response *"This policy statement has been adopted by the Hawkesbury Residential Lands Strategy in Section 6.5 – Rural Village Criteria:*

Be able to have onsite sewerage disposal

Sydney Water Corporation has advised that there is capacity within the North Richmond Sewerage Treatment Plant to accept sewage from the proposal. The proponent has provided private main from the site to the existing Sydney Water main in Bells Line of Road at North Richmond as part of the adjoining subdivision at 396 Bells Line of Road. That system

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has been designed to provide for a subdivision of the subject land and has capacity for an additional 20 residential lots. There is therefore sufficient capacity to provide reticulated sewage disposal for the anticipated development.

It is submitted that reticulated sewer will provide a better environmental outcome and the Planning Proposal is therefore consistent with this policy statement."

- f) The existing proportion of tree coverage on any site is to be retained or enhanced.

Applicant's Response *"The Planning Proposal will have minimal impact on tree coverage. The subdivision concept has been designed to retain riparian vegetation within individual lots. It is not intended to clear trees other than for proposed road works. Additional plantings as part of subdivision works will enhance the overall tree coverage of the land."*

Officer Comments The rear two thirds of the property is identified as 'Significant Vegetation' and 'Connectivity between Significant Vegetation' as identified on the Terrestrial Biodiversity Map of LEP 2012. Council's mapping identifies the area of 'Significant Vegetation' as being Shale Sandstone Transition Forest, an endangered ecological community under the *Threatened Species Conservation Act 1995*. The Flora and Fauna Assessment Report states that *"this community on site is in a degraded form with only canopy species present, excepting for the area along the waterway through the site, which has 3 levels of strata in situ."*

The concept subdivision proposes 1 lot, centrally located on the subject site, with a minimum of 2 hectares in size to accommodate the major watercourses and associated riparian corridors in a single lot.

It is envisaged that future development of the subject site for subdivision, roads, access, buildings and asset protection areas would require the removal of trees to accommodate development. Future development would also be subject to Clause 6.4 – *Terrestrial biodiversity* of LEP 2012, which promotes the principles of avoid, minimise or mitigate the impacts of development, including the removal of vegetation.

The subdivision concept plan has been designed to minimise the removal of native trees by locating building envelopes and asset protection areas within areas that have been previously cleared or disturbed and contain minimal vegetation cover.

- g) Any rezoning proposals are to require the preparation of environmental studies and Section 94 Contributions Plans at the Applicant's expense.

Applicant's Response *It is submitted that an environmental study is not required, as sufficient information is provided with the Planning Proposal in accordance with Department of Planning Local Plan Making Guidelines.*

Discussions have been held with Council officers about a possible Section 94 Plan and/or Special Infrastructure Contribution. At this stage no work has commenced on the plan and it is possible that the developer would enter into a voluntary planning agreement with the Council, should the Section 94 plan not be completed in time.

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Officer Comments

As per the Department of Planning, Industry and Environment's guidelines for planning proposals, the Applicant has identified the relevant environmental considerations for the proposal, including flora and fauna, watercourses, contamination and bushfire, and have provided specialist reports on these matters:

- Phase 1 Preliminary Environmental Site Assessment
- Bushfire Hazard Assessment
- Flora and Fauna Assessment

- h) Community title be encouraged for rural subdivision as a means of conserving environmental features, maintaining agricultural land and arranging for the maintenance of access roads and other capital improvements.

Applicant's Response

"The form of title of subdivision is more appropriate for discussion in the lead up to a development application, once the Planning Proposal has progressed to the final stage."

Officer Comments

The form of title for a subdivision is a matter for consideration with a development application for any subdivision, where the most appropriate form of titling can be determined dependant on the need for the preservation of particular environmental features, and whether appropriate access arrangements to future allotments are provided.

DISCUSSION

Assessment of the Merits of the Planning Proposal

Council's Interim Policy 28 July 2015 – Development Principles

On 28 July 2015 Council adopted the following development principles to be considered in the assessment of planning proposals within the Kurmond and Kurrajong Investigation Area:

1. *Essential services under LEP 2012 and fundamental development constraints are resolved.*
2. *Building envelopes, asset protection zones (APZs), driveways and roads are located on land with a slope less than 15%.*
3. *Removal of significant vegetation is avoided.*
4. *Fragmentation of significant vegetation is minimised.*
5. *Building envelopes, APZs, driveways and roads (not including roads for the purposes of crossing watercourse) are located outside of riparian corridors.*
6. *Road and other crossings of water courses is minimised.*
7. *Fragmentation of riparian areas is minimised.*
8. *Removal of dams containing significant aquatic habitat is avoided.*

In response to these development principles the following matters are of particular relevance:

Topography

The land varies in height from approximately 90m AHD at the Inverary Drive road frontage to approximately 60m AHD at the watercourse which runs north-west to south-east through the centre of the property. From this watercourse the land rises to a level of approximately 80m AHD at the rear of the

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subject site. Based on Council's slope mapping, the subject site contains some land having slopes in excess of 15%, particularly around the watercourses and at the front of the property.

The areas on the subject site that have slopes in excess of 15% are represented by the orange arrows in Figures 4 and 5 below.

The adopted development principles require building envelopes, asset protection zones (APZs), driveways and roads to be located on land with a slope less than 15%.

Figure 5 demonstrates that there is adequate area on proposed lots 101 to 106 to accommodate building envelopes, asset protection areas and driveways on land with slopes less than 15%. It is noted that an existing dwelling house is located on proposed lot 100. Figure 6 demonstrates that the proposed building envelopes, including asset protection areas are generally located on land with slopes of less than 15%.



Figure 5 - Slope Analysis - Eastern Area of Subject Site

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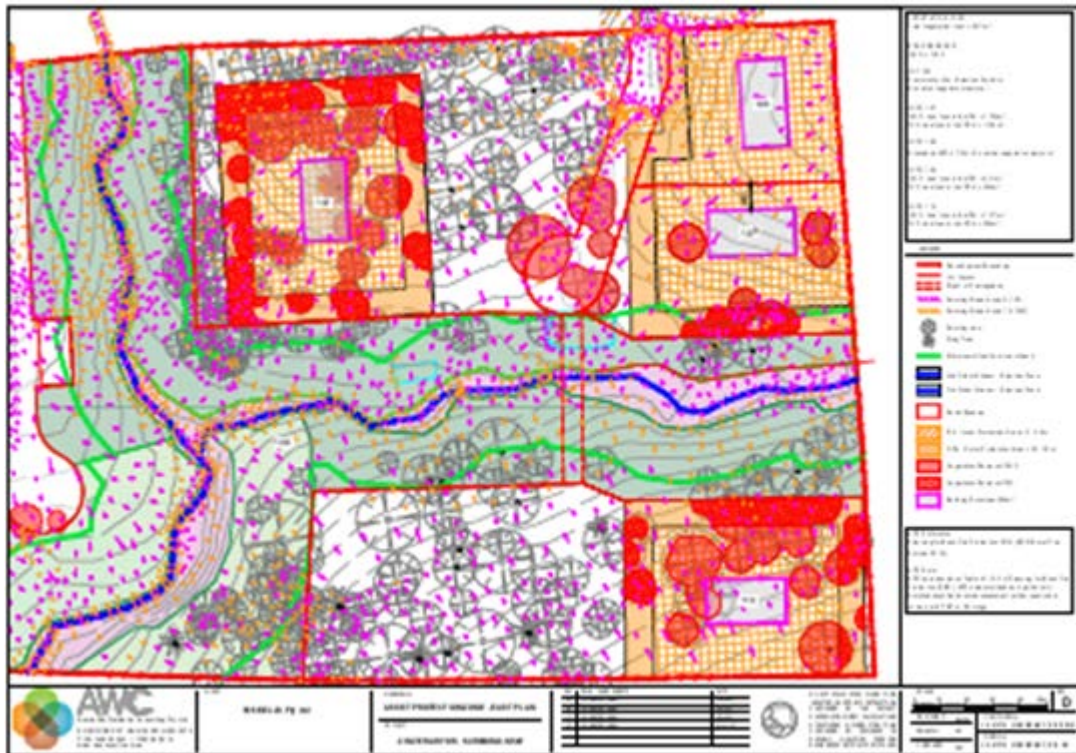


Figure 6 - Slope Analysis – Western Area of subject Site

Ecology

Council vegetation mapping records the subject site as containing Shale Sandstone Transition Forest and Shale Plains Woodland, which are a critically endangered ecological community under the Biodiversity Conservation Act 2016. The Shale Sandstone Transition Forest is located principally within the rear two thirds of the land, whilst the Shale Plain Woodland is located at the front of the property where the existing dwelling house is located.

These vegetation communities correspond to the areas mapped as 'Significant Vegetation' and 'Connectivity between Significant Vegetation' on the Terrestrial Biodiversity Map of Hawkesbury Local Environmental Plan 2012, as shown in Figure 7 below. Figure 8 shows the corresponding vegetation that is located in these areas.



Figure 7 - Mapped Significant Vegetation

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Figure 8 - Aerial Photo of Subject Site

An Ecological Assessment Report was submitted in support of the Planning Proposal. The Report states that *"The site has experienced high levels of disturbance through clearing of trees and agriculture, mostly cattle grazing. The site has been changed historically through tree removal, weed invasion and suppression of vegetation by cattle grazing and regular slashing. Weed invasion is prevalent over the site with species such as Fireweed and Lantana prevalent throughout."*

The revised concept has prioritised locating the majority of the disturbance footprint within the most highly disturbed areas of the site, which have low canopy cover and currently experience slashing, grazing, underscrubbing and exposure to edge effects..."

The adopted development principles require planning proposals to avoid the removal and minimise the fragmentation of significant vegetation. In addition, it requires that impacts on watercourses, riparian areas and aquatic habitat are minimised and/or avoided, including the retention of dams containing significant aquatic habitat.

The amended Planning Proposal is considered to be consistent with the development principles adopted by Council given that the subdivision concept plan has been designed to:

- Minimise the removal of native trees by locating building envelopes and asset protection areas within areas that have been previously cleared or disturbed and contain minimal vegetation cover, and
- Contain the two watercourses and associated riparian corridor within a single lot.

The Ecological Assessment Report also identifies that the site is mapped under the Biodiversity Conservation Act 2016 as having 'Biodiversity Values' and therefore will require any removal of vegetation to be offset at development stage:

"It is noted that the future development of the site will trigger the Biodiversity Offset Scheme (BOS) established in the BC Act due to impacting on biodiversity Value Land (refer Figure 2-1). As such a Biodiversity Development Assessment Report (BDAR) would be required to determine offset credit

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requirements based on impacts to vegetation communities and threatened species habitats, including species or communities deemed at risk of serious and irreversible impacts (SAIL)."

Zone Objectives

The subject site is zoned RU1 Primary Production under Hawkesbury Local Environmental Plan 2012. In dealing with all other planning proposals within the former Kurmond Kurrajong Investigation Area the subsequent amendments to Hawkesbury Local Environmental Plan 2012 agreed to by Council have not altered the zoning of the respective sites, nor the zone objectives.

The Land Use Table of the Hawkesbury Local Environmental Plan 2012 establishes the following zone objectives for the RU1 Primary Production zone:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage agricultural activities that do not rely on highly fertile land.*
- *To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.*
- *To promote the conservation and enhancement of local native vegetation including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.*
- *To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.*
- *To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.*

Clause 2.3(2) of Hawkesbury Local Environmental Plan 2012 outlines that Council “*must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone*”.

However, it should be noted that there is no requirement for a subsequent development to be consistent with all the objectives of a zone particularly when the development satisfies all other applicable development standards.

A future development application over the subject site should this Planning Proposal proceed will have regard to the zone objectives at the time. However, it should be noted that in dealing with all planning proposals that have proceeded towards a Local Environmental Plan Amendment to date, the specific approach by Council was to amend the minimum lot sizes as expressed through the Lot Size Map.

Character, Views and Vistas

In order to address the need to consider scenic and visual amenity as required by the Western City District Plan, the Kurmond and Kurrajong Landscape Character Study provides guidelines for future development within the former Kurmond Kurrajong Investigation Area, including the following principles which are relevant to the subject Planning Proposal:

- *Prevent development and subdivision from sprawling and create a buffer between residential and active rural land uses.*
- *Ensure rural lot sizes maintain low density, optimise ecological corridors and open views.*
- *Retain, protect and regenerate vegetation corridors identified in mapping.*
- *Do not permit small lot (<0.5ha) development of land identified as high, very high priority (habitat).*
- *Prevent rezoning of critical land parcels that provide significant view corridors.*

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- *Permit rezoning and subdivision of land deemed appropriate/lower order in terms of views.*
- *Prevent creation of small lot sizes.*
- *Document and maintain key regional and district views (see maps).*
- *Interpret views at key locations.*

On 31 July 2018, Council considered a report on the matter and resolved to apply the approach adopted in the Study.

The Kurmond and Kurrajong Landscape Character Study identifies 4 landscape character types which are identified on the Landscape Character Map. Two of these landscape character types occur on the subject site, including:

Ridgeline streets: *The landscape character along the ridgeline is predominantly urban. Roads such as The Bells Line of Road, Old Bells Line of Road and Kurmond Road run along the ridgelines. Their elevated position provides views of the Richmond Lowlands and the Blue Mountains.*

Pastoral valleys: *The rural character of the region is defined by the lightly sloping open pastures with scattered trees over gently sloping terrain. Significant areas of land have been cleared for grazing and agricultural uses. Properties are dotted amongst the hills and valleys of the landscape situated between groupings of trees.*

Figure 9 below shows the areas on the subject site identified as 'ridgeline streets' or 'pastoral valleys'.

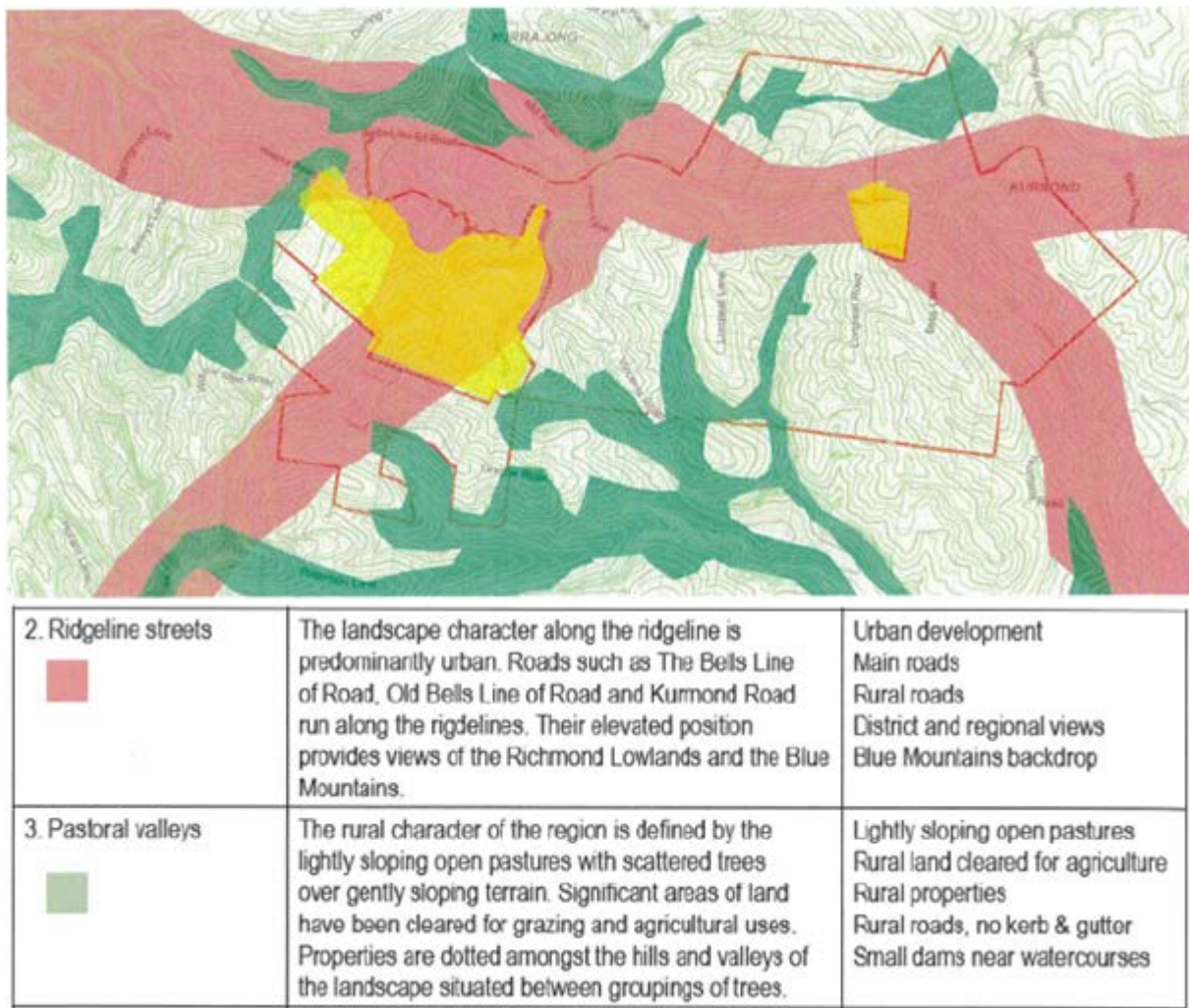


Figure 9 - Portion of Subject Site within 'Ridgeline Streets' or 'Pastoral Valley' Landscape Character

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The Kurmond and Kurrajong Landscape Character Study identifies that “*the pastoral character contributes to the scenic qualities of the area by virtue of the lack of buildings*”.

Areas within the subject site are mapped as ‘Significant Vegetation’ under the Hawkesbury Local Environmental Plan 2012, and as a result the requirements of Clause 6.4 – *Terrestrial biodiversity* will apply to the future development of the land.

The ‘Biodiversity Priority Rank’ vegetation map included as part of the Kurmond and Kurrajong Landscape Character Study provides rankings for the subject site as low, moderate and very high.

The ranking of very high priority habitat, which corresponds to the areas around the existing watercourses reinforces the significance of the vegetation as identified under the Hawkesbury Local Environmental Plan 2012.

As identified in the Kurmond and Kurrajong Landscape Character Study, a minimum lot size of 5,000m² is required for sites within very high priority habitat. The sizes of proposed lots within the very high priority habitat areas of the sites are consistent with this requirement, being a minimum of 1 hectare.

The subject sites are located within identified significant view/vista corridors as shown in Table 1.

Table 1: Significant View/Vista Corridors

Corridor	Description	Significance	Action
F	Rural residential with views to rolling landscape	Medium	Retain and protect view
R	Rural properties in the foreground and views over the Richmond lowlands in the distance	Medium-High	Retain and protect view

The Kurmond and Kurrajong Landscape Character Study requires that district and regional views be maintained.

Having regard to the significance of the view/vista corridors described in Table 1 above, and the landscape character of the subject site, it is considered that future development as a consequence of this amended Planning Proposal will have no significant adverse impacts on that character and the view/vista corridors given that:

- The density/scale of future development will not be unlike that which exists, and therefore no significant additional impacts on the ‘Pastoral Valley’ character is expected.
- Future development of new vacant lots will not obstruct views to the Richmond Lowlands as they will be sited on land at a lower level than viewing point.
- The existing dwelling house will be located on proposed lot 100 which fronts Bells Line of Road/Inverary Drive, and therefore there will be no change to the visual character of this main road corridor as a result of the Proposal.

Agricultural Land Classification

The site is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture. These lands are described by the classification system as:

- "3. *Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with sown pasture. The overall production level is moderate because of edaphic factors or environmental constraints. Erosion hazard, soil structural*

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breakdown or other factors including climate may limit the capacity for cultivation, and soil conservation or drainage works may be required."

Given the proximity of the site to surrounding rural residential properties, and the size and slope of the site and its proximity to Kurmond Village, it is considered that it is unlikely the site could support a substantial or commercially sustainable agricultural enterprise.

Access and Transport

The subject site is accessed via Bells Lane or Bells Line of Road. Public transport is limited to the Westbus Route 680 service between Richmond and Bowen Mountain and Route 682 service along Bells Line of Road between Richmond and Kurrajong. The Route 682 service operates every 30 minutes during peak periods. Given the limited frequency of services, future occupants of the proposed subdivision will most likely rely upon private vehicles for travel and transportation purposes.

Section 94 Contributions or a Voluntary Planning Agreement

On 10 November 2015 Council considered a report on Voluntary Planning Agreements for the Kurmond and Kurrajong Investigation Area and resolved as follows:

"That:

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

In response to this resolution the owner of the subject site has offered to enter into a Voluntary Planning Agreement with Council that would result in the developer paying a cash contribution to Council to the value of \$30,000 per additional housing lot. The draft Voluntary Planning Agreement is attached to this report and, if the recommendation is adopted by Council, the draft Voluntary Planning Agreement will require public exhibition.

COMMUNITY ENGAGEMENT

The Gateway Determination received from the Department of Planning, Industry and Environment advised to proceed with the Planning Proposal subject to certain conditions, including the following:

- "2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:*
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and*
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A guide*

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to preparing local environmental plans' (Department of Planning and Environment, 2016).

3. Consultation is required with the following public authorities and organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
- NSW Office of Environment and Heritage;
 - NSW Roads and Maritime Services
 - NSW Office of Water;
 - NSW Rural Fire Service, prior to public exhibition; and
 - Geological Survey of NSW.

In accordance with the Gateway Determination requirements:

- The relevant public agencies were consulted under section 3.34(2)(d) of the Environmental Planning and Assessment Act 1979 on 26 May 2020.
- The community was consulted under sections 3.34(2)(c) and Schedule 1 clause 4 of the Environmental Planning and Assessment Act 1979 from Monday 29 June 2020 to Monday 27 July 2020.

Government Agency Consultation

Council received responses from NSW Rural Fire Service, the Department of Planning, Industry and Environment - Environment, Energy and Science Group, Transport for NSW (Roads and Maritime Services), and Geological Survey of NSW as outlined below:

NSW Rural Fire Services

In their letter of 4 August 2020, the NSW Rural Fire Services raised no objection to the Planning Proposal, and highlighted that future development will be required to meet the requirements of the Rural Fires Act 1997 and the document 'Planning for Bush Fire Protection 2019'.

Department of Planning, Industry and Environment - Environment, Energy and Science Group

The Environment, Energy and Science Group advised that they "*consider that the Flora and Fauna Assessment Report (FFAR) prepared by Envirotech dated 2016 is inadequate and invalid and the condition of the vegetation on site has been underestimated.*" As a consequence, a further Ecological Assessment Report was prepared by Australian Wetlands Consulting P/L, and it is considered that the methodology and assessment of the likely impacts of the proposal on flora and fauna has been undertaken satisfactorily.

The Environment, Energy and Science Group suggested that a lower lot yield is warranted, with larger lots to protect existing vegetation, including critically endangered ecological communities. It is noted that at the time of consultation, the Planning Proposal sought a total of 36 lots. Since that time, the Proposal has been amended to incorporate larger lots for the protection of vegetation, watercourses and riparian corridors, with a total lot yield of 11 allotments, with minimum lot sizes of 4,000m², 1ha and 2ha.

Transport for NSW

Transport for NSW raised matters in relation to future cumulative traffic impacts resulting from similar proposals, and suggested a site-specific development control plan for the Proposal and that Council undertake an access strategy for Kurmond in general that is funded through a contributions plan.

Council has undertaken a Local Government Area wide traffic study in order to inform decision making. The scenario modelling of the proposed dwellings within the former Kurmond Kurrabung Investigation Area indicated that development within the investigation area would not have a significant impact on the road network.

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Geological Survey of NSW

In their response dated 27 July 2020, the Geological Survey of NSW – Mining, Exploration and Geoscience advised that “GSNSW has reviewed the proposal documentation and has no resource sterilisation concerns to raise regarding the proposal.”

Community Consultation

The Planning Proposal and other supporting documentation was publicly exhibited for the period Monday 29 June 2020 to Monday 27 July 2020. It should be noted that at the stage of public exhibition, the Planning Proposal was to facilitate the development of 36 lots on the subject site, whereas the amended Planning Proposal facilitates the development of the site for a total of 11 lots.

Throughout the exhibition period, the Planning Proposal and other supporting documentation was made available to view on Council’s online community engagement site www.yourhawkesbury-yoursay.com.au. Public notices were placed in the ‘Hawkesbury Courier’ local newspaper and letters were sent to the adjoining property owners/occupiers advising of the public exhibition of the planning proposal.

Council received six submissions which have been attached as Attachment 1. The matters raised in the submissions are discussed below:

- The traffic between Richmond and North Richmond needs to be resolved and a new bridge crossing in place before new developments are approved. Further subdivision will only increase traffic congestion, and the impacts on infrastructure and services, especially emergency services that have trouble getting over the bridge. The Proposal will increase traffic at the intersection of Bells Line of Road and the new road associated with the subdivision of 396 Bells Line of Road.

Officer Comment: Council has undertaken a Local Government Area wide traffic study in order to inform decision making. The scenario modelling of the proposed dwellings within the Kurmond Kurrajong Investigation Area indicated that development within the investigation area would not have a significant impact on the road network.

- Minimum lot size of 2,000m² is overdevelopment, suburban in nature and will result in the loss of the peaceful rural character of the locality. The proposed landscaping and buffer plantings are contrary to the open character of the landscape.

Officer Comment: Since exhibition of the Planning Proposal, further discussions have taken place between the Applicant, Council officers and the Department of Planning, Industry and Environment to determine a suitable minimum lot size and lot yield based on the constraints of the subject site. In this regard, the Proposal has been amended to accommodate 11 lots with minimum lots sizes of 4,000m², 1ha and 2ha. These lot sizes are considered appropriate having regard to the protection of watercourses, riparian vegetation and endangered ecological communities, and the maintenance of the rural character and existing views and vistas as discussed previously in this report.

- The portion of Watercourse B located on an adjoining property has been rehabilitated and is habitat to native animals. Concern is raised with the loss of connectivity, as Watercourse B on the subject site is not being retained.

Officer Comment: The Planning Proposal has been amended to retain and rehabilitate/revegetate Watercourse B and its associated riparian corridor.

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Minister is the Plan Making Authority

In accordance with the Gateway Determination, the Minister for Planning and Public Spaces through the Department of Planning, Industry and Environment are the plan making authority for this proposal.

As a result, the Minister for Planning and Public Spaces will have the final determination in making the plan.

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 Environment

- 3.1 The natural environment is protected and enhanced
 - 3.1.4 Minimise our community's impacts on habitat and biodiversity and protect areas of conservation value.
- 3.4 The sustainability of our environment is improved
 - 3.4.2 Development is functional, attractive and sympathetic with the environment, and avoids unnecessary use of energy, water and other resources.

Our Future

- 5.3 Shaping our Growth – Respond proactively to planning and the development of the right local infrastructure.
 - 5.3.3 Plan for a balance of agriculture, natural environment and housing that delivers viable rural production and maintains rural character.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

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

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.

ATTACHMENT:

- AT - 1** Copy of Public Submissions.
- AT - 2** Draft Voluntary Planning Agreement - *(Distributed under separate cover)*.

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AT – 1 Copy of Public Submissions

From: [REDACTED]
To: [Hawkesbury City Council](#)
Subject: My say
Date: Wednesday, 1 July 2020 6:30:03 PM

**Planning Proposal (LEP005/14) - Lot 2 DP 600414, 2
Inverary Drive, Kurmond**

This proposal must not be approved until the traffic problems from Richmond to Nth Richmond are solved. It is irresponsible and detrimental to the community for new developments to be approved before a new crossing over the Hawkesbury River is in place.



Sent from my Samsung Galaxy smartphone.

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From: [Your Hawkesbury Your Say](#)
To: [REDACTED] [Hawkesbury City Council](#)
Subject: completed Your Submission
Date: Monday, 6 July 2020 8:50:08 PM

[REDACTED] just submitted the survey Your Submission with the responses below.

First name

[REDACTED]

Surname

[REDACTED]

Postal address

[REDACTED], Kurmond NSW 2757

Email address

[REDACTED]

Your submission

I do not support the further subdivision of lots within the Kurmond/Kurrajong areas. For one thing, the planning laws exist for a reason; why is it that every time a developer approaches HCC, they feel the need to “amend” the planning laws? But if a property wanted to add a granny flat, for an existing member of their household to live in, that’s not allowed? In that example, you’re not adding to the issue that is lacklustre infrastructure, because the people who would occupy the granny flat already live in the area. Secondly, as mentioned, infrastructure. The local roads are already choked beyond a joke. The “upgrades” along Bells Line of Road at North Richmond, if you can even call them upgrades, have done little, if anything, to alleviate the existing road congestion. The public transport on this side of the river is virtually nonexistent, and not to mention emergency services have to already deal with abysmal traffic to get over this side. Subdividing and adding more properties is only going to make a bad situation worse. Is it going to take a death of a citizen, because emergency services couldn’t manoeuvre their way through peak traffic quick enough, for HCC to realise these issues? If residents within the area don’t put their foot down now, then Kurmond and Kurrajong may as well be called Richmond 2.0.

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From: [REDACTED]
To: [Hawkesbury City Council](#)
Subject: LEP005/14
Date: Monday, 6 July 2020 4:35:19 PM

[REDACTED]
Kurrajong
NSW 2758

Land owner, rate payer and lifetime Hawkesbury resident.

I am outraged to hear of the proposal to change the minimum lot size of 2,000m² or 2ha at the Kurmond development site of 2 Inverary Drive (Lot 2 DP 600414).

Please leave the minimum land size at 2,000m. This is a beautiful, semi rural area, and many residents have only come to terms with this development based on knowing that the lots were half acre. Changing the lot size now means the people of this community were deceived and may have fought harder in this initial planning stages of the original development proposal.

I am so disappointed that this is being considered and will be so incredibly disappointed in our council if they allow this to go ahead.

Save the community and allow this area to remain the peaceful, green haven that it is.

The massive development at north Richmond is bad enough (and still unbelievable that this was ever allowed to go ahead). The council cannot continue to approve development like that. Not to mention, the more over-development of the Hawkesbury the council allows, the more traffic will build up and we all know we already have enough of a problem with the limited options getting over the bridge.

Please stop the over-development of the Hawkesbury and do not allow the minimum lot size to change.

Kind regards,
[REDACTED]

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**Submission re land affected by planning proposal for Lot 2 DP 600414, 2 Inverary Drive
,Kurmond**

I own [REDACTED] property on the east of the proposed development, [REDACTED] Silks Road.
This property has been in the family for 50 years.

I contend that reducing the lot size to 2,000m in this development and building on the
riparian zone of watercourse B is inappropriate for the following reasons:

1. Watercourse B is not dammed on our property and we have replanted the watercourse with casuarinas, paperbarks and swamp mahoganies on the advice of a council environmental officer . This was reestablished well over 25 years ago and an understory of new casuarinas and other species has developed.
2. This riparian zone is home to many frogs and reptiles. We have had a resident goanna and always a few black snakes enjoying this area. We are very concerned that this zone will be cut off from the riparian zone that is proposed to be maintained around South Creek. Connectivity for local fauna will be non-existent if the proposal goes ahead as planned.
3. Lots 123 & 124 appear to be right in the middle of the overland flow path/ watercourse B which does hold water intermittently and floods in heavy rain.
4. The abrupt change of land use from a 3 hectare site to sites of 2000m2 is inappropriate for the semirural nature of this area. This represents a significant change of density and character of the landscape. There is a need for a transition zone with larger lot sizes. Traditionally this area is open woodland/pasture with rural buildings scattered about. This proposal radically changes this character.
5. A proposed buffer zone of 5m between the development site and neighbours to be densely planted again is contrary to the open character of this landscape. However if this development goes forward a visual buffer zone will be necessary to screen the suburban character of the proposed development.

[REDACTED]
Owner

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1. Watercourse B where proposed Lot 123 and 124 are located. Overland flow path subject to flooding and continually damp.



2. Detail of overland flow path/ watercourse to west showing water sitting

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3. Re-established forest on 46 Silks Road watercourse B



4. View looking East up overland flow path/ watercourse B on 46 Silks Rd.

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The General Manager
Hawkesbury Council
PO Box 146,
Windsor NSW 2756

[REDACTED]
[REDACTED]
Kurmond 2757
Mailing : [REDACTED] Kurmond
NSW 2757

27th July 2020

Re : Referenced LEP005/14
Land : Lot 2 DP 600414, 2 Inverary Drive, Kurmond

Thank you for giving residents and business owners of Kurmond a chance to email through our submissions for Notification of Planning Proposal for the above mention land address.

We are aware there are several rezoning applications within the 1000m radial of Kurmond Village that are approved by council in recent time, but department of planning has overruled council and refused the decisions. To our surprise council has allowed submission of this proposal application, as applicant falsely suggested on page 38, figure 18 that the land is located within 1000m of Kurmond Village.

As an adjoining neighbour, we do not want to see the congestion of Bells Line of Road. As it is, we already experienced many feedbacks from patrons from the restaurant at 406, Bells Line of Road having difficulties getting entry in and out of our property. Not to say the continuous issues we will have to face from 396 Bells Line of Road's development.

With this proposal of re-zoning, has applicant taken accounted for the extra dwellings in re-zoning, this will create more traffic impact during peak hour onto Bells Line of Road from their inter-section and towards the North Richmond Bridge? In our view their intersection onto Bells Line of Road will need further improvement to accommodate the increasing traffic coming out of the estate of 396 Bells Line of road and 2, Inverary Drive. Council has continually raised this issue with others and even much smaller subdivision rezoning proposals.

If they did consider further improvement on the intersection and will our property 406, Bells Line of Road be affected by this development to accommodate, as we will strongly oppose to any further zoning or development for LEP005/14. We can anticipate it will continue to cost us financially with professional advice and any land interruption to accommodate their further development.

Thank you for taking the time to read our submission which contain our honest concerns.

Yours faithfully,

[REDACTED]

Director

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From: [REDACTED]
To: [Hawkesbury City Council](#)
Subject: Lot 2 DP 600414 , 2 Inverary dr Kurmond
Date: Monday, 27 July 2020 5:56:12 PM
Attachments: [20170614_100354.jpg](#)

Hi [REDACTED]

I spoke to you today in regards to the above Planning Proposal ending today the 27th of July, and I thank you for clarifying the confusion on my part of thinking this proposal was part of 396 Bells Line Of Road, DA 0332/16, was part of this proposal, and in fact I was horrified to hear that this is an extension if you like, to another 37 residential lots if this DA is passed, so I am resending my old submission of Strongly opposing this ludicrous proposal by the developer on the grounds of in my view of absolutely a non productive outcome of all the government spending and portraying that the roads in the Hawkesbury has been earmarked, so to speak in Improving the traffic flow for better flow of traffic congestion etc, well this proposal is negating any costly planned road improvements BIG time and has a deep negative impact on any extra improved planning to the extent where in a few years time the roads will again be more and more congested in the long term, wasting our tax payers funds in the event of this proposal to be passed, it is a no Brainer and Detrimental to commonsense planning to address two different appartments of government instead of working together, one part portrays road widening to improve traffic flow etc, and then this proposal of long term unnecessary extra vehicles will recongest the whole concept of roadworks improvements if it is passed in the second part of gov't and that being you're council and quickly we are back to the congestion of now. Please find attached my old submission obviously strongly opposing the 396 Bells Line Of Road back in 2017, but this is more detrimental of with another with 37 lots which equates to 74 more vehicles minimum plus visitors on any given day, and then the new residents kids grow up and get a licence and before you know it the MAIN ARTERY of Bells Line Of Road in a very short time is 10 or 15 years again behind the mandotary time of road use and would be again chaotic to travel on.

Thanks [REDACTED]

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From:
Sent:
To:
Subject:

Tuesday, 23 May 2017 10:18 AM
Hawkesbury City Council
Development Application Enquiry: DA0332/16

Hi,

I read statements of the newly elected Mayor of recent Mary Lyons Buckett who clearly stated that the hawksbury subdivisions will cease pending the road infrastructure improvements, and That I cannot understand how this proposal has developed this far or even considered in the Fact that the bellsline of road is so congested as it is not to mention the intersection of Terrace rd in peak hour.

The idea is astonishing and a no Brainer if councils are fairdinkum in a fair go for the other people who already live here and it would be contradicting to the vision of better planning of our roads infrastructures for all road users.

Although this may not be considered to council as a hinderence in our submission the fact is that Me and my wife have only recently purchased our property for a better quality of life to live here in this current Rural outlook was what appealed to us and the quietness to purchase for over a million dollars and for this proposal will detract from our lifestyle.

We at our age do not want to go through selling and moving again when clearly this proposal is a no Brainer to anyone except the land owner the developer and of course Hawkesbury City Council in retrespect.

Why can't the Bellsline of road be vastly improved in the first instance to the extent where it will cope with the already heavy traffic and the extra 37 lots , then reconsider this proposal after the roadworks is completed as I previously mentioned before, I cannot understand as stated by the current Mayor re subdivisions what has changed to relax this plan.

Maybe Hawkesbury City Council could lead by example to other shires in Sydney and refuse this proposal on road infrastructure alone what about our shopping centres they would need extra parking , what about our Doctors appointments, what about our Hospital both are exhausted on appointments and waiting cues, Will this be considered by the decision making if so could it be shown that some department has done a study or is it the case where like the roads scenario turn a blindeye to it all and keep on promising a better planning in the Hawkesbury.

I will await for plannings response to all the points that I raised in this our submission.

Yours Sincerely

Sent from my Samsung GALAXY S5 on the Telstra Mobile network

oooO END OF REPORT Oooo

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Item: 225 **CP - Review of Hawkesbury Local Environment Plan 2012 - (95498, 124414)**

Previous Item: 146, Ordinary (11 August 2020)
 204, Ordinary (13 October 2020)

Directorate: City Planning

PURPOSE OF THE REPORT:

The purpose of this report is to outline that a review and update of the Hawkesbury Local Environmental Plan 2012 (Hawkesbury LEP 2012) has been undertaken as part of the LEP Roadmap process. The planning proposal associated with this review of the LEP intends to undertake amendments to the Hawkesbury LEP 2012 through both the standard instrument and map amendments. These amendments to the Hawkesbury LEP 2012 are intended to align the LEP with the Greater Sydney Region Plan, the Western City District Plan and Council's Local Strategic Plans.

It is intended to undertake the Hawkesbury LEP 2012 Review and Update as a staged process, the first stage being the Planning Proposal, as attached as Attachment 1 to this report.

EXECUTIVE SUMMARY:

Council has undertaken a review and update of the Hawkesbury LEP 2012 as part of the NSW Governments LEP Roadmap process. Council is now at the last phase of the LEP Roadmap process, where a planning proposal must be prepared to amend the Hawkesbury LEP 2012 in order to ensure that it is consistent with the NSW Planning Framework and aligns with local strategic plans, specifically the Hawkesbury Local Strategic Planning Statement 2040.

The review of the LEP is to be undertaken in a staged process so that Council will be in a position to consider the implications of further policy changes being proposed by the NSW Government, namely:

- Proposed Housing SEPP
- Proposed Design and Place SEPP
- Proposed Agritourism SEPP
- Employment Zones Reforms
- Short Term Rental Accommodation provisions
- Natural Hazards provisions
- Review of Infrastructure SEPP
- Draft State Significant Agriculture Map
- Review of Vegetation SEPP
- Proposed Fun SEPP
- Flood Prone Land Package.

The planning proposal introduces a new zone (B3 Commercial Core), noting that there will be changes to commercial and industrial zones as a result of the Employment Zones Reforms, introduces new Floor Space Ratio provisions in the Hawkesbury LEP 2012 for the first time and undertakes a number of other updates such as correcting zoning and mapping anomalies together with clause improvements within the standard instrument to enable the Hawkesbury LEP 2012 to become a robust and contemporary document that is easy to interpret and produces optimum economic, social and environmental outcomes for the local government area. The proposed amendments are outlined in this report.

Council was not considered by the NSW Government to be one of the fast-tracked councils to undertake the work associated with the review of the LEP, and as such did not receive the \$2.5M funding provided to other metropolitan Sydney councils to undertake this LEP Review work. As such, all of the work to enable

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this LEP review and planning proposal has been undertaken in-house, whilst also attending to all other strategic planning matters.

RECOMMENDATION:

That Council:

1. Endorse the preparation of the Planning Proposal included as Attachment 1 of the report to amend the Hawkesbury Local Environment Plan 2012 and commence the LEP Amendment process.
2. Seek advice from the Hawkesbury Local Planning Panel as required by the Environmental Planning and Assessment Act and Regulation.
3. Subject to the advice provided by the Hawkesbury Local Planning Panel submit the Planning Proposal to the Department of Planning, Industry and Environment, requesting a Gateway Determination.

BACKGROUND

In March 2018, the NSW Government launched the new NSW Planning Framework which includes the Greater Sydney Region Plan - 'A Metropolis of Three Cities' and the five supporting District Plans, including the Western City District Plan which is relevant to the Hawkesbury local government area.

These documents established the future vision for Greater Sydney to 2056. The planning framework was aligned with the Infrastructure NSW's State Infrastructure Strategy and Transport for NSW's Future Transport 2056, coordinating between all levels of Government to align infrastructure and growth.

This was further reinforced through the amendments to the Environmental Planning and Assessment Act 1979, which embed a statutory requirement for councils to undertake a LEP Health Check to identify the gaps that their LEP's had in order to implement the NSW Planning Framework. Following the LEP Health Check the Hawkesbury Local Strategic Planning Statement 2040 a 20-year land use vision was prepared and adopted by Council.

Council is now at the last phase of the LEP Roadmap process, where a planning proposal has been prepared to amend the Hawkesbury LEP 2012 to ensure that it is consistent with the NSW Planning Framework and aligns with the Hawkesbury local strategic plans, specifically, the Hawkesbury Local Strategic Planning Statement 2040.

The Hawkesbury Local Environmental Plan (LEP) 2012 was gazetted and came into effect on 21 September 2012 which subsequently repealed the Hawkesbury Local Environmental Plan 1989. The planning proposal undertakes a major review of the Hawkesbury LEP 2012, introduces a new zone, provisions such as Floor Space Ratio, adopts standard instrument clauses that were not able to be undertaken during translation of LEP 1989, and ensures that the LEP 2012 is consistent with the current NSW planning framework.

It is intended to undertake the Hawkesbury LEP Review and Update as a staged process. The first stage being the Planning Proposal is included as Attachment 1 to this report, which specifically seeks to amend the Hawkesbury LEP 2012 matters as follows:

1. Amendment of certain zone objectives.
2. Amendment of Land use table to allow and remove certain uses from each zone.
3. Introduce secondary dwellings in rural zones.
4. Detached dual occupancy in rural zones.
5. Secondary dwelling provisions in residential zones.
6. Seniors housing provisions in certain areas above 1in 100 ARI.
7. Introduce Design Excellence Clause.

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8. Introduce B3 Commercial Core zone.
9. Correcting sport zone anomalies within the Richmond Town Centre.
10. Rezoning certain land in Glossodia and amending its Lot Size provisions.
11. Rezoning Richmond Lowlands to RU1 Primary Industry.
12. Rezoning land in Windsor Station Precinct to B1 Neighbourhood Centre.
13. Rezoning land adjacent to the Mulgrave Industrial Precinct.
14. Correcting zoning anomalies of open spaces (included as Attachment 2).
15. 10 Bridge Street, Windsor – amend zoning and acquisition layer following advice from Transport for NSW that acquisition is no longer required.
16. Correction of Height of Buildings anomaly of the South Windsor Town Centre.
17. Minimum Lot Size provisions for larger RU1 and RU2 lots.
18. Introduce Floor Space Ratio provisions for R3, B1, B2, B3, IN1 and IN2 zones.
19. Adjust Heights of Buildings for B2 and B3 zones.
20. Amend Clause 4.1 Minimum Subdivision Lot Size and 4.1C Exceptions to Minimum Subdivision for Rural Large Lot Residential zones.
21. Introduce Architectural Roof Features Clause 5.6 provisions.
22. Reclassification of 1913 & 1905 Bells Line of Road (Tutti Frutti).

NSW Planning Context:

The planning proposal is anticipated to give effect to the objectives and actions of the applicable Regional, District and Local Plans and Strategies. The planning proposal seeks to bridge the gap of the Hawkesbury LEP 2012 provisions by reflecting the recommendations of the Plans and Strategies outlined below:

Metropolis of Three Cities (Greater Sydney Region Plan):

The Greater Sydney Region Plan is a 40-year vision of the three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. This is consistent with the 10 Directions in Directions for the Greater Sydney. The vision brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity, and sustainability by spreading the benefits of growth.

The Greater Sydney Region Plan states that providing adequate infrastructure to support population growth is essential to creating strong communities. One mechanism to better align growth with infrastructure is the growth infrastructure compact which would assess the nature, level and timing of infrastructure required for an area in light of its forecast housing and employment growth, including analysis of growth scenarios. The sequencing, optimising and adaptability of infrastructure are also considered as part of managing infrastructure delivery with growth. Hence, the Hawkesbury LEP 2012 review and update are consistent with the Greater Sydney Region Plan.

The Western City District Plan:

The Western City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at the local scale. The Western City District Plan collectively classes Windsor and Richmond as a strategic centre, recognising its expanded role as a hub for retail and commercial services including the health, defence and education precinct.

The District Plan has set a dwelling target of 1,150 for the first 5 years and the remaining targets left at Council's projection to be achieved by 2036. The Hawkesbury Local Housing Strategy has responded to the District Plan and the various constraints and opportunities, and has been endorsed by the Department of Planning Industry and Environment.

Currently, Hawkesbury has the capacity to meet its housing targets for the first 5 years and beyond through the Greenfield release areas including Vineyard Precinct Stage 1, Redbank, and Jacaranda. However, housing opportunities beyond 2031 will be achieved through this Hawkesbury LEP 2012 amendments through the Floor Space Ratio provisions in the R3 Medium Density Residential zones and

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higher Height of Buildings provisions in the R3, B1, B2 and B3 zones where the business zones will achieve shop top housing.

Hawkesbury has a higher base employment target of 16,500 jobs in Richmond and Windsor, from a 2016 base of 10,300 jobs, which means that Council has to facilitate an increase of 37.6% of employment opportunities to meet its employment target within Richmond and Windsor. In order to meet this increase of 37.6% employment target, Council will have to increase its non-residential gross floor area by additional 20%, which is achievable through expanding the employment lands.

Hence, the Hawkesbury LEP 2012 review and update is consistent with the actions of the Western City District Plan.

Hawkesbury Local Strategic Planning Statement 2040:

The Hawkesbury Local Strategic Planning Statement (LSPS) 2040 is a 20-year land use vision for Council which includes special local characteristics, shared community values and actions to manage growth and change and provides a line-of-sight between the State, District and Local Level (Community Strategic Plan 2017-2036) Planning Framework.

The Hawkesbury Local Strategic Planning Statement 2040 is based on the 10 Directions and four themes identified through the Sydney Region Plan and the Western City District Plan. The four themes being:

- Infrastructure and Collaboration
- Liveability
- Productivity
- Sustainability

Infrastructure and Collaboration:

The preliminary work and studies prior to the making of the Hawkesbury LSPS identified that the Hawkesbury Local Government Area has a significant shortfall of major infrastructure. With the costs of asset maintenance and delivery increasing faster than the available source of funding, infrastructure across the Hawkesbury Local Government Area does not always meet the needs and expectations of the community.

It is crucial for Council to include consideration of how developments and investments within the Local Government Area affect the existing infrastructure and how it can bridge the infrastructure gaps within the Local Government Area. The infrastructure of the Local Government Area should be able to have the capacity to adapt to the trending future including Electric Vehicles, smart energy stations, shared office and employment hubs, robotic and cobot industries, digital hubs, last mile logistic hubs etc.

Liveability:

The Hawkesbury Local Housing Strategy identified that the Hawkesbury lacks housing diversity and there are a greater number of seniors demographics in the Local Government Area. The Hawkesbury Local Strategic Planning Statement 2040 is envisaging the provision of a range of housing types in the Hawkesbury and putting people at the heart of planning to lever active lifestyles, increase the number of people living close to transport and jobs, health and other amenities. New housing development will also drive opportunities for targeted developments on a precinct scale where the residents, especially seniors who downsize or move to seniors living continue to experience the same or even better quality of life.

Productivity:

Hawkesbury's top three employment sectors are construction, health care and social assistance followed by retail trade. The construction industry had the largest number of total registered businesses in the Hawkesbury comprising 27.9% of all total registered businesses, compared to 16.0% in NSW. In 2019/2020 manufacturing industry had the largest total exports by industry generating \$832 million through exports.

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However, Hawkesbury's agricultural related activities also play an important role in the Local Government Area's economy. In 2015/2016 (abs data), the Hawkesbury's agricultural output was \$159m and the largest commodity produced was vegetables which accounted for 40.1% of the Hawkesbury's total agricultural output.

Therefore, it is crucial that Hawkesbury's industrial and employment lands are retained and managed, as well as the agricultural lands are maintained and managed for farming activities. The agricultural activities, the equine activities, the natural landscapes and the rich history of the Hawkesbury also provides significant opportunities for Agri-tourism, Adventure tourism and Cultural tourism. Explored and promoted in an appropriate manner, these tourism related activities have the capability to exponentially grow the local Gross Regional Product.

Hence, the Hawkesbury LEP 2012 review and update is a means of implementing the actions of the Hawkesbury Local Strategic Planning Statement 2040.

Hawkesbury Local Housing Strategy:

The aim of the Hawkesbury Local Housing Strategy is to set a clear plan for housing in the Local Government Area for the next 10 and 20 years. The Strategy ties Council's vision for housing with the State Government led strategic plans. The Strategy presents Council's response for housing and how the housing components of the 'Western City District Plan' and 'A Metropolis of Three Cities' will be delivered locally.

The Hawkesbury Local Housing Strategy aligned the anticipated housing growth with supporting and necessary infrastructure and social services such as educational facilities, health facilities, open spaces and public transport. The Strategy identified opportunities for growth in the right places to support a growing population, ageing community and a change in household structure. The Strategy provides an implementation strategy for the delivery of new housing and related infrastructure.

The Hawkesbury Local Housing Strategy recognises the background, constraints and opportunities, heritage values, rural character, flood impacts and history of the Hawkesbury Local Government Area and incorporates the community's vision and aspirations for the future development of land use in the Local Government Area.

The Hawkesbury Local Housing Strategy has identified the following strategic directions to guide the development of future housing:

- New growth should continue to be primarily focused within the state identified release areas and managed through the growth centres planning process.
- Maximise the potential of existing urban areas which are well serviced by existing infrastructure (transport, health, education and other urban services).
- Increase the supply of smaller dwellings including dwellings that are suited to older persons in locations within walkable access to shops, health services and community facilities.
- Continue to expand affordable housing through implementation mechanisms that encourage the provision of affordable housing.
- Accommodate continued incremental growth in rural villages, whilst maintaining the local character and respecting environmental constraints.
- Establish a program to annually monitor development approvals and the supply of zoned and serviced land to inform future decisions on land release and servicing.

Hence, the Hawkesbury LEP 2012 review and update are consistent with the recommendations of the Hawkesbury Local Housing Strategy.

Hawkesbury Employment Lands Strategy:

The Hawkesbury Employment lands Strategy outlines the role that Council will play in driving economic growth in the Hawkesbury. It also provides an opportunity to bridge any gaps and aligns with the NSW Planning Framework, including the Sydney Region Plan - 'A Metropolis of Three Cities' and the 'Western City District Plan', and enables Council to deliver these objectives and actions at a local level.

The Hawkesbury Employment Lands Strategy identifies opportunities for employment lands within the Hawkesbury local government area to ensure continued support for job creation, investment, business and industrial expansion for the future. The strategy recognises the importance of industrial and business lands, and the nature of change the economic sector is experiencing due to emerging technology and new industries with different requirements.

Subsequently, the Liveability Program also identifies a range of opportunities and recommendations to revitalise Richmond, Windsor and South Windsor to create more active and vibrant settings for residents, workers, students and visitors of the Hawkesbury.

Key Recommendations of the Hawkesbury Employment Lands Strategy include:

- Agribusiness: working with stakeholders in Clarendon to progress the agricultural strength of the local government area and developing new research, development, employment and career pathways for local residents and students, particularly in relation to sustainable fresh produce processing. The Hawkesbury Rural Lands Strategy provides further detail with respect to the wider local government area opportunities associated with agribusiness.
- Supermarket, hospitality, and bulky good floor space: as population projections and retail spending analysis indicates these types of commodity goods will be in the most demand in the future.
- Small scale healthcare providers: to support the local population as it ages.
- Small scale commercial services: such as local accounting and law firms, that provide a 'population serving commercial role' in centres.
- Light industry and urban services: given the wealth of industrial lands in the local government area the focus should be towards developing a diversity of lots and attracting smaller operators in order to be in a position to address the competition from other industrial lands in Western Sydney that are better connected.
- Tourism: given the existing strategic intent in planning documents to grow this industry and the wealth of assets (nature/fresh produce/heritage) that already exist in the local government area.

Hence, the Hawkesbury LEP 2012 review and update are consistent with the recommendations of the Hawkesbury Employment Lands Strategy.

Hawkesbury Rural Lands Strategy:

The Hawkesbury Rural Lands Strategy provides an opportunity to bridge gaps and enables an alignment of the Hawkesbury LEP 2012 with the NSW Planning Framework, including the Greater Sydney Region Plan - A Metropolis of Three Cities, and the Western City District Plan.

Recommendations of the Hawkesbury Rural Lands Strategy include:

Growth Management

- Adopt the settlement strategy outlined in Section 6.5
- Urban expansion into the surrounding rural landscape can only occur in accordance with the recommendations of the Hawkesbury Housing Strategy and can only occur in accordance with the settlement strategy.

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Rural Lands Preservation

- Adopt the landscape based strategic planning concept in Section 6.6
- Encourage and promote the farmers of the Hawkesbury Local Government Area
- Adopt the let the farmers farmland use conflict concept outlined in Section 6.4.1 and discuss this with the relevant State Government Departments.

Economic Development

- Encourage farmers to join the farm gate trail and sell from the farm gate or to sell their produce to those farmers who already have a farm gate sales outlet
- Encourage farmers to sell local produce to local shops under the band of Hawkesbury Harvest
- Engage with the Protected Cropping sector and encourage and facilitate the establishment of a protected cropping sector in the Hawkesbury Local Government Area
- Encourage the retention and promotion of the existing agricultural sectors of vegetable and turf farming, nurseries, egg production and poultry meat production in the Local Government Area
- Encourage and promote the agricultural processing sector to expand in the Local Government Area as well as attracting other processing industries to establish in the Local Government Area
- Encourage and promote the horse sector horse studs, polo clubs and the recreational horse riding
- Promote agritourism as a key economic development component of the rural sector, focusing on the Bells Line of Road in Kurrajong Heights to Bilpin, Berambing and surrounding areas
- Consider the incentive measures outlined in Section 6.4.2 and discuss this with the relevant State Government Departments
- Promote the existing farmers markets and encourage them to establish in other settlements.

Land Use Planning

- Adopt the changes to the zones as outlined in Section 6.7
- Endorse the changes to the land use definitions and new provisions outlined in Section 6.8
- Amend the Hawkesbury Development Control Plan as discussed in Section 6.4.1.

Hence, the Hawkesbury LEP 2012 review and update are consistent with the recommendations of the Hawkesbury Rural Lands Strategy.

NSW Government Policy Changes

It should also be noted that the NSW State Government has and is undertaking significant policy changes that have an impact on the LEP Review. These changes include:

Proposed Housing SEPP

A proposed new State Environmental Planning Policy (SEPP) aims to facilitate the delivery of diverse housing that meets the needs of the State's growing population and support the development of a build-to-rent sector.

The proposed Housing State Environmental Planning Policy would consolidate five current SEPPs and update some planning provisions in response to community and council concerns about boarding house and seniors housing development.

New diverse housing types – build-to-rent housing, independent living units and co-living are being introduced to provide more housing options.

Proposed Design and Place SEPP

The new Design and Place State Environmental Planning Policy (SEPP) puts place and design quality at the forefront of development. The SEPP spans places of all scales, from precincts, significant developments, and buildings to infrastructure and public space.

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It is expected that exhibition of the draft Design and Place SEPP and guidance material will commence in late 2021.

Proposed Agritourism SEPP

The department is proposing amendments to existing controls within the planning system to facilitate more agritourism and small-scale agricultural developments, while balancing the need for individual councils to respond to different environmental and development settings. The proposed changes include:

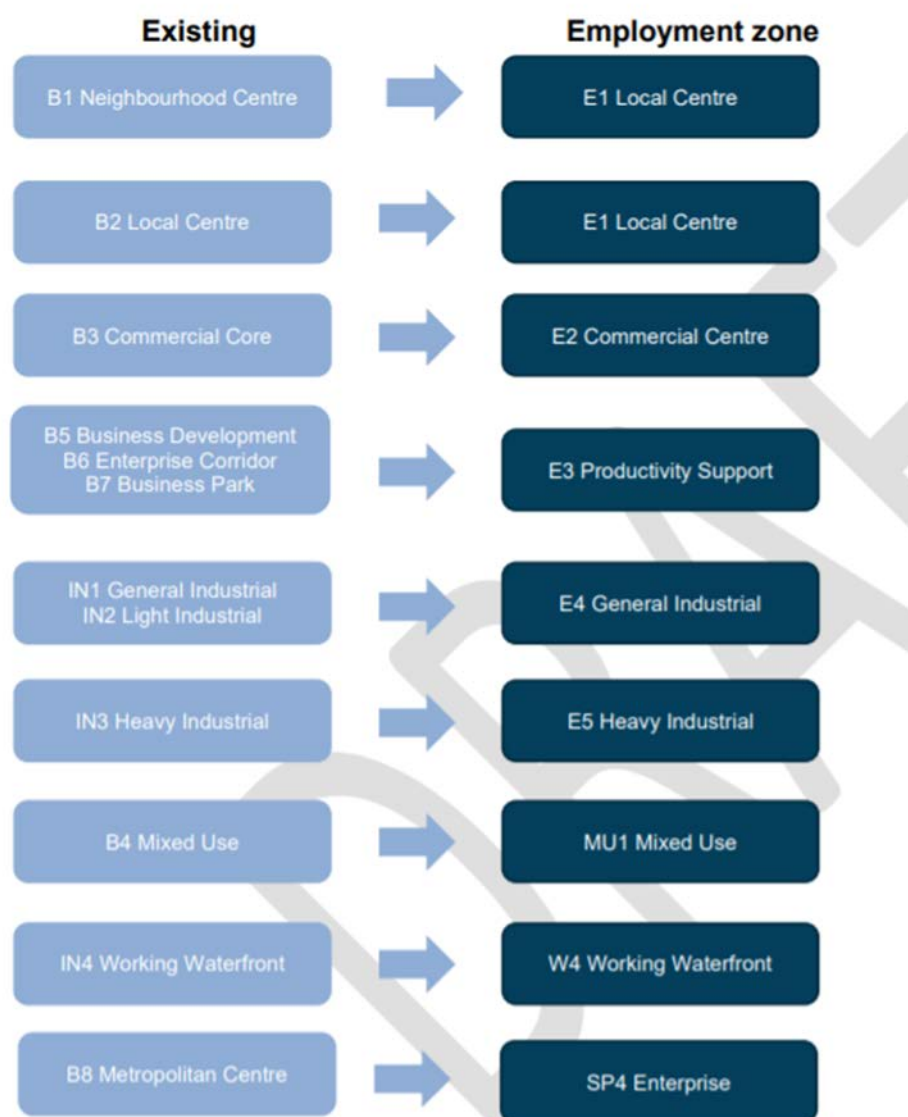
1. Farm stay accommodation: amending the existing definition for farm stay accommodation in the Standard Instrument LEP Order
2. New land use terms: introducing two new land use terms for farm gate activities and farm events in the Standard Instrument LEP Order. Including the new term in the Standard Instrument LEP Order will automatically introduce the term into all Standard Instrument LEPs
3. New optional LEP clauses - introducing new optional clauses for farm stay accommodation and farm gate activities that councils can apply where a development application is required
4. New approval pathways - providing exempt and complying development approval pathways in the Codes SEPP for agritourism activities where certain development standards are met
5. Small-scale processing plants - allowing the establishment of small-scale processing plants as complying development for meat, dairy and honey where certain development standards are met
6. Rebuilding of farm infrastructure - allowing the reconstruction of farm buildings and other structures as exempt development following natural disaster, where constructed to the same size and contemporary building standards including the Building Code of Australia and relevant Australian Standards.
7. Stock containment lots - updating and rationalising existing controls for stock containment lots to reflect current practice, and ensuring stock containment areas used temporarily, such as during drought, do not impact negatively on surrounding uses.
8. Farm dams - clarify terminology used in the planning system and provide a consistent approval process across the state
9. Biosecurity - updating development standards for poultry farms and pig farms to align with separation distances required under biosecurity standards
10. Rural dwelling setbacks - updating controls that allow dwellings on rural lots as complying development to ensure enough separation from adjacent primary production enterprises.
11. Recreational beekeeping - providing exempt development pathway for recreational beekeeping to improve certainty

Employment Zones Reforms

The Department of Planning, Industry and Environment have undertaken a review of employment zones reforms in an effort to support long-term economic recovery that enables business and jobs in the locations where they are needed.

The reforms include the delivery of a simplified employment zones framework that suits the future of work, is fit for purpose, supports productivity and job growth while facilitating delivery of strategic plans and planning priorities. The reform is seeking to replace the existing Business and Industrial zones with 5 new employment zones and 3 supporting zones under Standard Instrument Principal Local Environmental Plan. The chart below indicates the proposed changes that are planned for early 2022.

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This in turn has implications for existing Environmental Zones, which will have to be amended as per the table below:

Current Name	New Name
Zone E1 – National Parks and Nature Reserves	Zone C1 – National Parks and Nature Reserves
Zone E2 – Environmental Conservation	Zone C2 – Environmental Conservation
Zone E3 – Environmental Management	Zone C3 – Environmental Management
Zone E4 – Environmental Living	Zone C4 – Environmental Living

In addition to the above, there are a series of further amendments to be made or introduced by the NSW Government between now and March 2022, including:

- Short Term Rental Accommodation provisions
- Natural Hazards provisions

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- Review of Infrastructure SEPP
- Draft State Significant Agriculture Map
- Review of Vegetation SEPP
- Proposed Fun SEPP
- Flood Prone Land Package provisions.

The chart contained in Attachment 3 outlines the significant changes in policy that are planned by the NSW Government between now and March 2022.

Location Plan

The LEP Review planning proposal affects various lands within the Hawkesbury local government area.

Relevant Legislation

The planning proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979. However, the requirements of Section 3.8 and 3.9 of the Act resulted in this LEP Review planning proposal.

Section 3.8 of the Act requires local environmental plans to “give effect to” (deliver) the objectives and priorities identified in the Region Plan and relevant District Plan. This involves councils:

- Reviewing their strategic planning framework, including a review of the existing local environmental plans against the relevant District Plan
- Undertaking necessary studies and strategies and preparing a local strategic planning statement which will guide the update of local environmental plans.

Section 3.9 of the Act requires each council to prepare and make a local strategic planning statement and review the statement at least every seven years. The role of the local strategic planning statement is to provide an alignment between regional and district plans and local strategic planning and delivery.

DISCUSSION

The Hawkesbury Local Environmental Plan 2012 is Council's principle planning instrument. A planning proposal is the most appropriate means to achieve the objective and intended outcomes of the Hawkesbury LEP 2012 review and update. The amendment of the Hawkesbury LEP 2012 is an implementation of the Greater Sydney Region Plan, the Western City District Plan, Hawkesbury Local Strategic Planning Statement, Hawkesbury Local Housing Strategy, Hawkesbury Employment Lands Strategy, and Hawkesbury Rural Lands Strategy.

The detailed proposed amendments to the Hawkesbury LEP 2012 is provided through the Planning Proposal attached as Attachment 1 to this report.

A summary of the amendments is provided below:

1. Amendment of existing zone objectives of certain zones:

A review of the zone objectives within the Hawkesbury LEP 2012 has been undertaken to ensure that the Hawkesbury LEP 2012 provides a clear guideline for the intent of each zone and will also enable an alignment of the LEP with the Greater Sydney Region Plan and Western City District Plan.

It is noted that amendments to a significant number of these various zones will be required as a consequence of the Employment Zones Reforms highlighted above.

Attachment 1 provides the details of the amendments to the existing zone objectives in **Section 3.1**.

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2. Amendment of Land Use Table to allow and remove certain uses from each zone:

Review of the Hawkesbury LEP 2012 identified that the whole of Land Use Table needs to be amended to permit and prohibit uses. The current structure of the Land use table does not provide flexibility of uses especially, new and innovative uses which are not already captured through the Standard Instrument Dictionary.

New uses are proposed to be introduced in certain zones including sex services in B2 zones limit to not more than 3 DA consents in each B2 Local Centre. Tourist visitor accommodation provisions in the R5 Village zones and Artisan and cultural activities in zones except in Environmental, Waterway and infrastructure zones.

It is noted that amendments to a significant number of these various zones will be required as a consequence of the Employment Zones Reforms highlighted above.

Further elaboration of developments relating to sex service premises, seniors housing, secondary dwellings and secondary dwellings in rural zones are as follows:

Sex Services Premises

Sex service premises is proposed to be limited to only 3 DA consents per B2 Local Centre. Windsor Town Centre is proposed to be rezoned to B3 Commercial Core, should the Department of Planning, Industry and Environment agree to proceed with the rezoning of Windsor Town Centre to B3, the same limitation of 3 DA consent for sex service premises will apply to B3 zone.

The LEP Standard Instrument will include local provisions for sex service premises in Part 6 which will include clear objective and considerations for the sex service premises development in terms of its location, clearance from residential zones, operating hours and the disturbance it may cause.

Seniors Housing

The LEP amendment also introduces seniors housing restricted to Residential Care Facilities in R1 and R2 zones in areas connected by Sydney water, reticulated water and sewerage, within 50 kilometres of a 24-hour health services facility and not mapped by the Metropolitan Rural Area exclusion. Part 6 of the LEP Standard Instrument will include local provisions which will further limit the seniors housing development on land above 1 in 100 ARI.

Secondary Dwellings

The LEP amendment proposes to introduce secondary dwellings in R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and R5 Large Lot Residential zones. The Hawkesbury LEP Standard Instrument is proposed to include Clause 5.4 (9) to set a standard of total floor area of 60sqm or 10% of the total floor area of the principle dwelling, whichever is greater. The development is also restricted on land above 1 in 100 ARI.

Secondary Dwellings provisions in Rural Zones

The Hawkesbury LEP amendment proposes to introduce secondary dwellings in RU2, RU4, RU5, E3 and E4 rural zones. The secondary dwellings provisions will be limited to the floor area of 120sqm or 25% of the principle dwelling, whichever is greater. The secondary dwelling will be restricted to land above 1 in 100 ARI.

Dual Occupancy

Currently, only 'attached' dual occupancy development is permitted in the rural zones under the provisions of the Hawkesbury LEP. Council proposes to expand the dual occupancy provision to both (attached and detached) within these zones. Given that secondary dwelling provision is now being introduced in rural zones, it is not practical to limit dual occupancy to only attached in the rural zones anymore. Limiting the

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dual occupancy to attached will undermine the authenticity of the use, given that secondary dwellings are both attached and detached developments.

Attachment 1 provides a detailed table of uses to be removed from certain zones and new uses to be added to certain zones in **Section 3.2**.

3. Introduce Design Excellence Clause:

Historically, the term “Design Excellence” emerged as a term in the 2000’s at the City of Sydney where it was used to describe an optional competitive design process to be undertaken at the concept design stage of new projects in return for additional Floor Space Ratio or height. The initiative was applied to any development exceeding 55 m in height or with a site area larger than 1500sqm. The competitive process was aimed at both lifting the design of significant buildings and diversifying the field of architectural practise engaged in its design.

Due to the constraints of flooding and lack of evacuation capacity of the Local Government Area, it is evident that the Design Excellence intent of the Hawkesbury LEP 2012 cannot be similar to the growth councils such as City of Sydney, Blacktown City Council or the City of Parramatta. However, the Design excellence provisions can still be included in the Hawkesbury LEP 2012 to regulate an expected or required level of design quality of a completed building or project, which is the highest standard of architectural, urban and landscape design.

The Design Excellence provisions will apply to development involving the erection of a new building or external alterations to an existing building within the Windsor, South Windsor and Richmond town centres as identified in Design Excellence Map below and will be between 12m and 14m in height. The reason for applying the Design Excellence provisions only to these centres is because there is a significant amount of work being done in these areas through the Liveability Project which levers the development capacity of these centres.

Attachment 1 provides the details of the proposed Design Excellence clause in **Section 3.3**.

Windsor Town Centre - Design Excellence Area

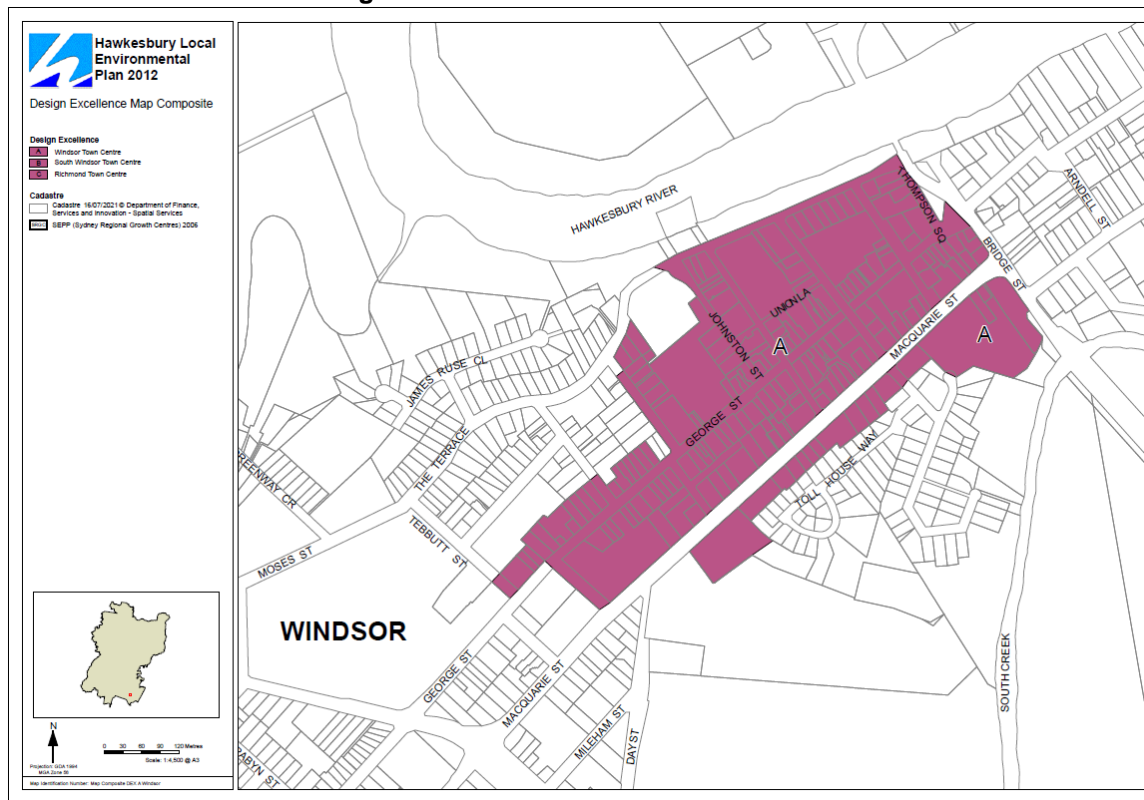


Figure 1 - Windsor Town Centre Design Excellence Map.

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South Windsor Town Centre - Design Excellence Area



Figure 2 - South Windsor Town Centre Design Excellence Map.

Richmond Town Centre - Design Excellence Area

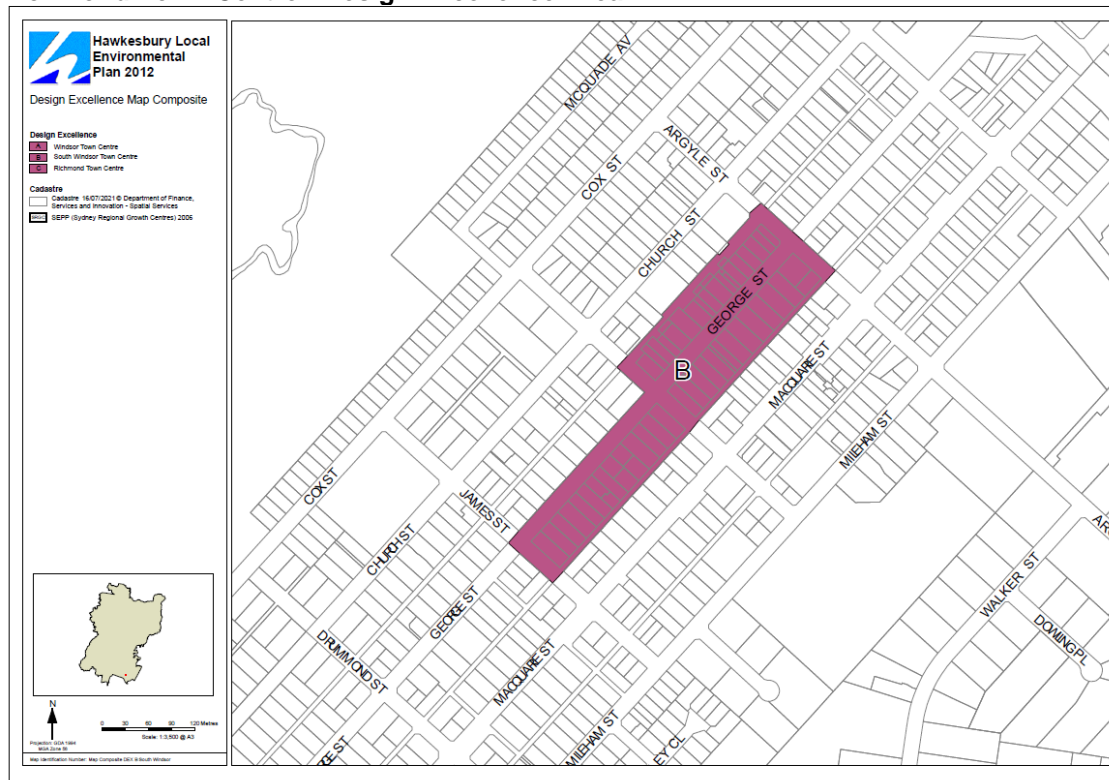


Figure 3 - Richmond Town Centre Design Excellence Map.

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4. Introduce B3 Commercial Core zone:

The NSW Planning Framework - A Metropolis of Three Cities (Sydney Region Plan) states classed Windsor and Richmond as a Strategic Centre. The Greater Sydney Region Plan provides that the objective of Strategic Centres is to attract investment, business activities and jobs in strategic centres across Greater Sydney to increase access to a wide range of jobs and services close to people's homes and supports the 30-minute city.

The Greater Sydney Region Plan further states that employment growth is the principle underlying economic goal for the metropolitan and strategic centres. Therefore, the designation of **Commercial Core** within the strategic centre, for the purpose of economic and employment uses may be necessary to manage the impact of residential developments in crowding out commercial activity. Commercial Core zones encourage retail, business, office, entertainment, and community use for local and wider community; provides employment and the policies should maximise public and active transport use.

Rezoning land from B2 Local Centre to B3 Commercial Core within the Windsor Town Centre is consistent with the NSW Planning Framework and aligns the town centres hierarchy. The B3 Commercial Core zone will enable a wider range of retail, business, office and entertainment uses within the Windsor town centre that will enable Windsor town centre to achieve its strategic centre goals by creating appropriate employment opportunities for the Local Government Area.

Attachment 1 provides the details of the area identified to be rezoned to B3 Commercial Core and the objectives, permitted, and prohibited uses for the new zone in **Section 3.4**.

5. Correcting spot zone anomalies within the Richmond Town Centre:

Spot zoning is not supported by the Department of Planning, Industry and Environment as it creates precedence and also can result in land use conflicts. The review of the Hawkesbury LEP 2012 identified a number of spot zones within the Richmond Town centre. It is intended to correct this anomaly to ensure that the zones within the town centre transits appropriately as per the town planning principles.

Correction of these zone anomalies will create zone consistency within the Richmond Town Centre and limit land use conflicts. The zones that are proposed to be rezoned will however, continue to have the 'existing use rights' until these lands are sold and the new owner decides to opt for the highest and best use of the land i.e., develop in accordance to the zone objective.

Attachment 1 provides details of the spot zone areas and proposed rezoning in **Section 3.5**.

6. Rezoning certain land in Glossodia:

During the rollover of Hawkesbury LEP 1989 to Hawkesbury LEP 2012 an anomaly between the zone objectives and minimum lot size provision occurred for certain R2 Low Density Residential zones in the Glossodia area. The current R2 zone and the minimum lot size of 40 hectares is inconsistent with the R2 zone objectives. A 40-hectare minimum lot size is mostly applicable to rural zones such as RU1, RU2 or RU4.

In comparison, the RU1, RU2 and RU4 zones within the Hawkesbury LEP 2012 mostly have a Minimum Lot size provision of 10ha. Therefore, it is evident that this is an anomaly and requires rectification. It is acknowledged that the lots that suffer from this anomaly also lacks sewer connection. Sydney Water infrastructure is connected to the subject sites being considered.

Given the constraints of amenity and being isolated during flood events, it is not viable for council to allow minimum lot size provisions of 2000sqm or 4000sqm for the subject sites as the original lots are quite large in size and can open a gateway for inappropriate land subdivision.

Therefore, to provide some level of balance in terms of the R2 Low Density Residential zone planning controls, it is proposed to rezone certain larger R2 lots within Glossodia to R5 Large Lot Residential with

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the Minimum Lot Size of 4 hectares and the rest of the smaller R2 lots to have a Minimum Lot Size of 2 hectares.

These provisions will allow a slight lot yield growth should the landowners of these larger lots want to subdivide in the future. However, these additional lots will not have any significant impact on the current infrastructure of Glossodia.

Attachment 1 provides the details of the subject sites and the proposed rezoning and proposed minimum lot size provisions in **Section 3.6**.

7. Rezoning of Richmond Lowlands to RU1 Primary Industry:

The Hawkesbury Rural Lands Strategy identified that the alluvial agricultural lands of the Richmond Lowlands were under optimised due to its zoning of RU2 Rural Landscape and that this zone did not support agricultural activities within the Hawkesbury Local Government Area.

There are a number of equine related activities being undertaken from the Richmond Lowlands which have existed historically but has gradually expanded over much of the Richmond Lowlands over the years. The current RU2 Rural Landscape zone does not support equine activities.

The Hawkesbury Rural Lands Strategy recommends that the Richmond Lowlands should be rezoned to RU1 Primary Industry to better reflect the agricultural capacity of the land, and continue the historic land uses of the Richmond Lowlands which was to generate agricultural production.

It is understood that the parts of the Lowlands where equine activities are being undertaken is highly unlikely to revert back to agriculture. However, the Department of Primary Industries' 'primefacts 932 – August 2009, Planning for Horse Establishment' states that intensive horse establishments are better suited to rural production zones with appropriate separation from residences and smallholdings. The primefacts also provided examples of horse establishments under the Standard LEP definition and the types of development suited under each use.

Given the standard instrument definition and the types of development, rezoning of the subject site from RU2 Rural Landscape to RU1 Primary Production zone will align the current equine uses at the Lowlands with the zone objectives.

Additionally, Council would like to amend the land use table for the Richmond Lowlands to add the definitions of Recreation Facility (major) and Recreation facility (outdoor) but restricted to show jumping, dressage, and polo.

Attachment 1 provides the details of the area identified to be rezoned to RU1 in **Section 3.7**.

8. Rezoning land in Windsor Station Precinct to B1 Neighbourhood Centre:

The Hawkesbury Employment Lands Strategy identified the business zone gap that currently exists within the Windsor Town Centre and the Windsor Train Station. The Windsor Town Centre is formed in a linear fashion along George Street connecting the train station to Thompson Square. However, there are zone consistency issues to consider.

There are a number of retail uses occurring on the R2 Low Density Residential zones at the train station precinct, which is inconsistent with the town centre principles. Therefore, it is recommended to correct the inconsistency by rezoning these sites to B1 Neighbourhood Centre. The proposed rezoning will bridge the zoning gap, create a higher level of economic activity and surveillance within the train station precinct.

Attachment 1 provides the details of the area identified to be rezoned in **Section 3.8**.

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9. Rezoning land adjacent to the Mulgrave Industrial Precinct:

Mulgrave Industrial Precinct is the gateway to the Hawkesbury from Windsor Road which is an arterial road. The Mulgrave Precinct also has a train station and entertains a number of General Industrial activities such as mechanical repairs workshops, building supplies, and food and drink premises. The Mulgrave precinct provides a major backbone of the Local Government Area economy through its activities and employees a number of local residents.

The Western City District Plan has set an employment target of 12,000 jobs or 16,500 jobs (higher target) for the Hawkesbury Local Government Area to be achieved by 2036.

The Greater Sydney Commission through the NSW Planning Framework highlighted:

Retain and manage: Protect all existing industrial and urban services land from competing pressures, especially residential and mixed-use zones. This principle applies in the Eastern City, North and South Districts, the **North West Growth Area**, and the established areas of the Western City.

Review and manage: Review all industrial and urban services land to either confirm its retention or manage uses to allow sites to transition to higher-order employment activities (such as business parks). Seek appropriate controls to maximise business and employment outcomes.

Plan and manage: In land release areas, there is a need for additional industrial and urban services land to support projected population growth and economic development.

The District Plan further designated industrial and urban services land in the lower north-east portion (Mulgrave Precinct) of the Hawkesbury Local Government Area to be “retained and managed”.

The Hawkesbury Employment Lands Strategy recommends considering industrial land expansion that is aligned with demand for floorspace and consider how greater use/relevance of these lands can be achieved. The strategy recommends the Local Government Area to support industries that can leverage aerotropolis and associated economic activities. It supports developing capacities for agribusiness and fresh produce processing capacities, associated freight and logistics requirements to implement the initiatives of the ‘NSW food and beverage manufacturing industry development strategy’.

Land adjacent to the Mulgrave Industrial Precinct has had interest by the landowners for rezoning to industrial zones as these lands were not used for any agricultural related activities. Potential sites have been identified to be rezoned to industrial and business lands.

Once the Western Sydney Airport and the associated aerotropolis activities are fully operational and the north west growth areas are fully developed, there will be greater demand for the industrial lands in the Hawkesbury Local Government Area. The strategic location of the Local Government Area in close proximity of the Western Sydney Airport will enable the Hawkesbury’s industrial lands to become a ‘last mile’ hub for many regional producers. Therefore, it is considered as crucial for the Hawkesbury to make its employment lands ready now to take advantages of the opportunities that the near future will bring.

Therefore, it is a viable option for Council to expand its industrial lands and employment lands by rezoning certain lands adjacent to the Mulgrave Precinct to industrial and business zones.

Adjacent to the Mulgrave Precinct is the Windsor High School which is currently zoned RU4 Primary Industry Small Lots zone. The zone objective is inconsistent with the use of the site for school purposes. Therefore, it is recommended to rezone the subject site to SP2 Infrastructure to be consistent with the rest of the school related parcels within the school premises.

Attachment 1 provides the details of the subject sites to be rezoned to industrial and the school site to be rezoned to SP2 Infrastructure zone in **Section 3.9**.

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10. Correcting zoning anomalies of open spaces of the Hawkesbury Local Government Area:

During the Hawkesbury LEP 1989 rollover into LEP 2012, an anomaly occurred in respect to the open space zones. A number of open space parcels were not rezoned to RE1. This anomaly was also not rectified through the General Housekeeping Amendment of the Hawkesbury LEP 2012.

The planning proposal seeks to correct the anomalies by rezoning all the open space lots which are not zoned RE1 to RE1. Most of these parcels of land are Crown Lands with a gazetted purpose of public recreation. This amendment will authenticate the LEP and will ensure a clear identification of RE1 Public Recreation lands within the Hawkesbury LEP 2012, enabling the relevant Sections to deliver the open space related projects and tasks more efficiently. This will also enable the community to identify and access the RE1 spaces with an ease.

A list of property description for all the parcels rezoning to RE1 Public Recreation is provided through **Attachment 2**.

11. 10 Bridge Street, Windsor – Correction of zone anomaly:

A portion of the front corner of the subject site (Lot A DP 381403) was previously ear marked for acquisition for roads widening purposes. However, TfNSW has indicated that the portion of the subject site is no longer required for road widening purposes. Therefore, Council seeks to amend the Hawkesbury LEP 2012 to remove the SP2 Infrastructure zone from part of the subject site and rezone it to R2 Low Density Residential as the rest of the parcel is zoned.

The Hawkesbury LEP 2012 Land Reservation Acquisition Map also includes part of the subject site for acquisition. The relevant map must be amended to remove the land acquisition intentions of the subject site. Therefore, Council proposes to amend the Hawkesbury LEP 2012; Land Zoning Map and Land Acquisition and Reservation Map to reflect the changes.

Attachment 1 provides details of the subject site and the affected portion of the land in **Section 3.11**.

12. Correction of Height of Building anomaly of the South Windsor Town Centre:

During the rollover of Hawkesbury LEP 89 to Hawkesbury LEP 2012 a map error occurred where the Height of Building (HOB) provision of B1 Neighbourhood Centre of the South Windsor Town Centre was wrongly reflected on the adjacent sites instead. This error needs to be rectified to ensure that correct planning controls are provided for the relevant zones.

It is recommended to amend the Hawkesbury LEP 2012, Height of Buildings Map to reflect the HOB provision correctly for the subject site.

Attachment 1 provides details of the correction of the HOB anomaly in **Section 3.12**.

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Current zoning and Height of Buildings Map.



Figure 5 - South Windsor Town Centre HOB map and anomaly.

Proposed correction is illustrated in the HOB Map below:

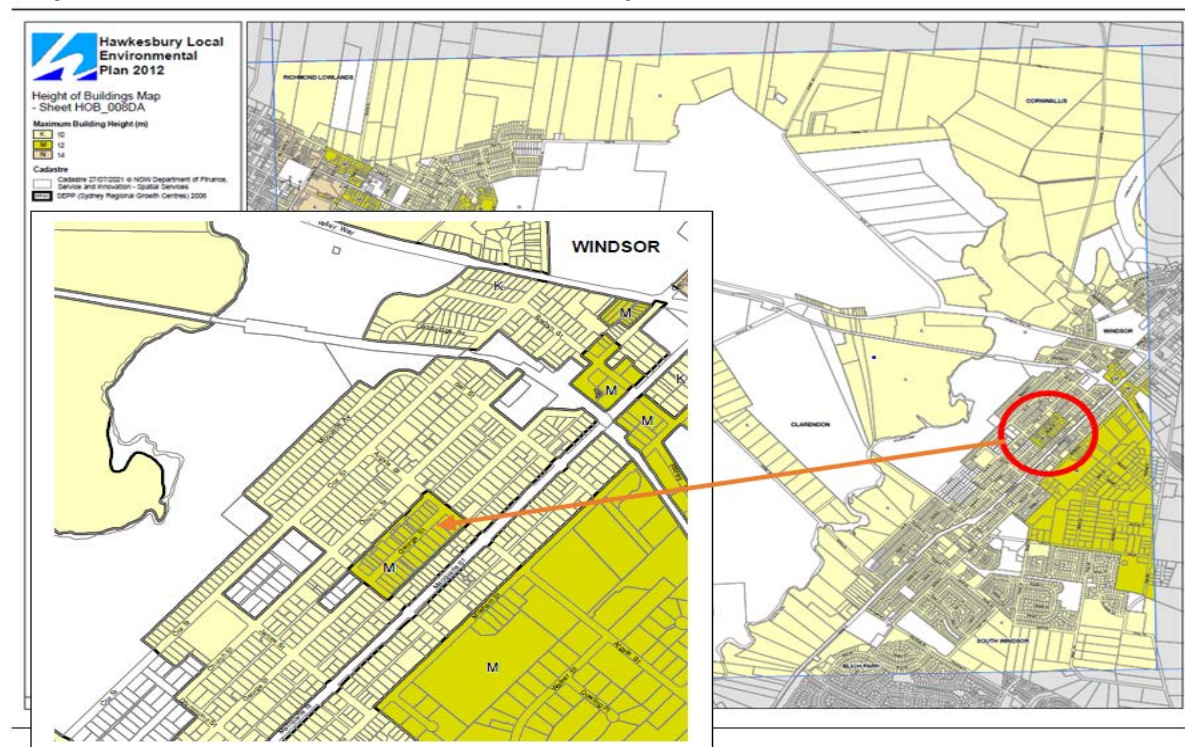


Figure 6 - South Windsor Town Centre correct HOB map.

13. Minimum Lot Size provisions for larger RU1 Primary Production and RU2 Rural Landscape lots:

One of the intentions of this Hawkesbury LEP 2012 review is to align the zone objectives with the uses and also to restrengthen the rural lands capacity, specifically, for RU1 and RU2 zoned lands along the Hawkesbury River for agricultural purposes. It is also envisaged to reinforce some of the intentions of the Hawkesbury 1989 which had fallen off during the rollover of the standard instrument.

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Review of the Hawkesbury LEP 2012 identified that there are several very large RU1 Primary Production and RU2 Rural Landscape zoned lots with inconsistent Minimum Lot Size provisions that contradict with the intentions of these lots and enables further subdivisions of these lots.

The Hawkesbury LEP 2012 has provisions for subdivision of rural lands. Clause 4.10, however, where the original parcel has already been subdivided and the maximum subdivision yield has been achieved, Council prefers to retrain these lots from further subdivision and to retain it for primary production and agricultural purposes.

On occasions these larger lots with inconsistent Minimum Lot Size provisions which are very low compared to the lot areas, for example even after original subdivision the residual lots can have an area of approximately 90 hectares left. With the Minimum Lot Size provision of 10 hectares (which is currently mostly the case for the RU1 Lots in the Local Government Area), this gives the landowners impetus to lodge applications for further subdivision.

To rectify this matter, moving forward, it is considered appropriate to increase the Minimum Lot Size provisions for some of these very large RU1 lots to ensure that the sites are not further subdivided into multiple smaller lots.

14. Introduce Floor Space Ratio (FSR) provisions for R3, B1, B2, B3, IN1 and IN2 zones:

Currently, the Hawkesbury LEP 2012 does not contain the Floor Space Ratio (FSR) provisions. It is proposed to introduce the FSR provision within the LEP to create greater certainty and more transparency to the planning controls. The FSR will ensure that the size of buildings is appropriate for the land size and compatible with the surrounding neighbourhood. FSR allows flexibility in the building design.

A consideration of the FSR with comparison and analysis of different FSR within certain zones within the Hawkesbury was undertaken to support the introduction of the FSR. The FSR proposed for the identified zones are not substantive and will not broadly increase development potential. Rather, the increase only seeks to reflect the FSR of the predominant built form and desired future character.

Attachment 1 provides the details of the Floor Space Ratio in **Section 3.14**.

15. Adjust Heights of Buildings for B2 Local Centre and B3 Commercial Core zones:

Currently the Height of Buildings provisions for the B2 Local Centre is 12m. The current Height of Building provision is considered not to be consistent with the new FSR provision to support future development in the Windsor and Richmond Town Centres. It is also considered that the 12m Height of Building is not viable for the new B3 Commercial Core zone in the Windsor Town Centre.

It is considered that the increase in the HOB from 12m to 14m will enable a practical and better land use outcome when applying the FSR to support commercial and office spaces on the first and second floors of the employment lands.

Attachment 1 provides the details of the Height of Buildings provisions in **Section 3.15**.

16. Amend clause 4.1 Minimum Subdivision Lot Size and 4.1C Exceptions to Minimum Subdivision for Rural Large Lot Residential Zones:

There are some large rural lot landowners who have already subdivided their land to achieve the maximum lot yield under the Hawkesbury LEP 1989.

However, these landowners are again coming to lodge further subdivision of their land under the Hawkesbury LEP 2012 because there is still capacity to do so due to a gap in the Minimum Lot Size provisions of these rural lands and the gap in properly reflecting the intentions of no 'double dipping' if owners have already taken the full advantage of subdivision in the previous LEP 1989.

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The intention of the Lot Averaging Provision (Clause 4.1C) is that an “original lot” can only be subdivided using this provision once only. If an original lot was subdivided using the Lot Averaging provision through LEP 1989, the lot resulted from the subdivision (even if it is a large lot approximately 100ha) cannot be further subdivided using the provision again.

To rectify the gap, it is proposed to amend Clause 4.1 (2) and Clause 4.1C (3). It is crucial that the clause 4.1 has greater emphasis on the term “original lot”. Also, it is important to amend the Minimum Lot Size Maps for RU1, and RU2 in certain areas within the Local Government Area, to prohibit any further ‘double dipping’ in terms of land subdivision and to give impetus to agricultural activities.

Attachment 1 provides details of the proposed Clause 4.1 and 4.1C amendment in **Section 3.16**.

17. Introduce Architectural Roof Features Clause 5.6 provisions:

Hawkesbury is the third oldest European Settlement in Australia. Therefore, there are a number of heritage significant building structures in the Local Government Area. Some of these building structures demonstrate architectural roof features of the late 1800s building designs. This clause enables consent to be granted to development that includes an architectural roof feature which exceeds the height limit set elsewhere in the Hawkesbury LEP 2012.

In order to maintain the local character and built form and to ensure that these characters are inherent within the future building developments, it is recommended to introduce the Architectural Roof Features provisions- Clause 5.6 within the Hawkesbury LEP 2012.

Attachment 1 provides the details of the proposed Clause 5.6 - Architectural Roof Features in **Section 3.17**.

COMMUNITY ENGAGEMENT

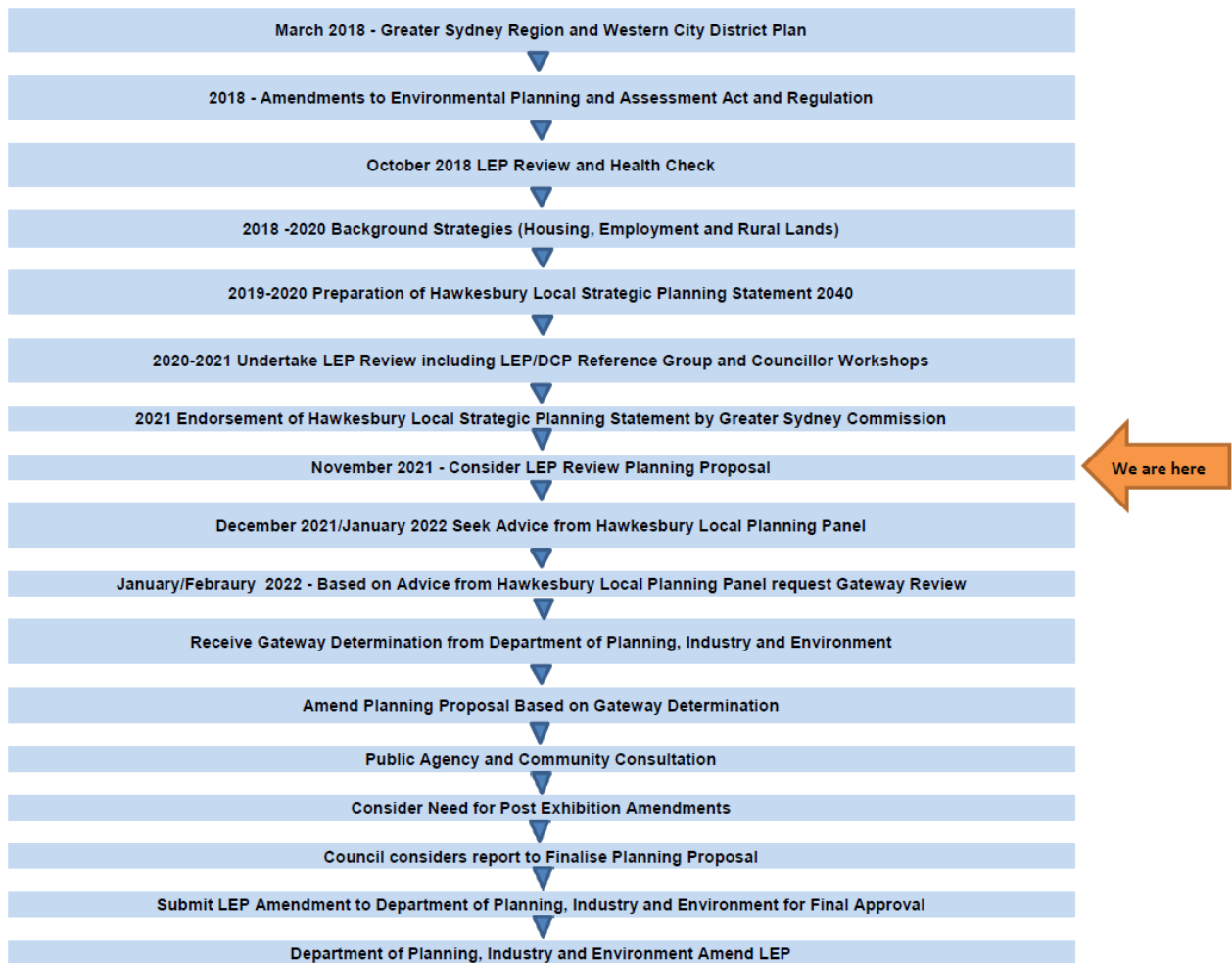
Stage 1 of the Hawkesbury LEP Review has been prepared based on engagement with a number of stakeholders including Councillors, and the LEP-DCP Reference Group which includes various professionals within the development sector. It was considered essential that a Reference Group was formed of the end users of the Local Environmental Plan. These professionals have used the Hawkesbury Local Environmental Plan and Development Control Plan through previous projects, and have proved to be an invaluable resource by identifying with evidence what planning controls have worked well and what needs to be rectified in order to ensure good land use planning outcomes for the community.

Additionally, feedback received from the community through various sources including broader, Council led engagement and as a consequence of individual development applications has also been included as part of preparation of the LEP Review. Feedback from internal Council Officers has also been incorporated as part of the review of development controls, as has feedback from various planning panels when dealing with application matters.

Stage 1 of the draft Hawkesbury LEP Review will be publicly exhibited in accordance with the Hawkesbury Community Participation Plan 2019, the Gateway Determination conditions and Section 10.18 of the Environmental Planning and Assessment Act 1979, once a successful Gateway Determination has been received from the Department of Planning, Industry and Environment.

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The chart below shows the various steps associated with this matter:



CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Leadership: 1.3.

Our Community: 2.5.

Our Environment: 3.1, 3.2, 3.3, 3.4.

Our Assets: 4.3.

Our Future: 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7 and 5.8.

FINANCIAL IMPACT

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

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FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

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

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** Hawkesbury LEP Review Planning Proposal - (*Distributed under separate cover*).
- AT - 2** Parcels to be Rezoned to RE1 Public Recreation.
- AT - 3** NSW Government – Snapshot and Engagement Pipeline of Key Activities – (*Distributed under separate cover*).

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AT - 2 Parcels to be Rezoned to RE1 Public Recreation

Parcels to be rezoned to RE1 Public Recreation

Land Number	Lot Number	DP Number
8331	90	786549
22190	188	803295
22191	189	803295
22193	3	393015
23866	57	751660
34810	1	1040789
43222	7300	1140672
43223	7301	1140672
22768	7301	1140672
22973	1 & 2	1245476
28380	42	751626
28382	42	751626
635	72	751658
21731	72	751658
20565	1060	788674
2597	674	775033
2598	675	775033
19579	566	749929
15850	138	713557
15851	139	713557
4383	89	70925
4385	358	723627
15926	767	777657
19575	677	775033
19576	676	775033
19577	567	749929
19578	454	749371
27448	101	849072

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Land Number	Lot Number	DP Number
19286	1116	791978
19761	1254	800323
22005	7002	93554
46216	1871	1253353
46217	1872	1253353
43684	7319	1169513
37555	1	924097
43544	7311	1164864
43082	2	1134606
3310	51	212586
3311	52	212586
5109	7003	1032312
21997	7014	1032357
43270	525	1143030
3299	5502	709031
3301	556	704504
15758	7008	1032358
18994	1	226141
5516	2	165153
19310	1	165153
22638	4	165153
22639	91	525429
22640	92	525429
22641	3	165153
22642	8	231633
22643	7	231633
46078	2	1249183
12803	5	219848
3166	5	714990

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Land Number	Lot Number	DP Number
16124	4	547120
16235	2	212263
14879	514	214756
14880	457	214756
20658	464	214756
20127	530	751665
20126	518	751665
37370	7006	1074324
22103	23	250448
25546	16	793028
25547	15	793028
25548	17	793028
21133	285	751649
21134	286	751649
24138	24	748280
27543	15	808000
28920	100	880336
29700	114	1009832
20716	332	725699
29090	326	751649
21313	149	751658
22748	7007	105924
38435	7002	1057303
38935	7017	1059293
38940	7018	1059293
1790	7008	93286
37380	7016	93693
449	31	203876
37335	13	1634

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Land Number	Lot Number	DP Number
24418	41	809616
3205	6	216152
17977	3	259985
18103	108	204686
17994	50	39352
17990	64	215631
26173	7003	93105
19377	7004	93564
21665	A	381403
24008	7002	93106
24010	3	753784
24011	1	744433
17337	97	259897
12727	17	788232
12440	1	318198
21680	7004	93551
24471	7001	1055097
2096	29	27136
2100	25	27136
24318	3	801019
24932	1	801019
24934	2	801019
2074	21	27136
19543	7002	3487
23895	104	755258
22027	7	196226
23892	7006	93489

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Land Number	Lot Number	DP Number
23893	1	710647
28710	7004	93489
28711	7005	93489
23559	9	248864
23564	11	248864
23561	10	248864
27551	7303	1157507
22037	Part 6 sec 5	758924
22038	Part 7 sec 5	758924
42223	12	1099472
42826	11	1127350
43609	7306	1166056
28599	7001	93271
28119	41	864349
42969	7302	1132572
23696	270	751665
14919	7003	1029117
31585	7004	1029117
31586	7009	1029614
15189	474	751665
13749	18	1249679
23875	8	230163
25031	4	771969
43601	3039	1161788
45349	6019	1175547
45583	600	1229910
46400	1300	1241628

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Land Number	Lot Number	DP Number
46239	61	1255164
46240	62	1255164
46036	794	1233055

oooO END OF REPORT Oooo

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Item: 226 **CP - New Hawkesbury Development Control Plan - (95498, 124414)**

Directorate: City Planning

PURPOSE OF THE REPORT:

The purpose of this report is to present the first stage of the new Hawkesbury Development Control Plan.

EXECUTIVE SUMMARY:

The preparation of a new Hawkesbury Development Control Plan has been considered as essential, particularly given that the current Hawkesbury Development Control Plan 2002 is 18 years old and no major review or amendment has been undertaken to ensure that the Development Control Plan is consistent with the Local Environmental Plan. It was essential that the Development Control Plan was reviewed and brought to a level which ensures its consistency and that it includes contemporary development controls.

Preparation of the new Development Control Plan is to be undertaken in a staged process so that Council will be in a position to consider the implications of further policy changes being proposed by the NSW Government, namely:

- Proposed Housing SEPP
- Proposed Design and Place SEPP
- Proposed Agritourism SEPP
- Employment Zones Reforms
- Short Term Rental Accommodation provisions
- Natural Hazards provisions
- Review of Infrastructure SEPP
- Draft State Significant Agriculture Map
- Review of Vegetation SEPP
- Proposed Fun SEPP
- Flood Prone Land Package.

RECOMMENDATION:

That Council:

1. Endorse the draft chapters included as part of stage 1 of the new Hawkesbury Development Control Plan included as Attachment 1 to this report, for the purposes of public exhibition.
 2. Require public exhibition of the draft chapters included as part of stage 1 of the new Hawkesbury Development Control Plan be undertaken in accordance with Council's Community Participation Plan.
 3. Receive a report on the outcome of public exhibition of the draft chapters included as part of stage 1 of the new Hawkesbury Development Control Plan prior to considering adopting those chapters.
 4. Require that preparation of additional chapters of the Hawkesbury Development Control Plan continue, and be reported to Council by April 2022.
-

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BACKGROUND

The Hawkesbury Development Control Plan 2002 is 18 years old and no major review or amendment has been undertaken to ensure that the Development Control Plan is consistent with the Local Environmental Plan. It is essential that the Development Control Plan is reviewed and brought to a level which ensures its consistency and that it includes contemporary development controls and standards.

Location Plan

The new Development Control Plan will apply to all land within the Hawkesbury Local Government Area and zoned under Hawkesbury Local Environmental Plan 2012. The Development Control Plan does not apply to land zoned under State Environmental Planning Policy (Sydney Region Growth Centres) 2006, unless referred to within the respective Development Control Plans. This exclusion currently covers Stage 1 of the Vineyard Precinct.

Relevant Legislation

Environmental Planning and Assessment Act 1979.

DISCUSSION

The objectives of the new Development Control Plan are:

- a) To provide a comprehensive document that contains detailed performance criteria and acceptable solutions for development which meets community expectations and addresses the key environmental planning issues of the Hawkesbury Local Government Area
- b) To promote economically, socially and environmentally sustainable development within the Hawkesbury Local Government Area
- c) To enable aesthetically pleasing, well designed and functional development that sympathetically relates to adjoining and nearby development
- d) To maintain and enhance the environmental and cultural heritage of the Hawkesbury Local Government Area
- e) To ensure that development will respond to its context and not detrimentally affect the surrounding development
- f) To promote the Ecologically Sustainable Development principles including water sensitive urban design, climate responsive building design, energy efficiency, sustainable transport and selection/use of recycled materials.

The Development Control Plan is to be read in conjunction with Hawkesbury Local Environmental Plan. In the event of an inconsistency between the provisions of the two documents, the provisions of Hawkesbury Local Environmental Plan 2012 will prevail to the extent of the inconsistency.

The Development Control Plan must also be read in conjunction with the Related Documents listed in Part F of the Development Control Plan (save for any requirements specifically varied by the Development Control Plan), including the Western Sydney Engineering Design Manual and Council's Construction Specifications.

Pursuant to Section 3.43(4) of Environmental Planning and Assessment Act, when adopted, the new Hawkesbury Development Control Plan will revoke the relevant chapters of Hawkesbury Development Control Plan 2002 which covered land for which this development control plan now applies.

Structure of new Development Control Plan

The new Development Control Plan will be structured into 6 parts (A – F) containing performance criteria and acceptable solutions, and includes site specific controls for a number of geographic areas. In the event of an inconsistency between a site specific control in Part D, and the performance criteria and acceptable solutions in Parts B and C of the Development Control Plan, the site specific controls in Part D prevail.

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Part	Summary
A - Introduction	Sets out the aims and objectives of the Development Control Plan, identifies the land to which the Development Control Plan applies, explains the structure of the document and the relationship of the Development Control Plan to other planning documents.
B - General requirements for all development	Sets out the performance criteria and acceptable solutions that apply to all development types in the Hawkesbury Local Government Area.
C - Specific land use requirements	Provides performance criteria and acceptable solutions to guide the development of a wide range of uses including residential, commercial/retail, industrial, rural, tourism, infrastructure and subdivision.
D - Site specific requirements	Provides specific controls which apply to a specific geographic area.
E - Appendix - Glossary	Explains/defines the terms used in the Development Control Plan.
F - Related documents	Documents that contain supplementary technical and other requirements which also need to be complied with unless otherwise stated in the main body of the Development Control Plan e.g. Western Sydney Engineering Design Manual.

Each part is subdivided into sections and subsections. Generally the sections are broken down into:

- Preamble - introductory statement about the section
- Other relevant sections - reference to related sections of the Development Control Plan
- Objectives - represent the broad outcomes that are to be achieved by the development
- Development outcomes - stated as performance criteria and acceptable solutions
- The performance criteria provide the benchmarks which a development will be assessed against
- The acceptable solutions provide a means by which the intended outcomes can be achieved. By complying with the acceptable solutions it would be expected that any proposed development will be consistent with the performance criteria and the objectives for that type of development.

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In terms of stage 1 of the new Hawkesbury Development Control Plan, the following chapters have been included:

- Preliminary
- Site Analysis
- Heritage
- Effluent Disposal
- Traffic, Access, Street Design and Parking
- Related Documents, including Engineering Specifications and Standards (Western Sydney Engineering Design Manual attached as Attachment 2 to this report).

It should also be noted that the NSW State Government has and is undertaking significant policy changes that have an impact on the new Development Control Plan. These changes include:

Proposed Housing SEPP

A proposed new State Environmental Planning Policy (SEPP) aims to facilitate the delivery of diverse housing that meets the needs of the State's growing population and support the development of a build-to-rent sector.

The proposed Housing State Environmental Planning Policy would consolidate five current SEPPs and update some planning provisions in response to community and council concerns about boarding house and seniors housing development.

New diverse housing types - build-to-rent housing, independent living units and co-living - are being introduced to provide more housing options.

Proposed Design and Place SEPP

The new Design and Place State Environmental Planning Policy (SEPP) puts place and design quality at the forefront of development. The SEPP spans places of all scales, from precincts, significant developments, and buildings to infrastructure and public space.

It is expected that exhibition of the draft Design and Place SEPP and guidance material will commence in late 2021.

Proposed Agritourism SEPP

The department is proposing amendments to existing controls within the planning system to facilitate more agritourism and small-scale agricultural developments, while balancing the need for individual councils to respond to different environmental and development settings. The proposed changes include:

1. Farm stay accommodation: amending the existing definition for farm stay accommodation in the Standard Instrument LEP Order.
2. New land use terms: introducing two new land use terms for farm gate activities and farm events in the Standard Instrument LEP Order. Including the new term in the Standard Instrument LEP Order will automatically introduce the term into all Standard Instrument LEPs.
3. New optional LEP clauses - introducing new optional clauses for farm stay accommodation and farm gate activities that councils can apply where a development application is required.
4. New approval pathways - providing exempt and complying development approval pathways in the Codes SEPP for agritourism activities where certain development standards are met.
5. Small-scale processing plants - allowing the establishment of small-scale processing plants as complying development for meat, dairy and honey where certain development standards are met.

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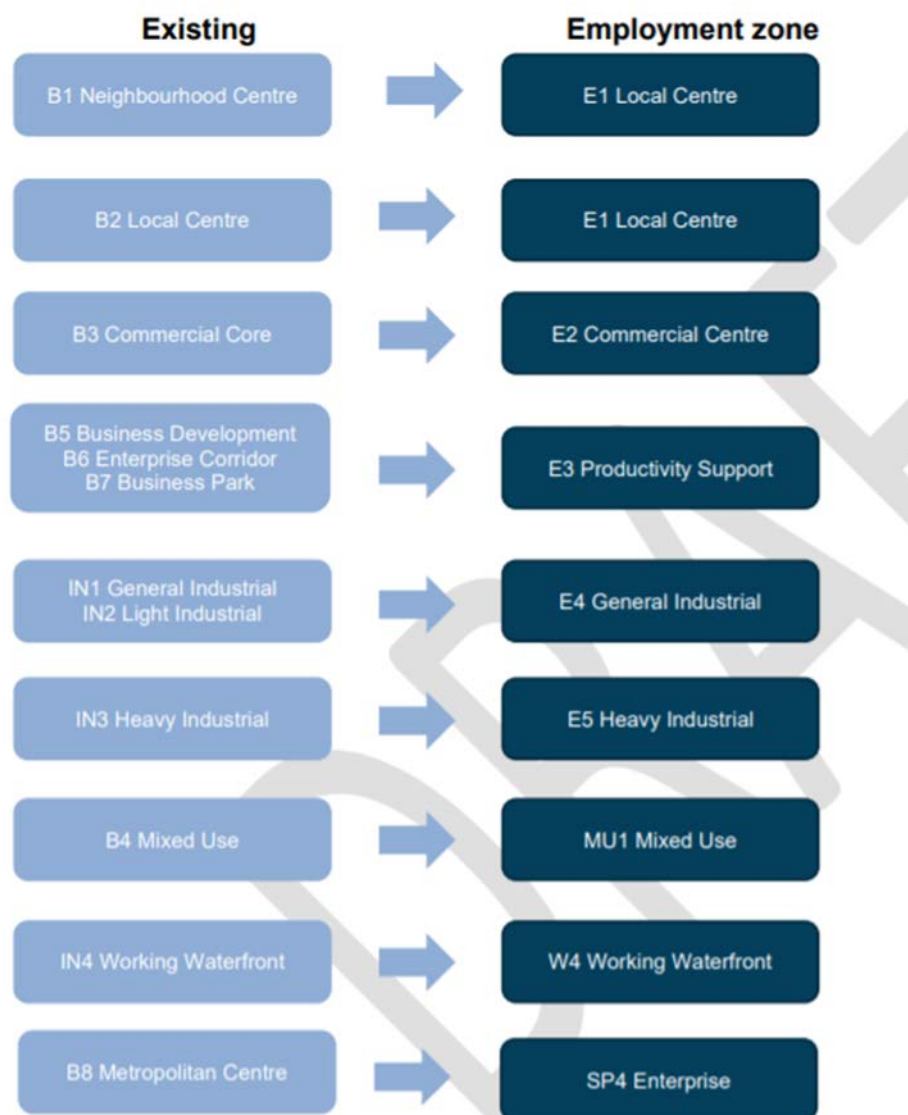
6. Rebuilding of farm infrastructure - allowing the reconstruction of farm buildings and other structures as exempt development following natural disaster, where constructed to the same size and contemporary building standards including the Building Code of Australia and relevant Australian Standards.
7. Stock containment lots - updating and rationalising existing controls for stock containment lots to reflect current practice, and ensuring stock containment areas used temporarily, such as during drought, do not impact negatively on surrounding uses.
8. Farm dams - clarify terminology used in the planning system and provide a consistent approval process across the state
9. Biosecurity - updating development standards for poultry farms and pig farms to align with separation distances required under biosecurity standards.
10. Rural dwelling setbacks - updating controls that allow dwellings on rural lots as complying development to ensure enough separation from adjacent primary production enterprises.
11. Recreational beekeeping - providing exempt development pathway for recreational beekeeping to improve certainty.

Employment Zones Reforms

The Department of Planning, Industry and Environment have undertaken a review of employment zones reforms in an effort to support long-term economic recovery that enables business and jobs in the locations where they are needed.

The reforms include the delivery of a simplified employment zones framework that suits the future of work, is fit for purpose, supports productivity and job growth while facilitating delivery of strategic plans and planning priorities. The reform is seeking to replace the existing Business and Industrial zones with 5 new employment zones and 3 supporting zones under Standard Instrument Principal Local Environmental Plan. The chart below indicates the proposed changes that are planned for early 2022.

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This in turn has implications for existing Environmental Zones, which will have to be amended as per the table below:

Current name	New name
Zone E1 – National Parks and Nature Reserves	Zone C1 – National Parks and Nature Reserves
Zone E2 – Environmental Conservation	Zone C2 – Environmental Conservation
Zone E3 – Environmental Management	Zone C3 – Environmental Management
Zone E4 – Environmental Living	Zone C4 – Environmental Living

In addition to the above, there are a series of further amendments to be made or introduced by the NSW Government between now and March 2022, including:

- Short Term Rental Accommodation provisions
- Natural Hazards provisions
- Review of Infrastructure SEPP

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- Draft State Significant Agriculture Map
- Review of Vegetation SEPP
- Proposed Fun SEPP
- Flood Prone Land Package provisions.

The chart contained in Attachment 3 outlines the significant changes in policy that are planned by the NSW Government between now and March 2022.

COMMUNITY ENGAGEMENT

Stage 1 of the draft Hawkesbury Development Control Plan has been prepared based on engagement with a number of stakeholders including Councillors, and the LEP-DCP Reference Group which includes various professionals within the development sector. In order to ensure a clear, concise and contemporary standard Development Control Plan was prepared, it was considered essential that a Reference Group was formed of the end users of the Development Control Plan. These professionals have used the Hawkesbury Local Environmental Plan and Development Control Plan through previous projects, and have proved to be an invaluable resource by identifying with evidence what planning controls have worked well and what needs to be rectified in order to ensure good land use planning outcomes for the community.

Additionally, feedback received from the community through various sources including broader, Council led engagement and as a consequence of individual development applications has also been included as part of preparation of the new Development Control Plan. Feedback from internal Council Officers has also been incorporated as part of the review of development controls, as has feedback from various planning panels when dealing with application matters.

Stage 1 of the draft Hawkesbury Development Control Plan will be publicly exhibited in accordance with the Hawkesbury Community Participation Plan 2019, the outcomes of which will be reported back to Council prior to adoption.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Leadership: 1.3.

Our Community: 2.5.

Our Environment: 3.1, 3.2, 3.3 and 3.4.

Our Assets: 4.3.

Our Future: 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7 and 5.8.

FINANCIAL IMPACT

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

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

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

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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** Draft Hawkesbury Development Control Plan (Stage 1 Chapters) - (*Distributed under separate cover*).
- AT - 2** Western Sydney Engineering Design Manual - (*Distributed under separate cover*).
- AT - 3** NSW Government - Snapshot and Engagement Pipeline of Key Activities - (*Distributed under separate cover*).

oooO END OF REPORT Oooo

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GENERAL MANAGER

Item: 227 **GM - Council Policy Review - (79351)**

Previous Item: 236, Ordinary (25 September 2018)
 132, Ordinary (30 July 2019)

Directorate: General Manager

PURPOSE OF THE REPORT:

The purpose of this report is to:

- Provide an update on the review of Council policies
- Present a new Council Policy Framework
- Make recommendations with respect to the policies in Council's Policy Register

EXECUTIVE SUMMARY:

Council maintains a Policy Register containing policies adopted by Council. In 2018 Council resolved to undertake a review of all Council policies.

In 2019 the Policy Review commenced with an audit of Council policies which identified there were 105 policies, some policies dated back to the 1990s, many had not been reviewed, and they varied in format and content.

Councillors received information about the Policy Review at a Councillor Briefing Session on 1 September 2020, and during the first half of 2021 all Council Policies were reviewed and a new Policy Framework developed which includes a set of governance standards across policy development and associated processes.

As part of the review, consideration was given to which policies could be removed from the Policy Register, and how overlap could be reduced by amalgamating existing policies under a common heading.

On 2 August 2021 a Councillor Workshop was held where the Policy Framework was presented, attached at Attachment 1 to this report, and recommendations were made about removal and amalgamation of policies, contained in Attachment 2 to this report.

RECOMMENDATION:

That:

1. The Council Policy Framework, attached as Attachment 1 to this report, be received and noted.
 2. Council endorse the Proposed Council Policies in the table in Attachment 2 to this report.
-

BACKGROUND:

Council, at its meeting on 25 September 2018 considered a Mayoral Minute regarding a review of policies and resolved, in part, as follows:-

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"That:

2. A Councillor Workshop be held to undertake a review of its policies with a view to:

- a) Preparing a procedure for developing and reviewing Council policies which considers the use of a council policy template that includes a review date, version control and responsible officer.*
- b) Identifying policies that are currently on the Policy Register that:*
 - are no longer applicable and can therefore be removed;*
 - can be amalgamated with other policies; or*
 - can be reviewed and updated ensuring that Council's Policy Register is always current*
 - are currently under review and the status of these policies."*

On 30 July 2019 Council received a report which included information obtained by staff from an audit of Council policies. The audit identified:

- Council had 105 policies in its Policy Register.
- The policies were originally drafted between the early 1990s and 2019;
- 21 policies had not been reviewed since 1998;
- The policies vary in format and content;
- Some policies are quite operational whilst others are more strategic in nature;
- 26 policies are one sentence "policy statements" or brief "statements of Council's position" rather than a comprehensive policy documents (refer to Attachment 1 of this report);
- Many of the policies do not include a review date and/or a responsible officer; and
- A number of policies overlap and/or can be consolidated with other policies, for example:-
 - 15 relate to LEP, DCP and/or town planning guidelines
 - 11 relate to the Office of Local Government
 - 6 relate to Community Access and Inclusion
 - 5 relate to Events
 - 3 relate to Affordable Housing

Due to the period of time over which policies have been developed and adopted by Council, not all policies follow the same format or template.

Council's policy template was reviewed and amended in 2019 and again in June 2020 in an attempt to standardise the format for newly developed policies.

Following a Councillor Briefing on 1 September 2021, a comprehensive review of all policies, and documents associated with the preparation and implementation of policies, was conducted by staff. This included:

- Reviewing the existing policy framework in preparation for the development of an enhanced framework for consideration and implementation, along with appropriate governance standards.
- Analysing the differences between a policy, procedure, guidelines and processes.
- Confirming the scope of the policies to be reviewed – policies adopted by Council and included on Council's policy register, and checking for overlap with operational management standards and staff policies
- Reviewing the policy template
- Creating updated internal workflows for key processes
- Meeting with staff, managers and the Executive Team.

The need for an overarching set of standards across policy development and associated processes was identified and a new Policy Framework was prepared, and is attached as Attachment 1 to this report.

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The review also included:

- Grouping policies into common domains or themes
- Identification of those policies which could be removed from the Policy Register, and those requiring consolidation with other policies or updating.

On 2 August 2021, a Councillor Workshop was held at which consideration was given to the Policy Framework, the proposed policy themes, and specifically the recommendations concerning removal, consolidation and updating of policies.

The Proposed Council Policies resulting from those recommendations, are attached as Attachment 2 to this report. The Proposed Council Policies will, if adopted, result in a reduction in the number of Council Policies by removing policies and/or policy statements from the Policy Register that are no longer applicable, and reducing policy overlap by amalgamating existing policies under a common heading.

DISCUSSION

Following the Councillor Workshop, a further review was carried out of a number of planning policies, where it had been recommended that the content of the policies be merged into existing or new policies.

Having regard to the content of Council's existing planning instruments, policies and plans, it is proposed that the following policies be removed from the Policy Register and that the content not be retained in other policies:

- Wilberforce Subdivision Policy (this content could be considered as part of the work Council is currently undertaking in relation to the Development Control Plan)
- State Environmental Planning Policy No 1 (Development Standards) for Rural Subdivisions
- Shop-Top Housing
- Development Building and Subdivisions
- Boundaries of the Local Government Area
- Hawkesbury's Green Re-Use Scheme
- Our City Our Future - Rural Rezoning

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.
- 1.5 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.

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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 Council Policy Framework - *(Distributed under separate cover)*.

AT - 2 Proposed Council Policies - *(Distributed under separate cover)*.

oooO END OF REPORT Oooo

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CITY PLANNING

Item: 228 **CP - 2017-2021 End of Term Report, incorporating the 2020/2021 Annual Report and Audited Financial Statements - (79351, 124414)**

Previous Item: 242, Ordinary (8 November 2016)

Directorate: General Manager

PURPOSE OF THE REPORT:

The purpose of this report is to present Council's 2017-2021 End of Term Report, incorporating the 2020/2021 Annual Report and Audited Financial Statements, as attached as Attachments 1 and 2 to this report.

EXECUTIVE SUMMARY:

The 2017-2021 End of Term Report, incorporating the 2020/2021 Annual Report and Audited Financial Statements have been prepared in accordance with the requirements of the Local Government Act 1993 (The Act) and the Local Government (General) Regulation 2021.

RECOMMENDATION:

That:

1. The report regarding Council's 2017-2021 End of Term Report, incorporating the 2020/2021 Annual Report and Audited Financial Statements be received and noted.
 2. The 2017-2021 End of Term Report, incorporating the 2020/2021 Annual Report and Audited Financial Statements, as attached as Attachment 1 and 2 to this report be forwarded to the Office of Local Government and placed on Council's website by 10 December 2021.
-

BACKGROUND

The Local Government Act 1993 requires that each Council must prepare an End of Term Report to be presented to Council at the last meeting of its term. The main purpose of the End of Term Report is to report on Council's progress in implementing the Community Strategic Plan over the previous four years (or in the case of the current Council term, the previous five years). This report presents the results for the community as a result of the activities Council has undertaken.

The Act also requires that each Council must prepare an Annual Report by 30 November 2021 to report on its achievements in implementing its Delivery Program over the previous year. To do this, a report on the achievement of the actions identified in Council's Operational plan for the relevant financial year is used to inform the Annual Report. The Act also requires that audited Financial Statements accompany the Annual Report. A separate report is in this Council Meeting Business Paper regarding the 2020/2021 Audited Financial Statements.

The following is a summary of the requirements of Section 404 of the Local Government Act 1993:

- Council must prepare an Annual report within five months of the end of the financial year i.e. 30 November

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- The report must outline Council's achievements in implementing its Delivery Program
- The report must contain Council's audited Financial Statements and Notes, and any information required by the Regulation or the Guidelines
- A copy of the report must be posted on Council's website and provided to the Minister for Local Government.

The End of Term and Annual Reports are key points of accountability between a Council and its community. They are not reports to the Office of Local Government or the NSW Government, they are reports to the community.

The Annual Report also includes information that is prescribed by the Local Government (General) Regulation 2021. This information has been included by the NSW State Government to assist the community in understanding how Council has been performing both as a business entity and as a community leader.

Clause 2174 of the Local Government (General) Regulation 2021 requires the following information to be included in the Annual Report:

- Details of overseas visits by Councillors and council staff
- Details of Mayoral and Councillor fees, expenses and facilities
- Contracts awarded by Council
- Amounts incurred in relation to legal proceedings
- Private works and financial assistance
- Details of external bodies, companies and partnerships
- Details of the General Manager's total remuneration
- Details of the total expenditure on Senior Staff remuneration
- Information on stormwater levies and charges
- Information on companion animals management
- A statement of the activities undertaken by Council to implement its equal employment opportunity management plan.

Relevant Legislation

Local Government Act 1993
Local Government (General) Regulation 2021.

DISCUSSION

On an annual basis, Council is presented with an Operational Plan and Budget. Since 2019, Council has had to continue to deliver services while responding to the major natural disasters of the 2019/2020 bushfire, 2020 and 2021 flooding events and the COVID-19 Pandemic. These unprecedented times have had a significant impact both on our community and Council operations.

The 2017-2021 End of Term Report incorporates the impacts these natural disasters and COVID-19 have had on our community and Council operations. Also incorporated in the 2017-2021 End of Term report is the 2020/2021 Annual report which documents information required by the Local Government (General) Regulation 2021, as well as tables describing Council's actions against the 2020/2021 Operational Plan.

Council is requested to consider and note the attached 2017-2021 End of Term Report, incorporating the 2020/2021 Annual Report and Audited Financial Statements

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy, although the reports relate to the Community Strategic Plan and 2020/2021 Operational Plan which Council did engage the community on.

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

Our Future

- 5.1 Strategic Planning Governance - Encourage informed planning, balanced growth and community engagement
 - 5.1.1 Council's planning is integrated and long term.
 - 5.1.2 Council's decision making on all matters is transparent, accessible and accountable.
 - 5.1.3 Council will continually review its service provision to ensure best possible outcomes for the community.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The 2020/2021 Annual Report addresses the 20 expenditure and revenue measures in Council's Fit for the Future improvement Plan, and reports progress to date in achieving those targets.

ATTACHMENTS:

- AT - 1** 2017-2021 End of Term Report, incorporating the 2020/2021 Annual Report - *(Distributed under separate cover).*
- AT - 2** General Purpose and Special Purpose Financial Statements and Special Schedules for the period ending 30 June 2021 - *(Distributed under separate cover).*

oooO END OF REPORT Oooo

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Item: 229 **CP - Draft Hawkesbury City Council Submission - Warragamba Dam Wall Raising Environmental Impact Statement - (95498, 124414)**

Previous Item: MM, Ordinary (26 October 2021)
 221, Ordinary (9 November 2021)

Directorate: City Planning

PURPOSE OF THE REPORT:

The purpose of this report is to present the draft Hawkesbury City Council submission to the Warragamba Dam Raising Environmental Impact Statement.

EXECUTIVE SUMMARY:

The report provides an outline of the history associated with Council's previous consideration with respect to Warragamba Dam, and details of the Environmental Impact Statement for the Warragamba Dam Raising Project.

Based on consideration of the Environmental Impact Statement, a draft submission has been prepared, which has included the series of points contained within Council's resolution on this matter from its Ordinary Meeting on 9 November 2021.

RECOMMENDATION:

That Council endorse the draft submission to the Water NSW Warragamba Dam Raising Environmental Impact Statement included as Attachment 2 to the report.

BACKGROUND

Detailed History, including previous Council decisions

History of Council's position on Warragamba Dam

Hawkesbury Council, and the previous Windsor and Colo Councils have had long-standing concerns about the impacts of flooding on the Hawkesbury local government area. The early position of the Councils was to request that the volume of water stored in the dam be reduced so that the dam would be able to store a greater capacity of water during flood times. However, their campaign was unsuccessful.

Hawkesbury City Council continued the position of the previous Councils, this time with the intention that the reduction in water storage would act as an interim measure until the dam wall could be raised, a proposal which the Council supported.

1960s-1970s – Windsor and Colo Councils

Council made extensive representations to the Metropolitan Water Board and Minister for Public Works in the 1960s-1970s regarding concerns with the level of water in the dam and potential flooding impacts. This was largely concerned with reducing the amount of water generally stored in the dam, and use of surplus water to generate power in the hydro-electricity plant at the dam, which is now disconnected.

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Correspondence from Windsor Council to Minister for Public Works, 16 September 1974:

"At the meeting of Council on 10 September [1974] it was resolved:

"That the Minister for Public Works be asked to lower the level at Warragamba Dam to a height sufficient to act as a flood mitigating measure to lessen the height of future flooding."

The response from Minister for Public Works included:

"For several years representations have been made by Windsor Council and other bodies for the operation of Warragamba Dam, including its flood gates, to provide "Flood Control". The Nepean-Hawkesbury Interdepartmental Committee has been set up to examine these matters... On the general question of use of Warragamba Dam for flood mitigation, the position is that the Dam, having been constructed for water supply purposes, must be operated as such and cannot therefore be operated specifically for the purposes of flood mitigation."

No mention of raising the dam wall was made at this time. Council persisted in this line of enquiry with the same response.

Letter from Minister for Public Works, 6 December 1974:

"Some flood mitigation occurs as a secondary effect with the operation of the hydro-electric power station and the lessening of the flood peak due to the reservoir lake pondage. Because the requirements for water supply and flood mitigation are incompatible, however, Council's request for the lowering of the level of Warragamba Dam for flood mitigation purposes cannot be acceded to."

Hawkesbury Council and the Disaster Alleviation Movement In Time (DAMIT) Committee

On 12 December 1995, Council resolved to support the state government's proposal to raise the dam wall by 23 metres, and/or the parallel proposal of construction of a spillway. The state government ultimately decided not to proceed with those proposals, and instead opted to pursue an integrated floodplain planning strategy. However, Council continued to express its support for the original proposal.

From 1996-2004, Council was involved with the DAMIT (Disaster Alleviation Movement In Time) Committee, of which Dr Rex Stubbs was the Chairman.

The DAMIT committee stated to Council that:

"DAMIT's principal objective [is] that of having an effective flood mitigation for the Hawkesbury-Nepean Valley through the raising of Warragamba Dam wall by 23 metres as recommended in the \$10 million Environmental Impact Statement of the Proposed Warragamba Flood Mitigation Dam (July 1995)." A Mayoral Minute of 8 October 1996 recommended that Council "support the DAMIT Committee's position and in doing so clearly indicate to the Government that the lowering of the water supply at Warragamba is considered an interim measure to the construction of the additional 23 metres on the Dam."

The ultimate fate of this Committee is unclear. It seems to have been partially integrated with Council's Floodplain Management Committee in around 2004, but continued to operate independently with the involvement of former Hawkesbury Councillors and Penrith Councillors, until its name changed to the "Hawkesbury-Nepean Flood Mitigation Action Committee" in 2011. It continued to make submissions to local media and government agencies under this name until about 2016.

Council's Floodplain Risk Management Advisory Committee

In 2008, advice from the Department of Environment and Climate Change was received stating that large regional flood mitigation programs (such as modifications to the dam) would not be considered by the Department until Council had completed the Flood Risk Management Study and Plan to identify the benefits of any flood mitigation works. The Study and Plan were completed in December 2012, and

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Council commenced implementing the strategies. It was around this time that the Hawkesbury-Nepean Valley Flood Management Review was commenced through a collaboration of NSW Government agencies, an outcome of which was the current Warragamba Dam Raising proposal.

On 27 February 2014, a Motion was put forward to the Floodplain Risk Management Advisory Committee including background information stating that:

"The FRMAC recognise the need to raise the height of the Warragamba Dam wall however this project will take many years to complete." The objective of the Motion was to gain Council approval to advise relevant government agencies of all levels of Council's "preferred position of flood mitigation measures being taken immediately in the Hawkesbury/Nepean River system".

According to the Motion, these immediate mitigation measures were intended to be completed "in the meantime", with the Motion making it clear that raising of the dam wall was still the eventual desired outcome.

The Floodplain Risk Management Advisory Committee Minutes containing this Motion were reported to Council on 25 March 2014. Council resolved that a report on the Floodplain Risk Management Advisory Committee recommendation be submitted to Council.

That report was considered at the Council meeting of 13 May 2014. The resolution adopted by Council was that Council continue to work with State Agencies to progress the Hawkesbury-Nepean Valley Flood Management Review, and that whilst already adopted local and regional flood mitigation initiatives would continue to be implemented, no additional mitigation works would be pursued until that Review was completed.

More recently a Notice of Motion was put before Council on 10 April 2018 regarding the Warragamba Dam wall raising as follows:

"That:

- 1. Hawkesbury Council renews its support for the proposal of raising Warragamba Dam to provide flood mitigation as outlined in the Hawkesbury Nepean Floodplain Review Taskforce report "Resilient Valley, Resilient Communities", because it will mitigate the severity and duration of future floods, and because it will save life and property in the Hawkesbury.*
- 2. Council write to the State Member, the relevant Minister, and Infrastructure NSW to convey this support."*

The motion was lost and no alternative motion passed.

Hawkesbury-Nepean Flood Risk Management Strategy – Resilient Valley, Resilient Communities

The Resilient Valley, Resilient Communities - Hawkesbury-Nepean Flood Risk Management Strategy will address nine key outcomes from the strategy. These include:

1. Co-ordination and integration
2. Warragamba Dam raising
3. Integrated land use and emergency planning
4. Improved flood risk information
5. Aware, prepared and responsive community
6. Improved weather and flood predictions
7. Best practice emergency response and recovery
8. Adequate local roads for evacuation
9. Ongoing monitoring and evaluation, reporting and improvement

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Outcome #2 – Proposal to raise the Warragamba Dam wall for flood mitigation is being led by WaterNSW.

The identified challenges for this proposal are:

- Diverse communities of interest
- Providing the evidence-base in an accessible way.

Current status of this Outcome is:

- Detailed environmental and social impact assessment undertaken
- Aboriginal cultural heritage assessment surveys undertaken
- Detailed concept designs commenced
- Investigating operational arrangements for flood mitigation
- Environmental Impact Statement (EIS) released for public comment until 29 November 2021.

The Environmental Impact Statement can be viewed via the following link:

<https://www.planningportal.nsw.gov.au/major-projects/project/10571>

Inquiry into the Water NSW Amendment (Warragamba Dam) Bill 2018

Council wrote to the Chair of the Standing Committee on State Development at Parliament House on 3 October 2018 providing comments in respect to the inquiry into the Water NSW Amendment (Warragamba Dam) Bill 2018.

The content of the correspondence included the following:

"The Resilient Valley, Resilient Communities – Hawkesbury-Nepean Valley Flood Risk Management Strategy includes "Outcome 2 – reduce flood risk in the Valley by raising Warragamba Dam wall". Council notes, "In developing the Flood Strategy, the Taskforce found that raising the Warragamba Dam wall by around 14 metres was a cost effective measure for reducing flood damages and risk of life. This measure will result in around 75% reduction in the damages expected from floods on average each year and significantly reduce the risk to life from flood events. Proceeding to construction is subject to environment and planning approvals."

Council agreed with the intent in providing additional time to ensure the safe and complete evacuation of people in the Hawkesbury Nepean Valley when flooding occurs. At present, it is predicted that current warning times will not be adequate to support the evacuation of the existing population of the Hawkesbury Nepean Valley.

In March 2018, Water NSW and Infrastructure NSW briefed Hawkesbury City Councillors on the Resilient Valley, Resilient Communities and the Warragamba Dam wall raising proposal as part of their consultations with affected Councils. A further briefing occurred in October 2021 following the release of the Environmental Impact Statement, and a copy of that presentation is attached as Attachment 1 to this report.

In relation to the inquiry into the Water NSW Amendment (Warragamba Dam) Bill 2018, Council submitted the following comments:

- a) Concern regarding the limited time provided to prepare and submit a response
- b) The fact that Council is still waiting for the release of the Regional Flood Study being prepared by Infrastructure NSW
- c) The unavailability of findings to date for the Environmental Impact Study.

Council recommended and proposed that a more considered assessment of the proposed amendment should occur post the completion and subsequent to the inclusion of the findings from the completed Environmental Impact Statement and Regional Flood Study.

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Council recently considered a Mayoral Minute at its Ordinary Meeting on 26 October 2021 with respect to Council's submission to the Environmental Impact Statement. The Mayoral Minute failed to receive endorsement from Council, and no alternative motion passed at that Ordinary Meeting.

A Notice of Motion was considered at Council's Ordinary Meeting on 9 November 2021, which with an addition to the motion was passed by Council. That resolution of Council is outlined in the Discussion section of this report.

Location Plan

Warragamba Dam - Outside of Hawkesbury Local Government Area.

Relevant Legislation

Environmental Planning and Assessment Act 1979, and controlled action under - Environment Protection and Biodiversity Conservation Act 1999.

DISCUSSION

The draft submission has been prepared through a balanced assessment of the Environmental Impact Statement in considering the raised dam wall in the context of downstream flood mitigation and impacts, and upstream environmental and cultural considerations.

The draft Hawkesbury City Council submission is attached as Attachment 2 to this report, and includes the 16 points contained within Council's resolution from its Ordinary Meeting on 9 November 2021, including:

- "1. Information about the impacts of flooding on the Hawkesbury Local Government Area in 2020 and 2021 and progress with recovery.*
- 2. Concerns about infrastructure provision, including potential loss of power, telecommunications, and lack of access to emergency services.*
- 3. Lack of flood studies for all tributaries.*
- 4. Prohibitive costs of insurance and the need for a government-based insurance scheme.*
- 5. Lack of water level monitoring and timely access to this information for residents.*
- 6. Concerns about increased development in areas likely to be inundated or cut off by flooding (Pitt Town, McGraths Hill, South Windsor, Windsor Downs, Bligh Park, etc).*
- 7. Inadequate evacuation routes, improvement of which would also improve travel times for those working outside the LGA each day.*
- 8. Concerns about development along flood evacuation routes which will slow evacuation by Hawkesbury residents.*
- 9. Concerns about water quality following inundation.*
- 10. The likely delayed drop in flood levels due to water being released from the dam and the impact of prolonged flooding on downstream communities including ratepayer funded infrastructure.*
- 11. Environmental impacts downstream, including bank erosion, high impacts on critically endangered ecological communities and wetlands, and prolonged flooding of Scheyville and Cattai National Parks.*
- 12. Impacts on downstream prawn and fishing industries.*

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13. *Lack of disclosure of documents relating to this projects, as detailed in the NSW Select Committee Report.*
14. *Expert advice that changes in land use will change overland flow of water into the Hawkesbury-Nepean basin, rendering the dam less able to mitigate flooding and giving a false sense of security for residents and emergency services.*
15. *Unsatisfactory environmental and cultural heritage impact statements, including the lack of acknowledgement of the impacts on the Aboriginal Cultural Heritage of the Gundungurra People and failure to comply with the Burra Charter.*
16. *Council's Flood Policy 2020, which recognises the need for a collaborative approach to floodplain management across the Hawkesbury-Nepean Valley and demonstrates our commitment to providing up to date and relevant, best practice controls based on consideration of flood hazard and risks."*

COMMUNITY ENGAGEMENT

Water NSW are currently undertaking community engagement as part of this project. Council is considering a draft submission to that consultation.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

The report is consistent with a wide range of Focus Areas, Directions and Strategies within the Community Strategic Plan 2017-2036, including:

Our Leadership: 1.4 and 1.5.

Our Assets: 4.2 and 4.3.

Our Future: 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, and 5.8.

FINANCIAL IMPACT

This project is jointly funded by the NSW Government.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

This project is a NSW and Federal Government project.

ATTACHMENTS:

- AT - 1** Presentation from Infrastructure NSW/Water NSW - Warragamba Dam Environmental Impact Statement - (*Distributed under separate cover*).
- AT - 2** Draft Hawkesbury City Council Submission to the Warragamba Dam Environmental Impact Statement - (*Distributed under separate cover*).

oooO END OF REPORT Oooo

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INFRASTRUCTURE SERVICES

Item: 230 **IS - Domestic Sullage - (95498, 112179)**

Previous Item: 119, Ordinary (29 June 2021)

Directorate: Infrastructure Services

PURPOSE OF THE REPORT:

The purpose of this report is to provide the information requested in regard to domestic sullage in accordance with Council resolution dated 29 June 2021.

EXECUTIVE SUMMARY:

Council at its meeting on 29 June 2021 considered a report regarding Domestic Sullage and resolved, in part, to receive a report providing information regarding:

“That:

5. *A further report be provided to Council that covers:*

- *Alternative pricing structures including user pay*
- *The feasibility and economic potential of split systems (i.e. grey water treatment and brown water treatment) and how this might reduce costs*
- *A draft survey of pump-out households*
- *How the revised Development Control Plan will provide more flexibility to the owners of the new dwellings who would like to explore alternatives to pump-out*
- *The information that Council provides to homeowners concerning inspections.”*

As background information to this report, the report considered by Council at its meeting on 29 June 2021 is attached as Attachment 1 to this report.

RECOMMENDATION:

That Council:

1. Enter into discussions with Sydney Water regarding their strategic plans for the North West area.
2. Review the Sullage service prior to the expiration of the current contract in May 2023 and report back to Council service and contract options, and the associated financial, environmental and regulatory considerations.
3. An update on the outcomes of Parts 1 and 2 to be reported to Council no later than June 2022.
4. Engage a consultant to develop education material regarding various technologies available in regard to split systems, including the criteria applicable for each system.
5. Receive and note the results of the survey of pump-out households.

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6. Receive and note the comment included in the revised Development Control Plan in regard to effluent disposal.
7. Receive and note the information that Council provides to homeowners concerning inspections.

BACKGROUND

At its Meeting on 29 June 2021, Council considered a report regarding Domestic Sullage and resolved, in part, as follows:

“That:

5. *A further report be provided to Council that covers:*
 - *Alternative pricing structures including user pay*
 - *The feasibility and economic potential of split systems (i.e. grey water treatment and brown water treatment) and how this might reduce costs*
 - *A draft survey of pump-out households*
 - *How the revised Development Control Plan will provide more flexibility to the owners of the new dwellings who would like to explore alternatives to pump-out*
 - *The information that Council provides to homeowners concerning inspections.”*

Relevant Legislation

- Water Industry Competition Act (WICA)
- Part 3, Division 2 (Sections 56-66) of the Local Government Act 1993
- Local Government (General) Regulation 2005
- Protection of the Environment Operations Act 1997 and Regulations
- Onsite Domestic Waste Water Management AS 1547/2012 (Standard)
- The Hawkesbury Development Control Plan. Section 1.18 of the Hawkesbury Development Control Plan states, in relation to effluent disposal: 1.18 EFFLUENT DISPOSAL Aim (b) To ensure that there is adequate land for onsite effluent where land is not serviced by reticulated sewer. Objectives – Connection to reticulated sewerage is required for all forms of residential development, apart from single dwellings and rural dual occupancies.

DISCUSSION

The information requested in the Resolution is provided below:

1. *Alternative pricing structures including user pay*

The sullage service is self-funded through an internally restricted reserve, with all revenue from the charges being restricted for expenditure on the program. The annual sullage charge for residential and commercial properties is determined based on maintaining the desired level of funds in the reserve to fund on-going expenditure, and is based on full cost recovery. Council does not generate any profit from this service.

Council provides the sullage collection service through an external contractor. The current contract, due to expire in 2023 is based on a minimum fortnightly pumpout frequency. Under the current contract, Council pays the contractor an agreed charge per domestic service which equates to a total sum payable per annum based on the number of properties being serviced on a weekly or fortnightly basis, in addition to commercial, extra, and emergency services.

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Pricing Structures

Currently domestic services are charged a flat annual charge whilst commercial customers are charged on volume pumped out with a minimum charge applicable. Extra and emergency sullage pumpout services are also available to customers on request. These services are charged at a flat rate per service.

In regard to domestic sullage service, there are currently:

789 properties on a fortnightly service, 2021/2022 annual charge \$2,605.36

10 properties on a weekly service, 2021/2022 annual charge \$5,210.72

By comparison, the annual sewer charge is \$931.02.

Alternative pricing structures include:

- Volume based Charge
- Annual charge based on weekly, fortnightly or monthly based on estimated volume
- Minimum charge plus volume based charge.

Any change in pricing structure during the term of the existing contract is challenging due to existing contractual obligations and the “guaranteed” income forming the basis of the contract. Any change would result either in a cross subsidisation within the customer base, or a subsidisation by Council.

Whilst changing the frequency of collection during the term of the current contract is challenging, Council could look at a different contract structure when entering into a new contract after the expiry of the current contract in 2023.

The pricing structure options explored below are based on the assumption that they are implemented within the context of a new contract.

Volume based charge

A volume based charge, or user pay pricing structure, means that homeowners pay for the actual volumes of sullage pumped out from the septic tank. The volumes pumped out are already being measured through flow meters installed in the contractor’s trucks.

This pricing structure, whilst it may be perceived to be the fairest for homeowners, has a number of risks and challenges.

The potential financial and environmental impacts are as follows:

- From a contract perspective, it would be challenging to establish a “guaranteed” base income. This is likely to result in a high per Ltr charge being applied by the contractor.
- As volumes would fluctuate, it would be challenging logistically for the contractor to organise its truck runs. The service required would be on demand and would rely on the homeowner to request the service in a timely manner. This “reactive” type service is also likely to result in a high per Ltr charge being applied by the contractor.
- Increased potential for environmental and public health risks due to system failures where pump-out services are not organised before the system reaches capacity.
- Additional resources required to monitor and regulate the operations of the septic tanks due to the higher risk of system failure.
- Significant administrative burden and cost as each property would need to be invoiced monthly for actual volumes pumped out, rather than the current annual charge being included

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as part of the Rates Notice. Monthly invoicing would require additional resources, with this cost being passed on to the homeowner.

Positive outcomes include:

- Incentive to implement water conservation / reduced discharge (although most households have already introduced these measures).
- More equitable charges based on user pay principles.

It is further noted that in areas where sewer services are provided, charges are made on a flat fee/charge and do not reflect volumes discharged. This principal is applied to ensure the best outcome for public health and environmental management. Whilst it is recognised that sullage charges are significantly higher, these same principles are still valid.

The challenges and risks associated with a volume based charge outweigh any potential benefits and ultimately are not likely to result in a significant reduction in cost for the homeowner.

Annual charge based on weekly, fortnightly or monthly based on estimated volume

Alternative options and arrangements for the frequency of collection were investigated in 2014, with a view to assessing the feasibility of reduced frequency collection for households generating lower sullage volumes. Eligibility for a reduced frequency collection was determined on the basis of volume of effluent generation or tank/storage capacity in order to ensure no overflows would be likely to occur. The reduction in service frequency that was considered most feasible was from fortnightly to monthly. At that time, based on a history of sullage pumpouts of less than 1,800 litres per pumpout service per property on a fortnightly basis and the sullage storage tank not being less than 4,000 litres in capacity, approximately 205 out of the total services could potentially be permitted to move to a monthly sullage pumpout service.

Should this option be further explored prior to the expiration of the current contract, a more up to date analysis of volumes being pumped out from each property would need to be undertaken, utilising volume data collected through the use of flow meters.

The potential financial and environmental impacts are as follows:

- The addition of a monthly service option could result in an increase in charges applicable to fortnightly and weekly sullage services, for the contractor to maintain the desired level of income to cover fixed and variable cost and an adequate profit.
- Should additional pumpouts be required, the cost of the additional service would negate the benefits to the resident.
- Increased potential for system failure leading to discharge of sullage into the environment to achieve the volume threshold required to move to a monthly service. A reduced collection frequency to reflect low volume generation would require strict controls on initial and ongoing eligibility (conformance, volume, environmental issues).
- Requirement to increase the frequency of inspections, leading to additional resources to monitor and regulate the option of an additional monthly service.

Positive outcomes include:

- Incentive to implement water conservation / reduced discharge (although most households have already introduced these measures).
- More equitable charges, as the option of a reduced frequency collection would provide the opportunity to better align cost with volumes pumped out

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A reduced frequency of pump out for some customers would not result in significant operational efficiencies, and therefore charges to homeowners may not be reduced. Pump out times would not change significantly with any time savings in pump out connection balanced by more frequent transport time to the Sewer Treatment Plant. Council would potentially also incur higher treatment costs at its treatment plant due to higher ammonia levels arising from longer tank resident times. These costs would be passed on through charges to homeowners.

Minimum charge plus volume based charge

When reviewing the basis of a new contract the option of a minimum charge plus volume based charge could be explored. This type of price structure may address some of the challenges associated with a pricing structure solely based on volume and partially address the issue of alignment of volumes and charge. The volume based element of this pricing structure, would, however still result in most challenges and risks associated with a volume based charge.

Other Options

Council ceasing being a Service Provider

Homeowners can obtain an independent sullage pump out service, by a contractor of their choice. It is not mandatory to use Council and pay the applicable annual charge. Council does not have a legislative requirement to provide the sullage service. History does show, however that homeowners that had chosen to use a contractor other than Council's service, have returned to using the Council sullage collection service due to cost.

Council has historically provided this service with a view it can use its purchasing power to attract a contract that minimises the cost to homeowners due to economies of scale. Whilst this approach may have achieved this objective, it has also created a monopoly making it cost prohibitive for new entrants or other players in the market to provide a cost effective service. If Council was to cease being a provider of sullage collection services, the supplier market may become more competitive and consequently charges to homeowners by suppliers of the service may be reduced.

If Council was to cease to provide the service, increased education and regulatory activities would need to be implemented. The cost of these activities could be recouped through higher Septic Tank Inspection fees.

It is further to be noted that it would not be cost effective for Council to remain a player in the market. A reduced market would result in even higher contractor charges being payable by Council and consequently higher charges.

Subsidisation of cost by Council

Council could consider subsidising the cost of sullage collection to homeowners. The funds to provide this subsidy would need to come from general funds available for other services to the community overall, including those residents paying a sewerage annual charge. Subsidising the cost of infrastructure for a select section of the community only may not be equitable.

Table 1 shows the value of a subsidy to the homeowner on a fortnightly service (789 properties) and the associated cost to Council for a 50%, 25% and a 10% subsidy.

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Table 1 – Fortnightly Service

	50%	25%	10%
Saving per year per property	\$1,302.68	\$651.34	\$260.54
Cost to Council	\$1,027,815	\$513,907	\$205,563

Table 2 shows the value of a subsidy to the homeowner on a weekly service (10 properties) and the associated cost to Council for a 50%, 25% and a 10% subsidy.

Table 2 – Weekly Service

	50%	25%	10%
Saving per year per property	\$2,605.36	\$1,302.68	\$521.07
Cost to Council	\$26,054	\$13,027	\$5,210

The total cost to Council is \$1,053,868 for a 50% subsidy, \$526,934 for a 25% subsidy and \$210,774 for a 10% subsidy. The applicable cost would be budgeted as an expense, thereby reducing funds available for other Council programs and projects. The cost would apply annually, and will progressively increase over time in line with increases in the charges.

Council providing the service itself

The option of Council providing the sullage service utilising its own staff and plant, rather than through an external contract can be explored. The necessary set up capital costs and ongoing operational costs including staff costs, plant running costs, disposal costs and overhead costs can be estimated based on the number of properties serviced and frequency of collection.

Connection to Sewer

As detailed above the cost of sullage to homeowners is dictated by the cost incurred by Council to provide the service. It is likely that even with a different pricing structure than the current structure the cost associated with pump-out infrastructure will remain higher than costs associated with sewer infrastructure.

Connection of properties to Council's sewer network is currently not feasible. The unsewered areas are outside Council's area of operation. The initial capital cost is currently not planned for, and would therefore require higher annual sewer charges to be applied to those areas being connected to recoup the costs. On an ongoing basis, there is currently no business case to expand the sewer network.

Connection to Sydney Water sewer could be explored through engagement with Sydney Water regarding their strategic plans in this regard.

There is also the option for areas currently not connected to a sewer system to have stand-alone sewer systems. Similar arrangements are in place at Pitt Town and Nepean Park. Operators of existing or proposed standalone systems in the area could be contacted regard to the commercial viability of expanding these systems.

Standalone systems are generally established as part of a development, and are privately owned. Whilst a possibility, it may be challenging to attract this type of investment, noting that it is likely there would be a requirement for residents in those areas to contribute to the capital cost of the infrastructure, and initial connection costs. There is also no guarantee that these types of systems would result in a lower ongoing servicing costs than the current sullage pump out charges.

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2. *The feasibility and economic potential of split systems (i.e. grey water treatment and brown water treatment) and how this might reduce costs.*

Council uses the Onsite Domestic Waste Water Management AS 1547/2012 Standard to determine the type of on-site sewage management facility that is most appropriate for each property. There is a potential for more in-depth analysis of each property which would be obtained through a private wastewater study undertaken by the homeowner. The results of the wastewater study on any given property may still lead to a determination that a pump-out system is still the only appropriate system. However, there is a possibility that for some properties alternatives would be found, an option of which could potentially be a split-system. If an alternative was found, the cost of the system will be dictated by the type of system recommended, and some systems may result in lower running costs systems

Other types of on-site sewage management facilities (not effluent pump-out) do not incur the ongoing cost of paying for a pump-out service, as their wastewater is treated by their system in various ways dependant on their system type.

Properties that have these types of onsite sewage management facilities, these properties also comply with the Onsite Domestic Waste Water Management AS 1547/2012 standard and relevant legislation. Though some properties currently utilising an effluent pump-out system would also fall into these categories, the costs to convert/decommission their pump-out system and set up an alternative system are generally viewed as prohibitive.

Further, many of these types of systems (in particular, composting units, reed beds, sand filter mounds and worm farms require a high level of dedication and effort on the part of the property owner to maintain in working and compliant order. Even with a high level of dedication, user-error can result in system failure which can then lead to extensive contamination of land application areas. These types of systems can also have a negative effect on property resale value, as it can limit the number of potential buyers.

A desktop review (online) found price ranges for system types as below:

- Effluent pump-outs (conventional gravity system or pressure sewerage system)
 - Approximately \$2,000 - \$3,000 plus installation, excavation and material costs plus annual fee of \$2,026.16 for the pump-out service through Council.
- Septic tanks with adsorption trenches or evapotranspiration beds;
 - Approximately \$4,000 - \$6,000 plus trenching at approx. \$100 per meter, plus installation, excavation and material costs plus ongoing costs.
- Aerated wastewater treatment systems,
 - Approximately \$7,000 - \$14,000 plus installation, excavation and material costs plus ongoing costs.
- Irrigation systems
 - A wide approximate range from \$200 - \$8,000 dependent on multiple factors including ground/soil type, land size plus ongoing costs.
- Composting units, reed beds, sand filters and mounds
 - A wide approximate range from \$200 - \$30,000 plus ongoing costs.
- Worm farm systems
 - \$13,000 – \$25,000 Treated water has to be disposed of via sub-soil an application which has to be done more than 300mm underground. These systems are also highly susceptible to failure for a range of reasons including but not limited to temperature change, chemical sensitivity, and flooding.
- Dry composting systems also exist, with high costs that are very dependent on property type and are unpopular due to the level of direct maintenance by the property owner, odour and flies.

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Further, if a resident has an effluent pump-out system installed on their property and wished to change to one of the abovementioned systems, there would also be a cost to empty and decommission their existing system.

If a property has an existing system that fails or the owner fails to service their system regularly (must show proof), Council can and does force owners to convert their systems to a pump-out service. This is a rare occurrence, but is in the best interest of environmental and public health.

There are examples around Australia of property owners attempting, and in some circumstances being successful in going “off grid”. An example of this is the famous Michael Mobbs ‘green house’ in Chippendale (City of Sydney Local Government Area). Michael Mobbs utilised many green ideas to completely take his home off the grid and manage it in a sustainable way. In terms of his waste water, Michael treats this water utilising a unique and purpose-built aerated wastewater treatment system, which also treats the water with other filtration methods including sand and UV lights. NSW Health would determine this system as a ‘unique’ system and has allowed it to be used for water re-use for washing clothes and flushing toilets for the purpose of research. The reused water may be safe for healthy people to be around; however those with compromised immune systems could potentially face severe health risks with a system like this.

The ability to implement any of the above systems on a property is dependent on the property meeting certain criteria. Accordingly, homeowners need to assess the viability of any potential system in lieu of a pump out system, based on the specific characteristics of their property.

To assist homeowners with these processes it is recommended that Council engage a consultant to prepare education material regarding various technologies available in regard to split systems, including the criteria applicable for each system. The material will be made publically available free of charge to provide basic information as a starting point for homeowners that would like to explore alternative systems.

3. Survey of pump-out households

A survey in regard to Domestic Sullage was undertaken. The survey was emailed to 258 residents who have a pump-out service and who Council has email contact for. The number of residents surveyed represents a statistically valid sample.

The survey was open from Tuesday, 28 September to Friday, 15 October 2021 (just over two and a half weeks). 119 or 46% of homeowners surveyed responses to the survey were received.

The following information was provided with the link to the survey:

- *The vast majority of properties in the Hawkesbury that have an on-site pump-out system is because there are no other alternatives. The type of on-site sewage management facility a property can have will be dependent on a variety of factors including, but not limited to characteristics such as lot size, soil type, property slope gradient and proximity to waterways*
- *In some situations, lot owners also have the ability to select their preferred type of on-site sewage management facility, given they remain compliant with legislation and standards. Though many properties can utilise alternative on-site sewage management facilities, many residents opt for a sewage pump-out service because alternatives require a higher degree of maintenance and/or pose a higher risk of failure and non-compliance.*
- *Alternatives to pump-out systems include but are not limited to: Irrigation systems, Septic tanks with adsorption trenches or evapotranspiration beds, aerated wastewater treatment systems, composting units, reed beds, sand filters and mounds, worm farm systems and dry composting systems*
- *While an ideal situation would be to have all properties connected to a sewer system, in areas where there is scattered population, lower population densities, environmental constraints (significant incline / distance to current infrastructure), the significant financial costs of installing sewer infrastructure and elevated ongoing costs makes this option prohibitive for many parts of the Hawkesbury.*

The questions, summary and thematic analysis of the survey results is shown in Tables 3 and 4.

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Table 3 Survey Questions and summary of the Results

Question	Results (Total responses 119)
1. Have you investigated alternate systems to pump out? (Examples include Septic tanks with adsorption trenches or evapotranspiration beds, aerated wastewater treatment systems, Irrigation systems, composting units, reed beds, sand filters and mounds, worm farms and dry composting systems).	Approx. 50% of respondents have investigated alternatives and 50% have not investigated alternatives.
2. Are you interested in finding out more about alternate systems to pump out?.	107 of the respondents are interested in learning more about alternatives.
3. Are you willing to obtain a wastewater study to demonstrate if there is an appropriate alternative to a pump out system for your property? (Estimated cost for this would be \$1,000 - \$1,500).	Only 39 respondents were willing to obtain a wastewater study at their cost.
4. If there was an alternate system to the pump out that suited your situation and budget, would you change?.	110 respondents would change their system if an alternate was available.
5. How much effort are you willing to put in to managing your sullage?.	Respondents ranked the options for effort in managing sullage as follows: Changing cleaning products, thinking about what you flush, not washing all in one day, spending one hour per month, just push a button and forget.
6. Would you like to be able to use treated water in your garden or flush your toilet?.	109 respondents would like to use treated water in the garden to flush the toilet.
7. If there was a Government program to assist you to buy an alternate system with cheaper running costs (in the long run) but potential initial outlay, would you be interested in participating?.	110 respondents would be interested in participating in a government assisted program whereby they initially paid for a better system which would eventually be cheaper ongoing.
8. If you have any issues with the current pump out service, what are they? (choose as many responses as you wish).	110 respondents cited cost as the #1 issue they have with the pump out service, followed by odour, frequency, volume constraints, and environmental impacts and 'other' which was mostly regarding truck size and safety issues on the road.

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Question	Results (Total responses 119)
9. Did you know that you have a choice of which supplier you get to collect your sullage?.	110 respondents did not know they have a choice of pump-out supplier.
10. If you did know that you have a choice of which supplier you get to collect your sullage, have you investigated other services?.	Nine respondents said they did investigate other services.

Table 4 Thematic analysis of Open ended Questions

Key theme	Comments	Response
Cost	<ul style="list-style-type: none"> Many respondents feel the cost for pump-out is too high Many respondents also cited the cost for singles/couples being too high given pump out volume is less Cost an unfair burden, 'if council says we have no alternative, we shouldn't have to pay'. 	<p>The sullage service is self-funded through an internally restricted reserve, with all revenue from the charges being restricted for expenditure on the program. The annual sullage charge for residential and commercial properties is determined based on maintaining the desired level of funds in the reserve to fund on-going expenditure, and is based on full cost recovery. Council does not generate any profit from this service.</p> <p>Pricing structures supporting a better alignment between charges and volumes pumped out from a property can be explored when forming a new contract.</p> <p>Homeowners do have an option not to use Council and get their own contractor.</p>
Pump out service	<ul style="list-style-type: none"> Pump-out trucks cause a traffic hazard as they block roads while doing the pump out Respondents also note that these trucks are damaging the local roads No regular timetable for pump out Significant odour during pump-out. 	<p>Contract conditions require the contractor to undertake risk assessments and apply appropriate traffic control standards.</p> <p>The contractors trucks are users of public roads, same as all other trucks and vehicles.</p> <p>There is a regular timetable for pump outs.</p> <p>The odour is an inevitable part of the pump-out process.</p>
Sewer	<ul style="list-style-type: none"> Many respondents just want to get connected to the mains sewer and would like to see Council install or advocate for it. 	<p>As detailed in this report:</p> <ul style="list-style-type: none"> It is not feasible for Council to extend its sewer network.

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		<ul style="list-style-type: none"> Decentralised stand-alone systems could be constructed and operated by appropriately licensed operators, but significant initial costs are likely to apply with no guarantee of cheaper ongoing servicing costs. Discussions can be undertaken with Sydney Water regarding their plans for expansion of their sewer network.
Wastewater Study	<ul style="list-style-type: none"> Of the respondents who were willing to pay for a wastewater study, many stated they were happy to pay for it only if there was a guarantee that there would be an alternative to pump out. Respondents cited that they would like a wastewater study but do not feel they should have to pay for it. 	<ul style="list-style-type: none"> Council uses the Onsite Domestic Waste Water Management AS 1547/2012 Standard to determine the type of on-site sewage management facility that is most appropriate for each property. There is a potential for more in-depth analysis of each property which would be obtained through a private wastewater study undertaken by the homeowner. The results of the wastewater study on any given property may still lead to a determination that a pump-out system is still the only appropriate system. However, there is a possibility that for some properties alternatives would be found, an option of which could potentially be a split-system. If an alternative was found, the cost of the system will be dictated by the type of system recommended, and some systems may result in lower running costs systems. The ability to implement any of the above systems on a property is dependent on the property meeting certain criteria. Accordingly, homeowners need to assess the viability of any potential system in lieu of a pump out system, based on the specific characteristics of their property. To assist homeowners with these processes it is recommended that Council engage a consultant to prepare education material regarding various technologies available in regard to split systems, including the criteria applicable for each system. The material will be made publically available free of charge to provide basic information as a starting point

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		for homeowners that would like to explore alternative systems.
Education	<ul style="list-style-type: none"> Many respondents cited that their neighbours have alternatives to pump-out even though they are forced to have pump-out. Some also sight they believe neighbour's systems are not being kept up. Interested in learning about possible alternatives, interested in learning about how to use treated water, understand restrictions but not happy about it. "My neighbour has a different system on a smaller block", "my neighbour has a system they don't upkeep", historic approvals vs new approvals being different". Many respondents said that had they known their property was not connected to sewer before purchasing, they would not have bought their property. 	<ul style="list-style-type: none"> Some properties have different systems to pump-out which were approved before regulations and standards were changed. It has been Council's policy not to force these property owners to change to a pump-out system unless their current system fails (e.g. causes/poses an environmental/public health risk). One-on-one education programs are held with property owners and members of Council's Sewage Management Facilities (SMF) team when they are on-site conducting inspections. Topics include how to use treated water, how to up-keep systems so they do not fail and what alternative systems are like. Further educating owners of properties who have no alternative to pump-out systems could lead to confusion and frustration. The Sewage Management Facility Team continue to modernise information relating to the many types of on-site sewage management facilities and publish this information to Council's website. Council now includes information pertaining to a property's onsite sewage management facility (where applicable) as part of conveyancer's information packages for the purchase of property.

4. ***How the revised Development Control Plan will provide more flexibility to the owners of the new dwellings who would like to explore alternatives to pump-out***

The revised Development Control Plan includes the following comment – "*Amendments to the Effluent Control section of the draft Development Control Plan to reflect Council resolution are being investigated*".

5. ***The information that Council provides to homeowners concerning inspections***

A copy of the letter and associated information that is sent out to homeowners in regard to on-site sewage management system inspections is attached as Attachment 2 to this report.

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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Council has undertaken a survey to gain an understanding of homeowner's attitudes in regard to the various aspects of Domestic Sullage. As detailed in the report, opinions have been provided in regard to the elements of cost, service, connection to sewer, a waste water study and education.

This report includes detailed information regarding cost and the possibility of a review of Council's sullage service and alternative pricing structures. The report includes a recommendation to enter into discussion with Sydney Water regarding any plans to extend their sewer network, and makes a recommendation for a waste water study to be undertaken. In regard to education, as referenced in the report, Council has various education resources available for homeowners to refer to and will continue to provide ongoing education as new technologies emerge.

Discussions with Sydney Water and the review of the service provided by Council, including options in regard to the new basis for a new contract in 2023, will provide the basis for information relevant homeowners. It is therefore recommended that appropriate and targeted engagement is undertaken after a report on these matters is considered by Council no later than June 2022.

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 Environment

- 3.1 The natural environment is protected and enhanced - Value, protect and enhance our unique natural environment
 - 3.1.1 Encourage effective management and protection of our rivers, waterways, riparian land, surface and ground waters, and natural eco-systems through local action and regional partnerships.
 - 3.1.2 Act to protect and improve the natural environment including working with key agency partners.
 - 3.1.3 Minimise our community's impacts on habitat and biodiversity and protect areas of conservation value.
 - 3.1.4 Use a range of compliance measures to protect the natural environment.
- 3.4 The sustainability of our environment is improved - Encourage and enable our community to make sustainable choices

FINANCIAL IMPACT

There are direct financial implications applicable to this report, the extent of which will depend on the course of action determined to be taken in regard to the various matters raised in this report.

The provision of any subsidy of the sullage charge is not provided for in Council's Long Term Financial Plan. The total cost to Council is \$1,053,868 for a 50% subsidy, \$526,934 for a 25% subsidy and \$210,774 for a 10% subsidy. The applicable cost would be budgeted as an expense, thereby reducing funds available for other Council programs and projects. The cost would apply annually, and will progressively increase over time in line with increases in the charges.

The cost of engaging a consultant to prepare education material is estimated to be in the up to \$20,000 and is not included in the 2021/2022 adopted Operational Plan and would require a variation in the appropriate Quarterly Budget Review Statement.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

Depending on the course of action determined to be taken in regard to the various matters raised in this report, actions may not be aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. Some actions may require the allocation

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of additional financial and staffing resources which are currently not budgeted for in the Long-Term Financial Plan.

ATTACHMENTS:

AT - 1 Council Report, Item 119, Domestic Sullage, (Ordinary 29 June 2021).

AT - 2 Letter to Homeowners Regarding onsite Sewage Management System Inspection.

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AT – 1 Council Report, Item 119, Domestic Sullage, (Ordinary 29 June 2021)

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CITY PLANNING

Item: 119 **CP - Domestic Sullage - (95498, 112179)**

Previous Item: 106, Ordinary (26 May 2020)

Directorate: City Planning

PURPOSE OF THE REPORT:

The purpose of this report is to provide a response to Council's Resolution from its meeting on 26 May 2020 concerning the NM3 - Collection of Domestic Sullage.

EXECUTIVE SUMMARY:

Concerns have been raised regarding the resident-incurred costs associated with effluent pump-out services and the need to educate and promote alternate on-site sewage management facility types.

This report provides a response to the various elements of information requested within the Notice of Motion. The report recommends that Council note the information provided and that Council continues to lobby the State Government regarding potential subsidies and provide educational material to the community.

RECOMMENDATION:

That:

1. Council note the contents of the report regarding Domestic Sullage:
 2. Council continue to lobby the State Government for rebates for residents or subsidies for Council to be able to pass on savings to residents for effluent pump-out services to homes that cannot be connected to a reticulated sewage system (sewage main).
 3. The Council's Sewage Management Facility team continue to modernise information relating to the many types of on-site sewage management facilities and publish this information to Council's website.
 4. Council include information pertaining to a property's onsite sewage management facility (where applicable) as part of conveyancer's information packages for the purchase of property.
 5. A further report be provided with alternate pricing structure options including user pay.
-

BACKGROUND

This report is in response to the Notice of Motion NM3 - Collection of Domestic Sullage resolved by Council on 26 May 2020:

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"That:

- 1. Identify and investigate alternative commercially viable and environmentally sound options for our community in relation to the pump out and collection of domestic sullage, and report the results to Council.*
- 2. It is envisaged that this would involve work with the community to promote and implement any such alternative options."*

The Notice of Motion requested information on a number of matters including but not limited to:

- Information about properties that have pump out systems, numbers and locations
- How other Councils deal with pump outs
- Council charges
- Alternate systems and costs
- Community education

Residents within the Hawkesbury currently pay pump out rates significantly higher than the adjoining Blue Mountains City Council Local Government Area, due to the subsidies that State Government pay to the relevant landowners in these areas.

While Council has made representations to the local Member regarding this matter, to date we have not been successful in obtaining any subsidies for Hawkesbury residents.

There are now a number of examples where individual land owners across the State, including those living on some tiny inner-city sites, have been able to treat all of their waste on site and avoid the need to connect to an outside sewerage service.

Further concerns were also raised regarding the ongoing costs incurred by Council regarding effluent pump-outs being treated at Council's sewage treatment facilities.

Relevant Legislation

- Water Industry Competition Act (WICA)
- Part 3, Division 2 (Sections 56-66) of the Local Government Act 1993
- Protection of the Environment Operations Act 1997 and regulations under it
- Local Government (General) Regulation 2005
- Onsite Domestic Waste Water Management AS 1547/2012 (Standard)
- The Hawkesbury Development Control Plan. Section 1.18 of the Hawkesbury Development Control Plan states, in relation to effluent disposal: 1.18 *EFFLUENT DISPOSAL Aim (b) To ensure that there is adequate land for onsite effluent where land is not serviced by reticulated sewer. Objectives → Connection to reticulated sewerage is required for all forms of residential development, apart from single dwellings and rural dual occupancies.*

DISCUSSION

Introduction: Types of on-site sewage management facilities

Properties in rural, rural residential or in small villages that are not connected to the sewerage system require an on-site sewage management facility.

The type of on-site sewage management facility a property can have is determined by standards relating to ground type and other factors. Though many properties can utilise alternative on-site sewage management facilities, anecdotal information indicates that many residents opt for a sewage pump-out service because alternatives require a higher degree of maintenance and/or pose a higher risk of failure and non-compliance.

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Types of on-site sewage management facilities are:

- Effluent pump-outs (conventional gravity system or pressure sewerage system)
- Septic tanks with adsorption trenches or evapotranspiration beds;
- Aerated wastewater treatment systems,
- Composting units
- Reed beds, sand filters and mounds

These systems ensure that all wastewater from kitchens, laundries and bathrooms is disposed of safely. This is important to prevent pollution and the spread of disease. Owners of properties with an on-site sewage management facility have responsibilities to ensure they are maintained and in working order. Property owners and Council must work together to make sure septic systems do not pollute our waterways or cause contamination or health risks.

On-site sewage management facilities in the Hawkesbury Local Government Area

The table below shows the types of sewage management systems in the Hawkesbury along with the number of properties that have that type of system.

Table 1 – Number of types of systems in the Hawkesbury Local Government Area

Septic Management System Type	Number of properties
Effluent pump-outs (conventional gravity system or pressure sewerage system)	790 residential 36 commercial
Septic tanks with adsorption trenches or evapotranspiration beds;	3,723
Aerated wastewater treatment systems,	2,339
Reed beds, sand filters and mounds	27
Composting units (wet or dry)	17

Effluent pump-out systems:

Hawkesbury City Council provides a sullage collection, transport and disposal service to 790 residential and 36 commercial premises within the Hawkesbury Local Government area. These properties are not connected to a reticulated sewerage system (sewer main).

Attached as Attachment 1 to this report is a map showing the locations of these properties in the local government area.

The following addresses each element or question raised within the Notice of Motion.

- The number and general locations of these properties

There are currently 790 domestic properties with an effluent pump-out system being utilised. A large number of these properties are located in:

- Bowen Mountain (largest concentration)
- Cumberland Reach
- Ebenezer
- Freemans Reach
- Kurrajong
- Kurrajong Heights
- Kurmond
- North Richmond
- Sackville

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- Wilberforce
- Vineyard
- Others scattered across the Local Government Area
- **The size of these properties and an indication of why they require this particular type of system**

Lot sizes with effluent pump-out systems in the Hawkesbury Local Government Area range from 400sqm to over 3,000sqm.

Any property that cannot be connected to a reticulated sewage system (sewage main) must have a compliant on-site sewage management facility. The type of on-site sewage management facility a property can have will be dependent on a variety of factors including, but not limited to characteristics described in the table below:

Table 2 – Land characteristics determining type of sewage management facility

Land characteristics
Lot Size
Slope gradient
Soil depth and stability
Soil category
Depth to seasonal water table
Duration of continuous seasonal soil saturation
Dispersive soil
Content of stones, cobbles or boulders
Climatic factors
Proximity to waterways

In some situations, lot owners also have the ability to select their preferred type of on-site sewage management facility, given they remain compliant with legislation and standards. Though many properties can utilise alternative on-site sewage management facilities, many residents opt for a sewage pump-out service because alternatives require a higher degree of maintenance and/or pose a higher risk of failure and non-compliance.

Properties in locations such as Bowen Mountain which are located on solid rock do not have any alternatives to pump outs. This is based off the criteria shown in table 2 of this report. Given the water cannot be absorbed by dirt and other ground matter, the water will pool underground and cause hazards to property footings resulting in landslips, rising damp and swamp-type conditions.

- ***How pump-out charges are determined***

Council provides this service through an agreed contract with Staples Premier Pumpouts. Residents are charged for the service on a full cost-recovery basis by Council as no state government or Sydney Water rebates can be accessed by these residents. The fees for domestic sullage pump out services listed in Council's 2020/2021 Fees and Charges

- \$2,505.16 per year for a fortnightly pump out service
- \$5,010.32 per year for a weekly pump out service

While all residents have the option of acquiring their own pump out service directly with another supplier, no residents in the Hawkesbury have taken that option. Council is able to obtain the most cost-efficient prices through economies of scale for all residents who require a pump-out service. Council has lobbied on a number of occasions for rebates from State Government and Sydney Water, to no avail (lobbying efforts detailed later in this report).

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Research into the costs associated with treating effluent pump-outs at Council's sewage treatment facilities have also shown there would not be significant savings to be realised if the sullage was treated elsewhere, given the majority of effluent treated at these facilities comes from the reticulated sewage system (sewage main).

At the Council briefing held on 22 June 2021, questions were raised about an alternative potential pricing structure, which could also include a user-pay model. It was determined that a further report would be completed to address this.

- ***Possible alternative on-site treatment systems, including cost comparisons to pump-out***

Residents with other types of on-site sewage management facilities (not effluent pump-out) do not incur the ongoing cost of paying for a pump-out service, as their wastewater is treated by their system in various ways dependant on their system type.

While Table 2 shows there are a number of properties that have these types of onsite sewage management facilities, these properties also comply with the Onsite Domestic Waste Water Management AS 1547/2012 standard and relevant legislation. Though some properties currently utilising an effluent pump-out system would also fall into these categories, the costs to convert/decommission their pump-out system and set up an alternative system are generally viewed as prohibitive.

Further, many of these types of systems (in particular, composting units, reed beds, sand filter mounds and worm farms require a high level of dedication and effort on the part of the property owner to maintain in working and compliant order. Even with a high level of dedication, user-error can result in system failure which can then lead to extensive contamination of land application areas. These types of systems can also have a negative effect on property resale value, as it can limit the number of potential buyers. A desktop review (online) found price ranges for system types as below:

- Effluent pump-outs (conventional gravity system or pressure sewerage system)
 - Approximately \$2,000 - \$3,000 plus installation, excavation and material costs plus annual fee of \$2,026.16 for the pump-out service through Council.
- Septic tanks with adsorption trenches or evapotranspiration beds;
 - Approximately \$4,000 - \$6,000 plus trenching at approx. \$100 per meter, plus installation, excavation and material costs plus ongoing costs.
- Aerated wastewater treatment systems,
 - Approximately \$7,000 - \$14,000 plus installation, excavation and material costs plus ongoing costs.
- Irrigation systems
 - A wide approximate range from \$200 - \$8,000 dependent on multiple factors including ground/soil type, land size plus ongoing costs.
- Composting units, reed beds, sand filters and mounds
 - A wide approximate range from \$200 - \$30,000 plus ongoing costs.
- Worm farm systems
 - \$13,000 – \$25,000 Treated water has to be disposed of via sub-soil an application which has to be done more than 300mm underground. These systems are also highly susceptible to failure for a range of reasons including but not limited to temperature change, chemical sensitivity, and flooding.
- Dry composting systems also exist, with high costs that are very dependent on property type and are unpopular due to the level of direct maintenance by the property owner, odour and flies.

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Further, if a resident has an effluent pump-out system installed on their property and wished to change to one of the abovementioned systems, there would also be a cost to empty and decommission their existing system.

If a property has an existing system that fails or the owner fails to service their system regularly (must show proof), Council can and does force owners to convert their systems to a pump-out service. This is a rare occurrence, but is in the best interest of environmental and public health.

There are examples around Australia of property owners attempting, and in some circumstances being successful in going "off grid". An example of this is the famous Michael Mobbs 'green house' in Chippendale (City of Sydney Local Government Area). Michael Mobbs utilised many green ideas to completely take his home off the grid and manage it in a sustainable way. In terms of his waste water, Michael treats this water utilising a unique and purpose-built aerated wastewater treatment system, which also treats the water with other filtration methods including sand and UV lights. NSW Health would determine this system as a 'unique' system and has allowed it to be used for water re-use for washing clothes and flushing toilets for the purpose of research. The reused water may be safe for healthy people to be around; however those with compromised immune systems could potentially face severe health risks with a system like this.

• **Environmentally vulnerable areas of the Hawkesbury protected by pump-out systems**

- Locations of wetlands and other ecologically sensitive areas;
- Whether there is any protection afforded to downstream seafood growers, by the number of pump-out systems in the Hawkesbury; and
- How pump-out systems might protect the quality of the water being treated by the drinking water filtration plant at North Richmond.

As shown in the attached map, many properties who subscribe to Council's pump-out service are located along wetlands and other ecologically sensitive areas.

The efforts of Council's Sewage Management Facilities (SMF) team are to ensure sewage on private property does not result in dangerous levels of water and food contamination and outbreaks of disease. They deliver the Septic Safe community health program to inspect and identify septic systems in the community and keep them working well. This provides protection to all users of the river, including farms and seafood growers.

- An estimate of the reduction in operating costs to the sewage treatment plant/s that receive the sullage from our pump-out systems if it was to be treated elsewhere
- An estimate of any changes in the foreshadowed cost of future upgrades/maintenance needed to our sewage treatment plants if domestic sullage was treated elsewhere

An investigation to determine if there would be a reduction in operating costs to the sewage treatment plants that receive the sullage from our pump-out systems if it was to be treated elsewhere was undertaken. An investigation to determine if there would be any savings in the foreshadowed cost of future upgrades/maintenance needed to our sewage treatment plants if domestic sullage was treated elsewhere was also undertaken.

Currently, sullage collected from septic systems are treated at Council's sewage treatment plants. There would be little to no impact on the operating costs to Council's sewage treatment plants at South Windsor and McGrath's Hill if the sullage from pump-out services were treated elsewhere. The reason for this is that these treatment facilities also treat wastewater from properties connected to the reticulated sewage system (sewage main).

Further, costs to divert sullage from our pump-out service to other treatment plants (for example, Sydney Water treatment plant at North Richmond) would not see any significant discounts for property owners. Their charges equate to a saving of \$43.00 per annum based solely on their published fees and charges, which do not take into account any administrative or other etc. costs of diverting sullage to their treatment plants.

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- **The evaluation of Council's current policy on collection of domestic sullage (Policy No. PES0001Z). This policy is dated 14 March 2000 and is in need of review and updating.**

While this policy has been updated, it is currently being reviewed as part of an overarching review of Council's policies, which will be reported back to Council in 2021.

- **How other councils manage pump-out services**
- **Their charges and their specifications for needing to have a pump-put system**
- **Whether there are any options for sharing contracts for pump-out services**

Under the legislation, Councils have no obligation to provide the Effluent Collection and Disposal Service to residential or commercial premises. Because of this, most councils have ceased providing this service to residential and commercial customers. The nearest council area continuing to provide the service is Blue Mountains City Council. However due to the small number of properties continuing to receive the service in that area, there is a lack of economy of scale to see a benefit in sharing the contract with them.

Research into how other councils deal with and charge for pump-out services has shown that other than Hawkesbury City Council, Blue Mountains City Council and Hornsby Shire Council are the only councils in metropolitan Sydney providing pump-out services. Further, Hornsby Shire Council only provides emergency pump-out services for failing systems. Because of this, there are no other councils Hawkesbury could work with to share a contract for pump out services which would be of financial benefit.

Other charges and their specifications for needing to have a pump-put system

All properties across Australia that cannot be connected to a reticulated sewage system (sewage main) must comply with the Australian/New Zealand Standard for on-site domestic wastewater management (AS/NZS 1547:2012).

- **What sort of support, if any, other Councils get from the State or Federal governments for their residents who have a pump-out system?**

Blue Mountains City Council

As part of the Sydney Water Priority Sewerage Program the Blue Mountains City Council area was largely connected to reticulated sewer. Only **15** properties were found not to be economical to sewer and a decision was made to leave these on a pump out system, with Sydney Water subsidising the pump out cost.

Pump out of these properties is undertaken by Blue Mountains City Council, at cost, and billed to the resident who then seeks a rebate from Sydney Water.

Sydney Water rebate the difference between their normal sewer charge (Currently \$335.00).

A cost comparison of current charges between Blue Mountains City Council and Hawkesbury City Council is tabled below. The significant difference is attributed to the lack of economy of scale.

Council	Residential Service per annum (fortnightly service) 2020/2021	Commercial Service (\$/ kl) 2020/2021
Hawkesbury City Council	\$2,505.16*	\$22.31
Blue Mountains City Council	\$8,190.00** / \$335***	\$48.00

- *6000 litres max. per pump out
- **Cost before subsidy and using 4,000 litres per pump out
- ***Cost after subsidy and using 4,000 litres per pump out

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- **Lobbying**

Council staff have, on multiple occasions, lobbied State government for further rebates for residents having to pay for their effluent pump-out services including:

A Mayoral Minute from 12 May 2020 (MM – Inequitable and inconsistent application of the NSW Environment Protection Authority Waste Levy – 80093) also raised this issue. Letters were sent on 1 June 2020 lobbying for waste levy reductions and also included points regarding the Sydney Water rebate provided to Blue Mountains residents using a sewage pump out service specifically directed.

The letter was sent to:

- Robyn Preston MP
- NSW Environmental Protection Agency (Tracey Mackey)
- Minister for Energy and Environment (Matt Kean)
- NSW Treasurer (Dominic Perrottet)

Robyn Preston MP

Correspondence sent by Ms Preston to Melinda Pavey MP – Minister for Water, Property and Housing to Robyn Preston MP generated the below response (excerpt) dated 25 January 2021:

*"There is no NSW Government or Sydney Water policy of subsidising septic pump out charges for residents living in Sydney water's water supply catchments. Nor is there any plan to introduce such a policy.
The Blue Mountains septic pump-out rebate Mr Conroy refers to is a legacy of a specific Government Direction to Sydney Water in 1988..."*

NSW Environmental Protection Agency (Tracey Mackey)

No response received

Minister for Energy and Environment (Matt Kean)

A meeting was held on 13 July 2020 with Minister Kean, Cllr Barry Calvert (then Mayor), Cllr Mary Lyons-Buckett (Deputy Mayor), Peter Conroy (General Manager), Cllr John Ross and Cllr Amanda Kotlash. Further from this meeting, written correspondence was sent to the Minister further justifying the need for the Hawkesbury Local Government Area to be reclassified as a Regional (waste) Levy area.

A letter received from Minister Kean on 11 May 2021 did not specifically mention subsidies for pump-out services, however it noted that the waste levy and grants for waste infrastructure would be detailed in the State Government's 20 Year Waste Strategy (to be finalised).

Education Program

Council's Sewage Management Facility Team (SMF) conduct inspections on all on-site sewage management facilities in the Hawkesbury Local Government Area. While on site, members of this team educate residents on how to manage their systems properly so they remain operational and compliant with standards and regulations.

Often residents speak to the team about the costs associated with pump-out systems while they are on site. During these inspections the staff provide resident with brochures which detail how each of the systems work.

The team also educates residents on measures they can take to help keep costs of services down, including ensuring that the pump-out contractor can access their system with ease, thus reducing the time they spend on site and keeping costs down.

The team is currently working on modernising these brochures, with a view of having this information published to Council's website.

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Informing potential buyers of property prior to purchase

Through informal feedback, Council has learnt that many potential buyers of properties are unaware of the onsite sewage management facility on the property they are looking to purchase. This poses a great issue particularly for people who have been used to living at properties connected to a reticulated sewage system (sewage main).

A possible solution for this is for council staff to include information about a property's onsite sewage management facility as part of information packages provided to conveyancers acting on behalf of property purchasers.

FINANCIAL CONSIDERATIONS

Currently, the expenditure incurred to provide the Effluent Collection and Disposal Service is fully funded by annual charges collected. Both income and expenditure associated with this service is maintained through the internally restricted Sullage Reserve.

Council could consider cross-subsidising this service to reduce the annual charge, but as all households incur some costs associated with sewage this poses equity issues. For example, if subsidised, a household connected to Council's Sewerage System will pay annual charges for that service, but also receive a reduced level of other Council services as a result of subsidising the Sullage Service.

COMMUNITY ENGAGEMENT

Council's Sewage Management Facility Team (SMF) conduct approximately 240 inspections per month for on-site sewage management. During these inspections, the SMF team use the opportunity to provide information and education about the resident's on-site sewage management facility. Approximately 70% of residents are also interested in learning about alternative options which may be available and the team members provide this information, having considered the property specifications and constraints.

The team also educates residents on measures they can take to help keep costs of services down, including ensuring that the pump-out contractor can access their system with ease, thus reducing the time they spend on site and keeping costs down.

The team is currently working on modernising the information brochures, with a view of having this information published to Council's website.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

The proposal is consistent with the following Focus Area/s, Direction/s and Strategies within the CSP:

Our Environment

- 3.1 The natural environment is protected and enhanced - Value, protect and enhance our unique natural environment
 - 3.1.2 Act to protect and improve the natural environment including working with key agency partners.
 - 3.1.3 Minimise our community's impacts on habitat and biodiversity and protect areas of conservation value.
 - 3.1.4 Use a range of compliance measures to protect the natural environment.

FINANCIAL IMPACT

There are no financial implications applicable for this report.

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FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The proposal is not currently aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal will require the allocation of additional financial and staffing resources which are currently not budgeted for in the Long-Term Financial Plan.

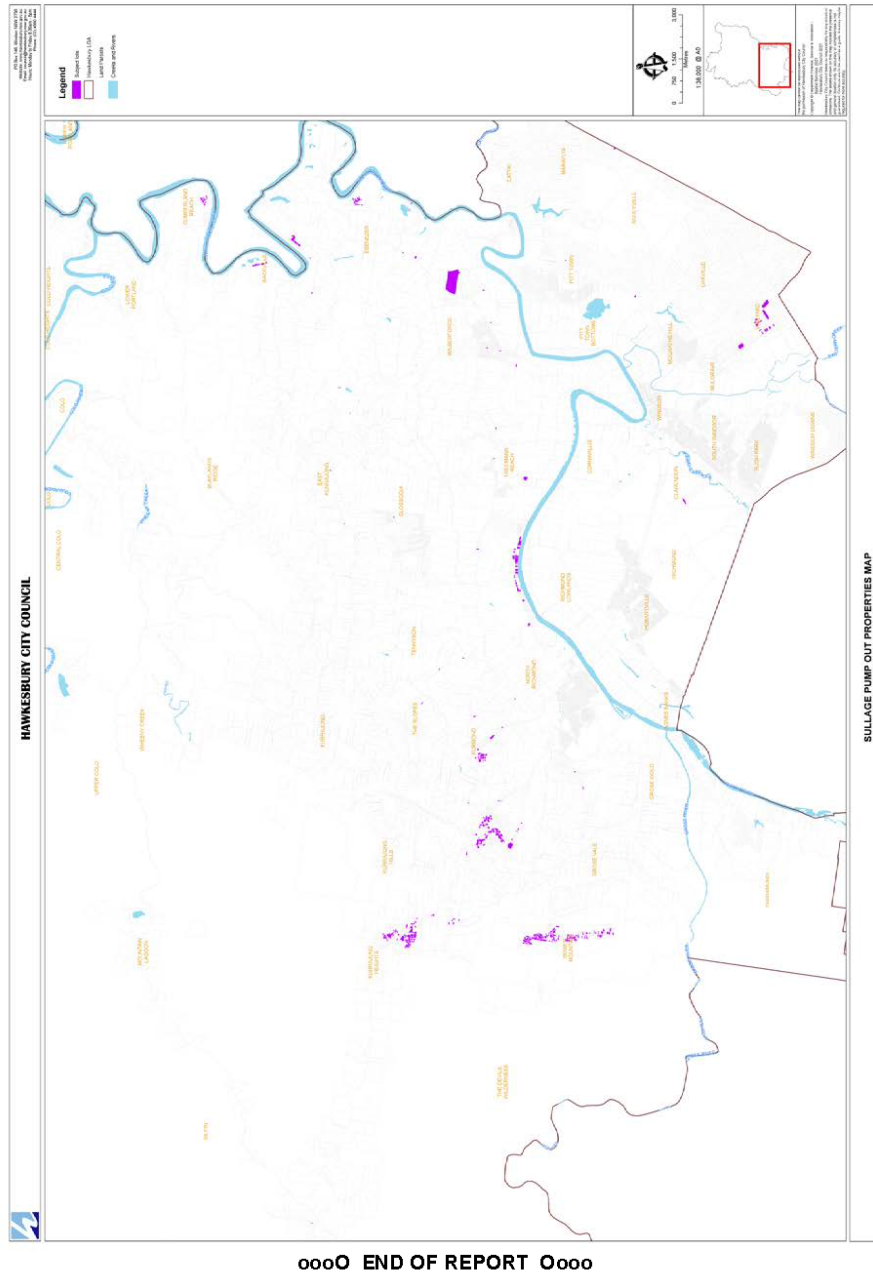
ATTACHMENTS:

AT - 1 Map of locations of pump-out systems in the Hawkesbury Local Government Area.

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AT - 1 Map of locations of pump-out systems in the Hawkesbury Local Government Area



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**366 George Street, (PO BOX 146)
Windsor NSW 2756
PH: (02) 4560 4444
FAX: (02) 4587 7740
DX 8601 Windsor
council@hawkesbury.nsw.gov.au
hawkesbury.nsw.gov.au**



Our Ref: <Prop No.>

<Date>

<Owner's Name>
<Postal Address>
<Suburb State Postcode>

Dear Sir / Madam

On-site Sewage Management System Inspections

<Property Address>

Hawkesbury City Council is conducting inspections of on-site sewage management facilities in your area. This is so Council can issue an approval to operate which will outline standards and conditions of the operation of your septic system.

The Local Government (General) Regulation 2005 specifies performance standards for on-site sewage management activities (Clause 44) and requires landowners whose premises are not connected to a reticulated sewerage system and who operate their own system of sewage management, to do so with council approval.

For the current financial year an inspection fee of \$160.10 per system is being charged to partially cover the inspection and administration costs to Council. Hawkesbury City Council has endeavoured to keep the cost at a minimum and the fees are comparatively lower than other councils.

Please make an appointment within 14 days from the date of this letter so that Council officers may conduct your inspection. Please ensure that clear access to your on-site sewage management facility is available. If it is an AWTs and it requires servicing ensure that it is completed before the inspection. Should the system fail in anyway and requires a re-inspection then a re-inspection fee of \$96.10 (for the financial year) will be charged.

Hawkesbury City Council understands the enormous strain that the bushfires, floods and Covid-19 (novel coronavirus) have and are placing on some communities within the City. If you are experiencing financial hardship, Council would like to work with you to develop a plan to assist you. If you are in any of these situations please email us at council@hawkesbury.nsw.gov.au, or call us on (02) 4560 4444.

Please contact Council's Customer Service Staff on (02) 4560 4444 to make an inspection appointment. You can make payment for the inspection at the time of booking or be invoiced once the inspection has been carried out.

If you have any further enquiries regarding this matter please ask to speak to a member of the Septic Safe Team.

Yours faithfully

SMF Team | Regulatory Services | Hawkesbury City Council
☎ (02) 4560 4444



Interpreter Service available, call 131 450 450 131 عاب لسان، تفرج نال تفرج رفوت 可提供口譯服務，請撥131 450 Hemm servizz tal-interpretu, čempel 131 450

Do Your Part Be Septic Smart!



A guide to Hawkesbury City Councils Approval to Operate Inspection program

Why is it important to have my on-site sewage management system inspected by Council?

A State Government survey of on-site sewage management (OSSM) systems in NSW showed that up to 70% of systems were experiencing some type of failure.

As a result the NSW State Government developed legislation which stipulates that every OSSM system in NSW should be inspected to ensure it is not having an adverse impact on the health of people or the surrounding environment.

Hawkesbury Council estimates that there are over 9,000 on-site sewage management systems within the Hawkesbury Local Government Area.

What should I do to prepare for my approval to operate inspection?

To prepare for your Council inspection please ensure that:

- ✓ Safe access is provided to the tank(s) and effluent disposal area.
- ✓ The area around the tanks and the effluent disposal area has been mowed.
- ✓ Dogs and any other animals or stock have been secured or locked up.

If I own an Aerated Wastewater Treatment System (AWTS) and pay a service agent to service my system quarterly do I still need to have an inspection done by council?

Yes. At this point in time the Council inspection is one of the only quality control regulators of this industry. Service agents are not licenced or regulated by any Government body. Inspections are undertaken by SMF Technical Officers from council to check the adequacy of the system as a whole and to ensure that the system is not impacting on public health or the environment.

What happens if my septic system is failing?

A Council officer will work closely with you to ensure that you understand why your system is failing and how to fix it. If your on-site sewage management system is failing, Council will send correspondence under the Local Government Act 1993 with the required works to rectify the system.



**LOW
RISK**
Inspection
required
every
5 years

**MODERATE
RISK**
Inspection
required
every
3 years

**HIGH
RISK**
Inspection
required
every
1 year

Frequency of Inspection

All on-site sewage management systems are required to be registered with Council. Each system will be assessed and once passed will be categorised into low, moderate or high risk.

Inspection categories are allocated based on the type of system, the age of the system and any environmental and health risks associated with the site.

Upon a satisfactory inspection council will issue an approval to operate to the owner for the system. This approval will detail the renewal date and conditions for safe operation and maintenance of your system.



oooO END OF REPORT Oooo

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Item: 231 **IS - Upper Colo Bridge Replacement Project - Various Initiatives - (95495)**

Previous Item: 181, Ordinary 28 September 2021

Directorate: Infrastructure Services

PURPOSE OF THE REPORT:

The purpose of this report is to provide information regarding various initiatives associated with the Upper Colo Bridge Replacement project, as requested by Council at its meeting on 28 September 2021.

EXECUTIVE SUMMARY:

Various initiatives associated with the Upper Colo Bridge Replacement project have been investigated:

- a) Provision of bins at the bridge carpark
- b) Increased frequency of collection or skip bins
- c) Provision of toilet facilities (Portaloo or mobile toilet unit)
- d) Signage and controls around parking
- e) Strengthening of barricade at broken bridge
- f) Options for temporary solution for crossing

Matters taken into consideration include the ability to deliver the initiatives, resourcing, cost, funding, and the value to the community in providing the desired outcomes.

RECOMMENDATION:

That the information regarding bin provision and collection, the provision of portable toilets, parking, barricades, and options for temporary solutions for crossing, be received and noted.

BACKGROUND

Council at its meeting on 28 September 2021 considered a report regarding the Upper Colo Bridge Replacement project. Council resolved, in part, as follows:

"That:

- 4. *Issues currently requiring engagement with community and immediate attention, particularly with regard to safety of locals and visitors are as follows. Council to receive a follow up report outlining associated costs, and avenues of potential funding through any Flood Recovery or COVID-related Initiatives.*
 - a) *Provision of bins at the bridge carpark*
 - b) *Increased frequency of collection, or skip bins*
 - c) *Provision of toilet facilities (Portaloo or mobile toilet unit)*
 - d) *Signage and controls around parking*
 - e) *Strengthening of barricade at broken bridge*
 - f) *Options for temporary solution for crossing."*

The Upper Colo Bridge Replacement project is well underway with the design being complete and the Review of Environmental Factors and Heritage Assessment nearing completion. In an effort to expedite the completion of this project, Council will be engaging Public Works Advisory to undertake the procurement

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The project is part of the claim under Natural Disaster funding.

Location Plan

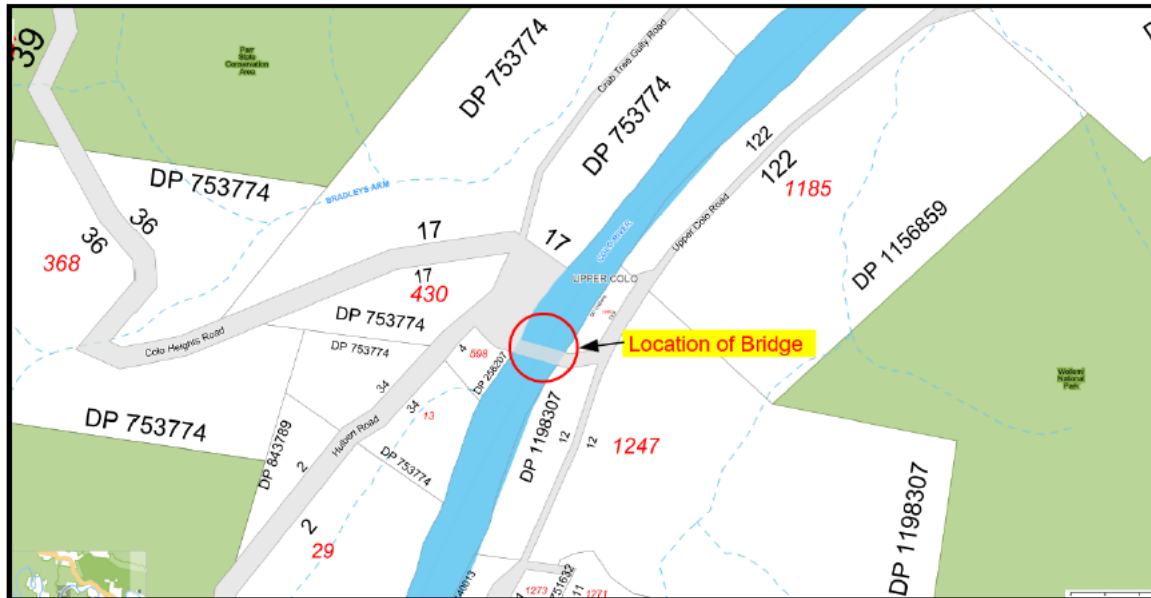


Figure 1: Site/Location of the Upper Colo Bridge Replacement and surrounding areas.

DISCUSSION

The information requested in the Council Resolution of 28 September 2021, Part (4), is provided below.

Throughout the following sections that deal with various matters it should be noted that the eastern side of the river at this location is Crown Land. This would mean that any use whether it is for bins, toilets or formalised car parking would require Council to enter into a process with Crown Land. The duration, cost and complexity of the process, and whether Crown land are even amenable to this, is unknown. It is likely that the negotiation of any agreement would be longer in duration than reconstruction of the bridge.

1. Provision of bins at the bridge carpark, increased frequency of collection or skip bins

The bins within the informal car park on the western side of the bridge were removed when Upper Colo Reserve was closed as staff were no longer going into that area. These bins have now been replaced. Parks cleaning staff empty these bins every two weeks when they visit Colo Heights Reserve.

The additional time taken to travel to the location of the bins is approximately an hour. This results in the equivalent reduction in staff time available to clean other areas in the local government area.

Council could allocate additional staff time. Over the anticipated duration of the Upper Colo Bridge Replacement project, and the associated closure of Upper Colo Reserve, the total cost would be \$3K for a fortnightly collection and \$6K for a weekly collection.

If a skip bin was to be placed on the site, over a 12 month period the cost would be in the order of \$23K. The placement of skip bins at this site could encourage the use of these bins to dispose of rubbish other than that generated as part of recreational activities in this area.

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If Council wishes to continue the current arrangements of fortnightly collection as part of the Colo Heights Reserve maintenance trip, there will be no additional financial cost, but there will be a continued opportunity cost in regard to reduced cleaning elsewhere in the local government area.

If Council wishes to allocate additional resourcing, with the current or increased bin collection frequency, or provide skip bins, a budget variation will need to be included in the appropriate Quarterly Budget Review process.

Neither of the bin options available is claimable under Natural Disaster funding or any other funding, as the need for the bins is not a direct consequence of the Upper Colo Bridge Replacement project.

It is noted that the issue of littering has been raised in recent Council discussions. This matter is being investigated and strategies to address the matter are being developed. It is considered that the littering issue is not likely to necessarily be addressed through increased bin collection frequency.

On the basis of the reported littering, the return of the bins is unlikely to eliminate the instances of littering and in response Council is investigating the installation of signage reminding visitors to care for the location.

2. Provision of toilet facilities (Portaloo or mobile toilet unit)

Due to the closure of Upper Colo Reserve, there are currently no public toilet facilities available in the vicinity of the low level bridge.

The only location where portable toilets could be placed is on the western side of the bridge in the informal carpark. The eastern side is Crown Land and not under Council's care and control as referred to earlier in the report. Visitors parking on the southern side would need to cross the river to access these toilets.

Based on a commencement date of 1 December 2021, and an anticipated duration of 12 months, the total cost per toilet is in the order of \$7K. Two toilets may be required. The cost includes the rental fee, the pump out fee and delivery and removal.

As the Parks cleaning staff are only attending the site every fortnight, it would be a challenge to maintain the cleanliness of these toilets to an acceptable standard. It would be recommended that a crew would attend the site on the off week as well to clean the toilets and restock toilet paper. It is further noted that during busy period a weekly clean may not be enough and is likely to lead to complaints and the toilets not being used.

The cleaning of these toilets would reduce staff time availability to clean other areas in the local government area. Should Council proceed with the provision of portable toilets in this area, the associated cost of between \$7K or \$14K would need to be included as a budget variation in the appropriate Quarterly Budget Review process. If Council wishes to allocate additional resourcing for the cleaning of the toilets to reduce any impact on cleaning activities in other areas, additional costs will apply depending on the cleaning frequency.

The provision of these toilet facilities is not considered to be part of the project and is therefore not claimable under the Natural Disaster Program or any other funding.

It is to be noted that during the construction phase of the bridge this area is likely to be required by the construction company to enable site establishment. This may be the case for the approach road and surrounding area for the two approaches to the Bridge. These areas are likely to be closed off from the public as a safety precaution.

Consideration of re-opening of Upper Colo Reserve

In response to the community's concern regarding increased use of Colo Heights Road to access the Reserve whilst the Upper Colo Bridge Replacement project is being undertaken, Council resolved to close

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Upper Colo Reserve for the duration of the project. While it is unclear whether the closure of the Reserve had the desired effect, given the continued concerns over the need to provide bins and toilets, it would suggest that the locality remains a popular destination irrespective.

Given this and the issues which the closure of the Reserve has given rise to, it would be prudent for Council to re-consider the closure of the Reserve.

3. Signage and controls around parking

The current areas where visitors park are informal parking areas, and consequently signage and parking controls have not been implemented to date.

Remedial works are proposed along the road shoulder in the vicinity of Colo Heights Road that will allow for additional on road parking. It is proposed that at the completion of the Upper Colo Bridge Replacement project, after a review of the boundaries, the parking area can be remediated to improve the surface and advisory signage can be posted. The cost of these works is not anticipated to exceed \$10K and can be funded from current roadworks budgets. It is noted that these actions would not formalise the parking area. To formalise this parking area a design of the sites at both ends of the Bridge will be required, as well as the construction of the pavements with line marking. Formal enforceable signage could then be posted. These works would cost in the vicinity of \$225K, and are not currently included in Council's Long Term Financial Plan.

4. Strengthening of barricade at broken bridge

The barricades are no longer relevant due to the placement of large concrete blocks at the immediate approach to the bridge. The concrete blocks prevent vehicular access onto the bridge.

5. Options for temporary solution for crossing

Letters requesting the assistance of the Australian Defence Force in regard to a temporary solution for crossing were sent to Resilience NSW, Member for Hawkesbury and Federal Member for Macquarie. No response was received.

A request for the provision of a temporary bridge was forwarded to the Australian Defence Force. They advised that this service would be treated as non-emergency work. Although no formal response has been received, they advised that any assistance that might be able to be provided would be at full cost recovery and based on commercial rates.

Based on this advice, the cost would be expected to be comparable at least to the estimates for the commercial supply of a temporary bridge. The cost for the commercial supply and installation of a temporary bridge will cost in the order of \$1M.

The option of a temporary panel/truss bridge at a low level was considered by Council staff. This type of structure is not considered suitable at this location due to the likely damage from inundation and the propensity for such a structure to be subject to debris loads. The provision of the temporary bridge would require considerable earth works for the approaches as the temporary bridge would be placed downstream of the existing bridge. This position would also be subject to additional environmental approvals.

It is further to be noted that the construction of any temporary structure is likely to further delay and potentially interfere with the permanent works when it gets underway. Council is in the process of engaging Public Works Advisory to undertake the procurement and project management activities in regard to this project. It is anticipated that the engagement of Public Works Advisory may reduce the overall project completion timeframe.

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 Areas, Directions and Strategies within the CSP.

Our Assets

4.3 Places and Spaces - Provide the right places and spaces to serve our community

4.3.1 Provide a variety of quality passive recreation spaces including river foreshores, parks, bushland reserves and civic spaces to enhance our community's health and lifestyle.

Our Leadership

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

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

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

1.3.3 Decisions relating to determining priorities will be made in the long term interests of the community.

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. The expenditure applicable to the various options presented in this report is not provided for in the 2021/2022 Adopted Operational Plan and, if pursued, would need to be addressed as part of the appropriate Quarterly Budget Review.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The implementation of the various services options outlined in this report is not aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The implementation of options that have a direct financial impact as detailed in this report would require the allocation of additional resources which are currently not budgeted for in the Long-Term Financial Plan.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 232 **IS - Potential Sites for a Skate Park or BMX Pump Track in Bligh Park - (95495, 79354)**

Previous Item: 202, Ordinary (26 October 2021)

Directorate: Infrastructure Services

PURPOSE OF THE REPORT:

The purpose of this report is to provide information regarding potential sites for a skate park or BMX track in Bligh Park, and associated matters.

EXECUTIVE SUMMARY:

At its meeting on 28 October 2021, Council considered a Mayoral Minute regarding the Bligh Park community request for a skate park or BMX track in Bligh Park. Council resolved to acknowledge the community's request and resolved to receive a report providing information on the suitability of potential sites for a skate park or BMX track within the Bligh Park area, and associated matters.

Four potential sites for a skate park or BMX track have been identified and assessed against a number of criteria. The four sites are:

- Colonial Reserve
- Bounty Reserve
- Mileham Street Reserve (opposite Bede Polding College/Windsor Leagues Club)
- Drainage easement adjoining the Tiningi Community Centre.

The estimated cost of a skate park is in the order of between \$600K and \$750K, whilst the estimated cost of a BMX track/pump track is in the order of \$183K.

Council's Long Term Financial Plan currently does not include an allocation for a skate park or BMX track, however this could be included in the new Delivery Program and grant funding pursued, or funding reallocated within the Long Term Financial Plan as revised by the upcoming new Council after the 2021 local government elections.

Preliminary community consultation could be undertaken to assist Council in being eligible for grant funding should it become available.

Detailed information in regard to the above matters is provided in the report.

RECOMMENDATION:

That Council receive and note the information provided regarding potential sites for a skate park or BMX track in Bligh Park, and the associated costs and funding sources.

BACKGROUND

At its meeting on the 26 October 2021 Council considered a Mayoral Minute regarding the Bligh Park community request for a skate park or BMX track in Bligh Park and resolved as follows:

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“That Council:

1. *Acknowledge the request from the Bligh Park Community for the provision of a skate park or BMX track in Bligh Park.*
2. *Be provided with a report that includes:*
 - *An assessment of the suitability of potential sites in Bligh Park including Colonial Reserve*
 - *An estimate of the cost*
 - *Potential funding sources, including grants and inclusion in a future Delivery Program*
 - *Actions Council could take to make this a ‘shovel ready’ project that could be eligible to be grant funded.”*

In accordance with Part 2 of the Resolution, an assessment of potential sites for a skate park or BMX track in Bligh Park has been undertaken and the associated information is provided in this report.

Council currently has two local skate parks within the local government area. One is located in Ham Common, Clarendon and the other at Hanna Park, North Richmond. Ham Common is a modular skate park, built around 18 years ago and is the older of the two. Both skate parks would be considered Street plaza style skate parks. This style of park emulates and improves upon the street skating experience, where obstacles are styled to look like a natural street terrain such as stairs, railings, planters and benches. Both skate parks are well utilised by the community.

Bligh Park has over 6,360 residents and of these 9.2 per cent are children (585) and 21.9 per cent (1,392) are youth. This equates to almost 2,000 young people living within Bligh Park area.

Location Plan



Figure 1 - Potential sites for Skate Park or BMX track in Bligh Park

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Relevant Legislation

Local Government Act 1993
Crown Land Act 2016

DISCUSSION

1. Potential sites for a skate park or BMX track in Bligh Park

Land Ownership and Plans of Management

Council manages a range of land within Bligh Park, including Council owned land and Crown Land. The majority of these parcels of land are small, hidden away or covered in vegetation.

The consideration of land ownership in the first instance is important as the ability to construct a skate park or BMX track in an area is subject to the applicable Plan of Management.

Council has Generic Plans of Management for land it owns and areas that have been categorised as park or general community use. These Generic Plans of Management allow the development of skate parks or BMX tracks within these areas.

In accordance with the Crown Land Act 2016, Council is now required to develop Plans of Management for Crown Land under the Local Government Act 1993, due to be completed by June 2024. Council is in the process of developing Plans of Management for Crown Land in accordance with the Crown Land Act 2016. The development of a skate park/BMX track could not occur on Crown Land until these Plans are completed.

Based on the above, Crown Land has been excluded from consideration of potential sites for a skate park or BMX track in Bligh Park.

Vegetation Considerations

Vegetation in Bligh Park is generally Cumberland Plain Woodland, a threatened ecological community. Clearing of this vegetation is not encouraged and can be problematic. Accordingly only sites with minimal vegetation have been considered.

Other Criteria

In addition to land ownership and vegetation considerations, the following criteria were used to assess the suitability of potential sites to accommodate a skate park or BMX track/pump track in Bligh Park:

- Good access to public transport, food outlets, public toilets, telephone, first aid and other community and recreation services,
- Accessibility by foot, bicycle, skateboard and car,
- Proximity to a school,
- Good informal surveillance by passing public and general community and highly visible from main police routes,
- Minimal potential for conflict with other land users, especially in relation to noise and behavioural problems,
- A good range of facilities which allows progression as skill levels develop and a large enough facility for social interaction to occur.

The open space in Bligh Park was investigated and the parks or reserves that were large enough, limited vegetation and not Crown Land were:

- Colonial Reserve
- Bounty Reserve
- Mileham Street Reserve (opposite Bede Polding/Windsor Leagues Club)

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- Drainage easement adjoining Tiningi Community Centre.

The identified sites are owned by Council. Each of the sites has been assessed against the relevant criteria. Table 1 summarises the outcome of this of this assessment.

Table 1 – Assessment of potential sites

	Colonial Reserve	Bounty Reserve	Mileham Street Reserve	Drainage easement adjoining Tiningi Community Centre
Threatened ecological vegetation communities that would be impacted	No	Yes Some individual trees are located on the southern boundary. These are identified in the Biodiversity Values Map. Location of the facility should exclude these areas.	Yes Some individual trees are located on the southern boundary. These are identified in the Biodiversity Values Map. Location of the facility should exclude these areas.	No
Good access to public transport, food outlets, public toilets, telephone, first aid and other community and recreation services	<ul style="list-style-type: none"> • Bus and car access. • 1km to local shops. • Close to playground and sporting fields. • Toilets are on site but are currently for sporting use only. 	<ul style="list-style-type: none"> • Bus and car access. • 500m to local shops. • Close to playground and sporting fields. • Toilets are on site but are currently for sporting use only. 	<ul style="list-style-type: none"> • Bus and car access. • 500m to local shops. • There are no toilets on site. 	<ul style="list-style-type: none"> • Bus and car access. • 1km to local shops. • Close to community center and basketball court. • Toilets only available when center is open.
Accessibility by foot, bicycle, skateboard and car	Yes For local residents.	Yes For local residents.	Yes For local residents.	Yes For local residents.

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	Colonial Reserve	Bounty Reserve	Mileham Street Reserve	Drainage easement adjoining Tiningi Community Centre
Proximity to a school	Yes Bligh Park Public School.	Yes Bligh Park Public School.	Yes Bede Polding College; Chisholm Catholic Primary.	Yes Bede Polding College; Chisholm Catholic Primary. Windsor Park Public School.
Good informal surveillance by passing public and general community and highly visible from main police routes	Yes If skate park or BMX track facility is located on Colonial Drive side of the park.	No The park is not located on a major Road.	Yes The site is located on intersection of Rifle Range Road and Mileham Street.	Yes The site is located on Rifle Range Road.
Minimal potential for conflict with other land users, especially in relation to noise and behavioural problems	The most suitable site would be 30 – 50m away from houses.	There are limited locations available in this park and these are very close to houses (within 20m).	The preferred location on this site would be 20m – 50m away from the houses.	The facility would need to be placed next to the basketball court, so it is 50m away from the nearest house.
A good range of facilities which allows progression as skill levels develop and a large enough facility for social interaction to occur	This will depend on the design. All sites will have limited area to expand.	This will depend on the design. All sites will have limited area to expand.	This will depend on the design. All sites will have limited area to expand.	This will depend on the design. All sites will have limited area to expand.

Of the four sites identified, Tiningi, Colonial and Mileham Street Reserve have the most potential to house a skate park and BMX facility. For the drainage easement adjoining Tiningi Community Centre, a drainage/flood assessment would need to be undertaken to ensure this site was suitable.

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Strategic Considerations

Council is currently in the process of engaging a consultant to develop Social Infrastructure Strategy, which includes recreational, community and cultural facilities. The scope of the strategy will include an assessment of existing recreation facilities for youth and make recommendations for the type and location for new facilities to be provided.

Whilst there may be suitable sites for a skate park or BMX track in Bligh Park, the location of such a facility in Bligh Park has not yet been assessed within the context of the whole local government area. In the absence of any specific funding being available for a skate park or BMX track in Bligh Park, Council could consider waiting for the completion of the Social Infrastructure Strategy, which includes recreational, community and cultural facilities before committing to a skate park or BMX facility in any of the identified locations.

However, based on the demographic profile of Bligh Park, having in the order of 2,000 youth, facilities such as skate parks and BMX tracks in the area are likely to be justified and would be well received and utilised by the local community. Accordingly, Council could consider taking some steps to place it in a favourable position to apply for any grants that may become available for these types of facilities prior to the completion of the Social Infrastructure Strategy, which includes recreational, community and cultural facilities.

2. Estimated cost

The cost for a skate park will depend on size, and the design. A skate park company has previously advised that the cost to build a skate park was in the order of around \$1K per square metre, including design and construction.

For a local skate park facility similar to that at Ham Common, the cost is estimated to be between \$600K and \$750K.

The cost for a BMX track/pump track will depend on size, and the design. An estimated cost is \$145 per square metre. Based on a 1,265 square metre pump track, the estimated cost is in the order of \$183K.

3. Potential funding sources

Council's current Long Term Financial Plan does not include an allocation for a skate park or BMX track/pump track in Bligh Park. The Long Term Financial Plan will be reviewed by the new Council as part of the review of the Community Strategic Plan. The new Council could consider including skate parks and BMX tracks in additional locations in the new Delivery Program. This would necessitate a realignment of funding with the current Long-Term Financial Plan, or the project could be reliant on grant funds.

To minimise the impact on the Long Term Financial Plan and other planned works, Council could take sufficient steps to be "shovel ready" should the opportunity of funding for a skate park or BMX track become available. Possible grant opportunities would include Greater Cities and Regional Sport Facility Fund, Community Partnership Grants and West Invest Funding.

4. Actions Council could take to make this a 'shovel ready' project

To be eligible for grant funding that may become available, this project would need to be "shovel ready". Council would generally need to complete the following tasks prior to applying for a grant:

- Develop a design in consultation with the youth of the area (using a qualified skate park developer). Thus design would need to consider crime prevention through environmental design,
- Develop detailed engineering drawings and estimated costs,
- Obtain all planning approvals including environmental, visual and noise impacts,
- Undertake community consultation to ensure all issues have been resolved, in particular adjoining residents.

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The completion of these tasks would support grant applications as the parameters and details of the design would be known and quantified.

Council could consider undertaking the steps above within the context of a preferred site in Bligh Park. It is noted that the steps above would involve the engagement of a consultant. The associated expenditure is not currently provided in the 2021/2022 Operational Plan.

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters currently do not require community consultation under Council's Community Engagement Policy. However, any decision to construct a skate park or BMX track facility, in any location, would be subject to community consultation.

In light of Council's Recreation and Open Space Strategy yet to be completed, and within the context of community demand for additional recreational facilities such as skate parks and BMX tracks, Council could consider undertaking a community engagement survey on Hawkesbury Your Say to gain some insight regarding views on the provision of skate park and BMX facilities, in Bligh Park and other areas. Youth could be specifically targeted. This feedback would be used as an input to the Recreation and Open Space Strategy, and would also provide a preliminary indication of the community's views.

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 Assets

4.3 Places and Spaces - Provide the right places and spaces to serve our community

4.3.1 Provide a variety of quality passive recreation spaces including river foreshores, parks, bushland reserves and civic spaces to enhance our community's health and lifestyle.

4.3.2 Provide a variety of quality active recreation spaces including playgrounds, sporting fields, pool, stadium and multipurpose centres to enhance our community's health and lifestyle.

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. If Council was to proceed with the provision of a skate park or BMX track, the expenditure applicable is not provided for in the 2021/2022 Adopted Operational Plan or Council's current Long Term Financial Plan.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

At this stage the information provided in this report is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. As the report is not recommending expenditure to be incurred, at this stage there are no resourcing implications outside the adopted Long Term Financial Plan. However if Council resolved to proceed with the inclusion of skate park or BMX tracks projects within the new Delivery Program, Council's Long Term Financial Plan would need to be reviewed or grant funding would be required.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING
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Meeting Date: 23 November 2021

Item: 233 **IS - Wilberforce RFS Brigade and Hawkesbury Fire Control Centre Project - (95495, 79398, 73600)**

Previous Item: 244, Ordinary (10 December 2019)

Directorate: Infrastructure Services

PURPOSE OF THE REPORT:

The purpose of this report is to seek Council's endorsement of the proposed sites for the new Wilberforce Rural Fire Brigade Station and Hawkesbury Fire Control Centre and to proceed to the detailed investigations and planning approvals stage of the project.

EXECUTIVE SUMMARY:

At the Councillor Briefing Session on 20 July 2021, Council was provided with an overview of the options associated with the construction of a new Wilberforce Rural Fire Brigade Station and a new Fire Control Centre.

Council considered the options of the new Wilberforce Rural Fire Brigade Station being situated on the same site as Council Depot at Wilberforce, and the new Fire Control Office being situated on Ironbark Drive. Confirmation of funding availability for the detailed investigation and planning approvals process associated with the proposed sites was yet to be confirmed.

Council has now received confirmation of funding for the detailed investigations and planning approvals for both the new Wilberforce Rural Fire Brigade Station and a new Fire Control Centre.

Subject to Council's endorsement of the proposed sites, the next step is to commence the process of detailed investigations and obtaining the necessary planning approvals, and to undertake community engagement as detailed information regarding the project becomes available.

RECOMMENDATION:

That Council:

1. Receive and note the information in this report regarding the current status of the new Wilberforce Rural Fire Brigade Station and Hawkesbury Fire Control Centre project.
 2. Endorse the site of the new Wilberforce Rural Fire Brigade Station at the Council's Wilberforce Depot.
 3. Endorse the site of the new Fire Control Centre at the Woodlands Reserve location off Sackville Road at 295, Sackville Road, Wilberforce (Ironbark Drive, opposite Woodlands Oval).
 4. Endorse the commencement of the process to obtain the necessary planning approvals for the Wilberforce Rural Fire Brigade Station and Hawkesbury Fire Control project.
 5. Undertake community engagement with relevant stakeholders as detailed information regarding the projects become available.
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BACKGROUND

Following the 2019/2020 catastrophic bushfire season, the subsequent NSW Government inquiry identified the replacement and upgrade of the Hawkesbury Fire Control Centre as a priority. The existing facility is of insufficient size and layout and no longer meets the needs of the RFS District staff, volunteers and the community. Located on the same site is the Wilberforce Rural Fire Brigade Station which is also in need of upgrade and no longer meets the needs of the volunteers.

At the Councillor Briefing Session on 20 July 2021, Council was provided with an overview of the options associated with the construction of a new Wilberforce Rural Fire Brigade Station and a new Fire Control Centre.

Council considered the option of the new Wilberforce Rural Fire Brigade Station being situated on the same site as Council's Depot at Wilberforce, and the new Fire Control Office being situated on Ironbark Drive, Wilberforce. Confirmation of funding availability for the detailed investigation and planning approvals process associated with the proposed sites was yet to be confirmed.

Wilberforce Rural Fire Brigade Station

The Wilberforce Brigade Station is currently located on Macquarie Road, Wilberforce on the same site as the Hawkesbury Fire Control Centre. The current buildings are inadequate in terms of space and function. Any expansion or enhancement on the current site is constrained by the neighbouring Wilberforce Public School and residential uses.

NSWRFS have undertaken assessment of alternate sites for the new Wilberforce Rural Fire Brigade Station, and the planning constraints associated with these sites. The only likely option was "Truck Stop" on Putty Rd, which is Crown Land. The necessary processes to allow the use of this site for the Wilberforce Brigade Station, including a Native Title Assessment to change the purpose, may take between seven and 17 years to determine. This option was not pursued further.

Council were advised that if Council could provide a site, funding would be made available for the construction of the Wilberforce Rural Fire Brigade Station. Consideration was given to the use of a stratum at Council's Wilberforce Depot site. Concept drawings have been prepared for the proposed Development of an RFB Cat 3C Station. The construction of the Wilberforce Brigade Station on this site is subject to detailed planning assessment and approvals.

Fire Control Centre

In October 2020 NSW Public Works Advisory was engaged by the RFS to undertake a site feasibility analysis on proposed locations for the new Hawkesbury Fire Control Centre. Preliminary Environmental Impacts studies and planning assessments were undertaken and identified the Woodlands Reserve location off Sackville Road at 295, Sackville Road, Wilberforce (Ironbark Drive, opposite Woodlands Oval), as the preferred site. The site is partially leased to Woodlands Pony Club. The extent of the leased area and the ongoing use by the Woodland Pony Club is not impacted by the proposed development. The balance of the site contains native vegetation (regrowth following previous use for temporary school) and will require detailed environmental assessment.

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Location Plan



Figure 1 - Wilberforce Rural Fire Brigade Station and Hawkesbury Fire Control Centre – Current Location



Figure 2 - Wilberforce Rural Fire Brigade Station and Hawkesbury Fire Control Centre - Current Location, Aerial View



Figure 3 - Wilberforce Rural Fire Brigade Station - Proposed Wilberforce Depot Site Plan

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Figure 4 - Wilberforce Rural Fire Brigade Station - Proposed Wilberforce Depot Site - Street View



Figure 5 - Fire Control Centre - Proposed Ironbark Drive Site

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Figure 6 - Fire Control Centre - Proposed Ironbark Drive Site - Street View

DISCUSSION

Wilberforce Rural Fire Brigade Station

The concept drawings for the proposed Wilberforce Rural Fire Brigade Station are shown in Figures 7 to 10.

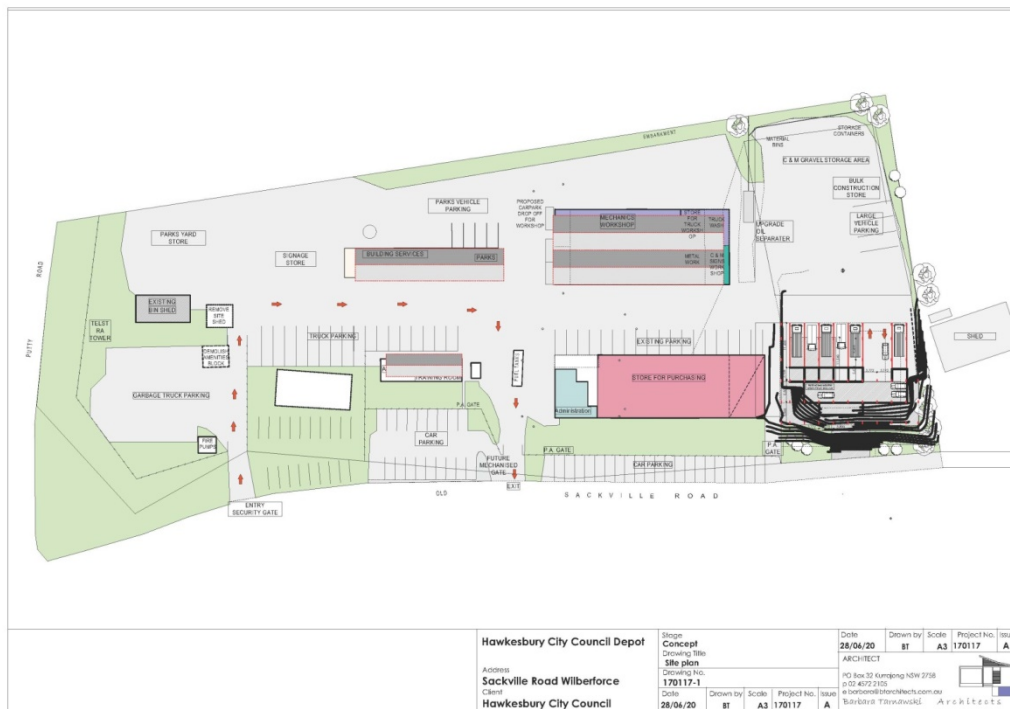


Figure 7 - Proposed Wilberforce Rural Fire Brigade Station Site Plan

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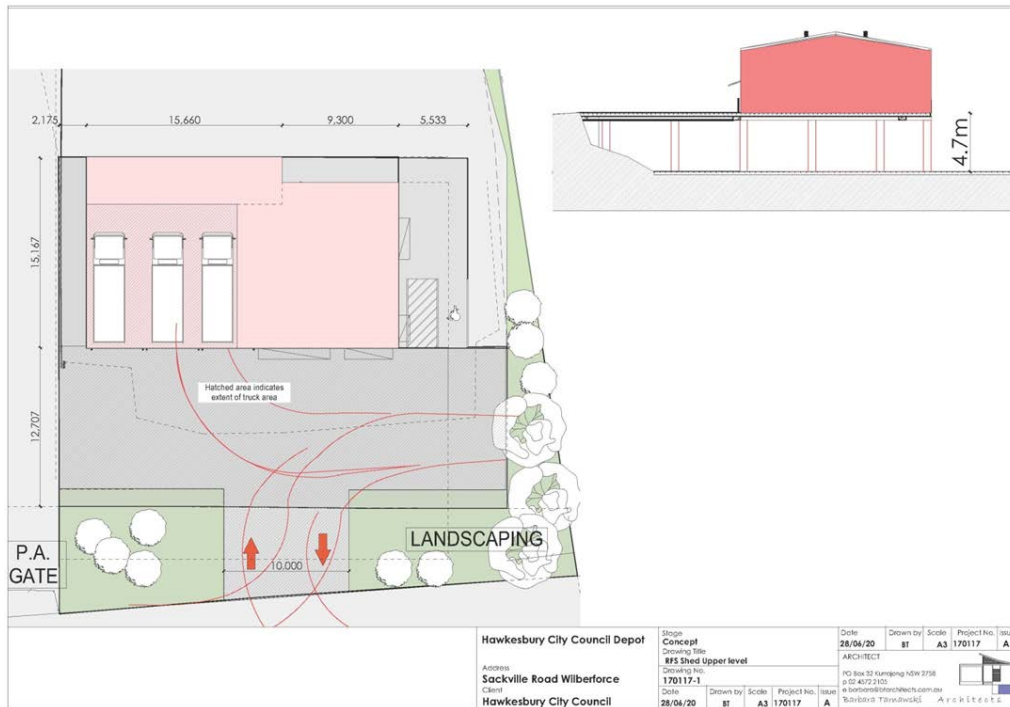


Figure 8 - Proposed Wilberforce Rural Fire Brigade Station - Upper Level



Figure 9 - Proposed Wilberforce Rural Fire Brigade Station - View from street

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Figure10 - Proposed Wilberforce Rural Fire Brigade Station - View from Depot site

The scope of the proposed Wilberforce Rural Fire Brigade Station project will include the planning approval, design and construction of an RFS Standard CAT 3C RFB. The proposed development includes the following facilities:

- NSW Rural Fire Service CAT 3C Brigade Station:
 - Multifunction area and office.
 - Building Kitchenette, Male and Female amenities with change rooms
 - 3 Vehicle Bays and storage.
- Raised Concrete Slab for site to enable level access with Old Sackville Road
- Internal access and accessible parking, security fencing and site landscaping
- Connection to existing Site services including: power, communications, water and sewer, and Stormwater management.

Hawkesbury Fire Control Centre

In consultation with Council and the RFS Hawkesbury District, the Concept layout for the proposed Hawkesbury Fire Control Centre was prepared to enable the Site feasibility Investigations. The Concept layout includes the following facilities:

- NSW Rural Fire Service V3.0 Fire Control Centre:
 - General Office with reception and entry foyer
 - Training Centre and meeting facilities
 - Emergency Operations Centre
 - Building amenities and kitchen facilities
 - Undercover outdoor BBQ area
 - 20m Radio-Communications Tower.
- Stores Facility that will contain the following:
 - Commercial Kitchen and food preparation area (2 shed bays)
 - Undercover area to support preparation and vehicle loading
 - Clean Store facility for equipment and PPE (2 shed bays)
 - CABA filling and Laundry / Building amenities (1 shed bay)
 - Vehicle Bays (3 vehicle bays)

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- Hot Fire Training Ground with Structure
- Formal Site entrance with internal access roads and parking for up to 40 Vehicles
- Establish connection for building services including; Power, Communications, Water and Sewer and Stormwater management
- Security fencing and site landscaping.

Planning Pathway Advice

Due to the nature of the proposed site at Ironbark Drive, Wilberforce it was considered appropriate to seek preliminary advice regarding the potential planning pathway for the proposed development. In light of their previous involvement in regard to the site of the project, the advice was sought from Public Works Advisory.

Based on this advice, Council, as a public authority, may be able to undertake this development without consent under Clause 48(1) of the State Environmental Planning Policy (Infrastructure) 2007. In this case, Council would become both the proponent and determining authority for the development in accordance with Part 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act). Should the development proceed under Part 5 of the EP&A Act, the Biodiversity Offsets Scheme is not mandatory and Council, as the public authority proponent, could choose to opt-in to this scheme, or alternatively undertake a test of significance for impacts to the endangered ecological community on site. The latter process would also allow flexibility in the form of offset actions for the impacts of the proposed development on this community, which may include the following:

- Shift the design to the east if possible to avoid impacting the largest trees on the lot that occur on the western side;
- Prepare a Vegetation Management Plan to protect and restore the native vegetation to be retained on site (i.e. remove weeds, etc.);
- Protect elsewhere within the Local Government Area an equivalent area of Cumberland Plain Woodland, preferably via a Vegetation Management Plan on Council managed land, or if CPW not possible at least an equivalent area of other native vegetation.

Next steps

Council will be the Proponent for this Development on behalf of NSW Rural Fire Service. Council will be the Consent Authority for both the Wilberforce Rural Fire Brigade Station and the Hawkesbury Fire Control Centre projects.

RFS Standard Design for both buildings will be incorporated into the building Designs for each Project.

The next step for the development incorporating a new Wilberforce Rural Fire Brigade Station located on the Council's Wilberforce Depot site and a new Hawkesbury Fire Control Centre located at Ironbark Drive, 295 Sackville Road, Wilberforce, is to seek the necessary planning approvals.

Due the nature of both these projects, community engagement in regard to both projects will be undertaken in parallel and in addition to, the planning approvals process.

As a separate but associated matter, following the relocation of the Wilberforce Brigade Station and the Hawkesbury Fire Control Centre projects from the current site at Macquarie Road, Wilberforce, and Council has the opportunity to explore the redeployment or sale of the site. This matter will be progressed separately to the projects subject of this report.

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy.

From the initial stages of this project Council has engaged extensively with the Wilberforce Rural Fire Brigade station representatives and NSW RFS. To date there has been full support for the proposed sites from both parties.

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In regard to the Wilberforce Rural Fire Brigade Station, the neighbouring property owners have been made aware of the proposed development, and the opportunity to address Council regarding the matter, as well as to ability to respond to the consultation undertaken as part of the planning approvals process.

In regard to the Fire Control Centre, the Woodlands Pony Club have been made aware of the proposed development, and the opportunity to address Council regarding the matter, as well as to ability to respond to the consultation undertaken as part of the planning approvals process.

Community engagement regarding the construction of the new Wilberforce Rural Fire Brigade Station and the new Fire Control Centre will also be included as part of the planning approvals process.

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 Community

- 2.1 Community safety is improved - Enable a shared responsibility for community safety and disaster management
 - 2.1.1 Meet the needs of our community through effective flood, fire and other natural disaster management plans that promote the protection of life, property and infrastructure.
 - 2.1.2 Make the Hawkesbury a friendly place where people feel safe.
- 2.3 Community partnerships continue to evolve - Increase the range of local partnerships and plan for the future
 - 2.3.2 Support and expand active volunteering.
- 2.4 Community wellbeing and local services - Build on a sense of community and well being
 - 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 raised in this report do not have direct financial implications for Council, as part of the funding necessary is already available in Council's Operational Plan for RFS buildings, with the remaining being funded by NSW RFS.

Wilberforce Brigade Station

Council is providing the site at its Wilberforce Depot. The extra cost of the suspended slab will be borne by Council from existing allocations for NSW RFS buildings.

NSW RFS will be funding the detailed investigations and planning approvals. Funding of \$29,000 has now been confirmed to enable the commencement of detailed investigations and the planning approvals process.

In accordance with NSW RFS process regarding this type of projects, once planning approvals are obtained, the funding allocation for the construction of the building will be included in the relevant financial year's funding allocation for capital projects.

The Wilberforce Brigade Station will become Council's asset.

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Hawkesbury Fire Control Centre

Council is providing the site at Ironbark Drive, 295 Sackville Road, Wilberforce.

NSW RFS will be funding the detailed investigation and planning approvals. Funding of \$264,801 has now been confirmed to enable the commencement of detailed investigations and the planning approvals process.

In accordance with NSW RFS process regarding this type of projects, once planning approvals are obtained, the funding allocation for the construction of the building will be included in the relevant financial year's funding allocation for capital projects.

The Hawkesbury Fire Control Centre will become Council's asset.

Existing Location at Macquarie Road

The relocation of the Wilberforce Brigade Station and the Fire Control Centre will result in the site where these buildings are currently located, becoming available for redeployment or sale. The course of action pursued in regard to this site may have a favourable financial impact.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal will enable Council to continue to provide and maintain service levels to meet established community expectations as budgeted for in the Long-Term Financial Plan.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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SUPPORT SERVICES

Item: 234 **SS - Audited Financial Statements for the year ended 30 June 2021 - (95496, 96332)**

Previous Item: Item 182, Ordinary (28 September 2021)

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to submit the Audited Financial Statements for the year ended 30 June 2021 (2020/2021 Financial Statements) to Council, in accordance with the requirements of the Local Government Act 1993 (the Act). The 2020/2021 Financial Statements are attached as Attachment 1 to this report.

EXECUTIVE SUMMARY:

Council's 2020/2021 Financial Statements have now been completed, audited, and advertised in accordance with the Act. The Report on the Conduct of the Audit expressing an unmodified audit opinion has been received from The NSW Audit Office and is contained with the 2020/2021 Financial Statements, which are available for inspection by Councillors and the community.

A representative from the NSW Audit Office's contractor, Grant Thornton will attend the meeting, to make a presentation in respect of Council's Audited 2020/2021 Financial Statements.

For the financial year ending 30 June 2021, Council's net operating result before capital grants and contributions was a deficit of \$16.1 million. The flood had a significant impact on Council's operating result as follows:

- Flood related expenditure - \$3.1 million
- Asset Disposals - \$10.5 million

It is anticipated that flood related expenditure will be mostly recovered because of claims submitted. The reimbursement will be reflected in the 2021/2022 financial results.

The other main contributor to the result is the Depreciation expense, which has increased by \$3.8 million over the previous financial year. This increase is attributed to a significant increase in roads assets valuation.

The Financial Statements are prepared in accordance with Australian Accounting Standards and the Local Government Accounting Code. These requirements include non-cash accounting entries such as the asset disposals relating to the flood and Depreciation. These requirements are to be taken into consideration when using Financial Statements to evaluate Council's performance against the annual Budget.

Attachment 2 to this report provides an overview of Council's financial performance against the Budget for year ended 30 June 2021, which shows that Council's Bottom Line Result for the year was a deficit of \$2.4 million. This is predominantly a reflection of the additional costs of the March 2021 flood of \$3.1 million. Without this event, Council would have achieved a Budget surplus of \$0.7 million.

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RECOMMENDATION:

That Council:

1. Note the completion of the General Purpose and Special Purpose Financial Statements and Special Schedules for the period ended 30 June 2021, attached as Attachment 1 to this report.
2. Thank the representative from Grant Thornton, for the presentation in respect of Council's 2020/2021 Financial Statements.

BACKGROUND

Council's 2020/2021 Financial Statements have been completed, audited and advertised in accordance with the provisions of the Act. The Report on the Conduct of the Audit expressing an unmodified audit opinion has been received from The NSW Audit Office and is contained with the 2020/2021 Financial Statements, which are available for inspection by Councillors and the community.

The Act requires that the meeting set for the presentation of the financial reports, must be at least seven days after public notice is given, and within five weeks after the Auditor's reports are given to Council. The Auditor's reports were received on 26 October 2021, and public notice was given in the Hawkesbury Courier on Thursday, 11 November 2021.

The Statements as attached to this report reflect all audit adjustments, including those arising from a review of the treatment of flood damages and impairment; and the treatment of Council's share in CivicRisk Mutual. Other changes arising out of the audit include changes to wording regarding certain disclosures to ensure greater transparency and understanding for users of the Statements.

Relevant Legislation

- Local Government Act, 1993
- Local Government (General) Regulation, 2021

DISCUSSION

At its Meeting on 28 September 2021, Council considered a report regarding the unaudited Financial Statements for the year ended 30 June 2021. At that meeting, Council referred the 2020/2021 Financial Statements to audit.

The total reduction in the asset values resulting from the March 2021 flood was \$20.2 million, which has not changed. The unaudited Financial Statements reflected \$19.4 million of the impact as impairment within Depreciation, Amortisation, and Impairment within the Income Statement. The remainder was reflected as a reduction in the Asset Revaluation Reserve within the Statement of Financial Position. Based on auditor recommendations, the accounting treatment has been updated. Of the \$19.4 million within the Income Statement, \$10.5 million was transferred to Loss on Disposal of Assets and \$8.9 million transferred to the Asset Revaluation Reserve. The impact is a \$8.9 million improvement on the Operating Performance, and no change to Council's Financial Position.

The movement in Council's share of CivicRisk Mutual is \$0.5 million, which has not changed. The unaudited Financial Statements reflected the increase as a fair value adjustment within the Statement of Comprehensive Income. In line with advice from the auditors, this fair value adjustment has now been captured within Interest and Investment Income within the Income Statement. The impact is a \$0.5 million improvement on the Operating Performance, and no change to Council's Financial Position.

Other changes arising out of the audit include changes to wording regarding certain disclosures to ensure greater transparency and understanding for users of the Statements.

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The above changes have resulted in changes to amounts included in the report submitted to Council on 28 September 2021. A summary of the impact of all adjustments is provided in the updated key financial information provided below.

Operating Performance

The Income Statement discloses the income and expenditure of Council. The table below displays Council's reported Income Statement as at 30 June 2021. There were changes to the Income Statement since the last report to Council, mainly because of the changes in the accounting treatment of flood damages (\$8.9 million) and Council's share of CivicRisk Mutual (\$0.5 million), based on auditor advice.

Income Statement	As reported on 28 Sep 2021 \$'000	As per the Audited Financial Statements \$'000	Movement Increase /(Decrease) \$'000
Income from continuing operations	103,377	103,877	500
Expenses from continuing operations	116,535	107,682	(8,853)
Net Operating Result for the year	(13,158)	(3,805)	9,353
Capital Grants and Contributions	12,302	12,302	Nil
Net Operating Result before Capital Grants and Contributions	(25,460)	(16,107)	9,353

Details of revenues and expenses for 2020/2021, as compared to the previous year, are as follows:

Income from continuing operations	2020/2021 \$'000	2019/2020 \$'000	Movement Inc/(Dec) \$'000
Rates and Annual Charges	67,039	62,129	4,910
User Charges and Fees	6,241	5,944	297
Other Revenue	2,981	3,398	(417)
Grants and Contributions – Operating	11,188	10,112	1,076
Grants and Contributions – Capital	12,302	18,483	(6,181)
Interest and Investment Income	1,167	1,388	(221)
Other Income	2,959	2,945	14
Total Income from Continuing Operations	103,877	104,399	(522)

Expenses from continuing operations	2020/2021 \$'000	2019/2020 \$'000	Movement Inc/(Dec) \$'000
Employee Benefits and Oncosts	32,865	30,865	2,000
Materials and Services	32,154	29,073	3,081
Borrowing costs	219	285	(66)
Depreciation, Amortisation and Impairment	25,889	22,108	3,781
Other Expenses	5,710	5,401	309

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Expenses from continuing operations	2020/2021 \$'000	2019/2020 \$'000	Movement Inc/(Dec) \$'000
Loss on Disposal of Assets	10,845	40	10,805
Total Expenses from Continuing Operations	107,682	87,772	19,910

Financial Position

The Statement of Financial Position discloses the assets, liabilities, and equity of Council. The table below displays Council's reported Balance Sheet as at 30 June 2021. There were no changes to the Statement of Financial Position, as the total cost of damages in relation to the flood did not change, nor the increase in value of Council's share of CivicRisk Mutual. The changes related to where these were reported within the 2020/2021 Financial Statements.

Statement of Financial Position	As reported on 28 Sep 2021 \$'000	As per the Audited Financial Statements \$'000	Movement Increase/ (Decrease) \$'000
Current Assets	78,544	78,544	Nil
Non-Current Assets	1,523,940	1,523,940	Nil
Total Assets	1,602,484	1,602,484	Nil
Current Liabilities	25,366	25,366	Nil
Non-Current Liabilities	13,579	13,579	Nil
Total Liabilities	38,945	38,945	Nil
Net Assets	1,563,539	1,563,539	Nil
Equity	1,563,539	1,563,539	Nil

Performance Indicators

Council's financial statements disclose several financial indicators, which are detailed below:

Financial Performance Indicator	June 2021	June 2020
Operating Performance Ratio	(5.70)%	3.35%
Own Source Operating Revenue Ratio	77.28%	72.55%
Unrestricted Current Ratio	3.03x	2.61x
Debt Service Ratio	15.87x	11.42x
Rates, Annual Charges, Interest and Extra Charges Outstanding Percentage	8.35%	7.40%
Cash Expense Cover Ratio	9.63mths	10.66mths
Buildings and Infrastructure Renewals Ratio	73.30%	65.52%

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Interpretation of Financial Results

Council's operating result reduced from a surplus of \$16.6 million in 2019/2020 to a deficit of \$3.8 million in 2020/2021. The net operating result before capital grants and contributions was a deficit of \$16.1 million in 2020/2021, compared to a \$1.9 million deficit in 2019/2020, mainly because the impacts of the flood and increases in depreciation.

The flood had a significant impact on Council's operating result, with expenditure incurred to provide community support, interest on accounts in arrears waived for those impacted, expenses incurred in relation to clean-up and repairs after the flood (net \$3.1 million) and \$10.5 million of asset disposals recognised as a result of the assets destroyed as the result of the flood. Council has submitted claims to recovery these costs and is anticipating that the majority will be funded.

In accordance with accounting standards, the disposal of assets of the \$10.5 million, are required to be recognised as an expense, negatively impacting the Operating Result. It is to be noted that this is a timing reflection only, as these assets will be reinstated over the coming years.

Council's cash and current investments decreased from \$63.5 million to \$62.3 million during the reporting period and included restricted and unrestricted funds. The decrease in cash and current investments is a result of the reduction in income and increase in expenditure, as outlined above. It is further to be noted that external borrowings of \$23.5 million were planned for 2020/2021. Due to low interest rates being achieved on Council's investments, it was more cost effective to borrow internally from Council's own cash. Council borrowed \$3.9 million internally for the Infrastructure Borrowings Program, which has contributed to the drop in cash and investments.

Council's Unrestricted Current Ratio at 30 June 2021 is 3.03 and remained significantly above the accepted industry benchmark of 1.5. The Debt Service Ratio was 15.87 and remains better than the accepted industry benchmark of 2.

The Own Source Operating Revenue Ratio improved, up to 77.3% as against 72.6% for 2019/2020. This reflects decreases in revenues from grants and contributions.

The Rates Outstanding Ratio increased to 8.4% of collectables. Council's Debt Recovery Policy allows for ratepayers to enter a payment arrangement with Council, and has special provisions limiting debt recovery action taken regarding amounts outstanding by Pensioners. These Policy provisions restrict debt recovery action to some extent and result in a higher ratio than would otherwise be the case. Additionally, Council aided those impacted by the COVID-19 Pandemic and the March 2021 flood. The exclusion of amounts on payment arrangements, and amounts owed by Pensioners, results in this ratio being 5.9%.

The Buildings and Infrastructure Renewals Ratio indicates that infrastructure assets are being renewed at 73% of the rate at which they are depreciating. The reduction in this ratio compared to 2019/2020 (66%) is attributable to the impediment of delivering renewal works experienced during 2019/2020 because of the diversion of resources towards fire-fighting efforts relating to the Gospers Mountain Fire. This has also impacted upon the Infrastructure Backlog (2.07%) and Asset Maintenance (98.04%) Ratios.

COMMUNITY ENGAGEMENT

Public notice of the Council Meeting on 23 November 2021 has been provided in the Council Notices section of the Council website on Thursday 11 November, 2021 and is also posted on Council's Facebook page. The 2020/2021 Financial Statements have been placed on exhibition from Monday, 8 November 2021, as hard copies at Council's Administration Building and on Council's website.

In accordance with Section 420(1) of the Act, any person may make a submission to Council regarding the Financial Statements or with respect to the Auditor's reports. All submissions must be in writing and will be referred to The NSW Audit Office, and Council can take such action as it considers appropriate. The closing date for submissions is Tuesday, 30 November 2021.

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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

There are no financial implications applicable to this report. The Statements are the mechanism by which the financial performance and financial position, over the 12 months ending 30 June 2021 are reported. Any observed concerning trends are noted and addressed by management.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The subject of this report does not directly align with a specific Fit for the Future Strategy but does provide an overview on the financial performance of 2020/2021.

The table below summarises the Fit for Future key performance indicators for the reporting period. These indicators are based on the General Fund only, in line with the Office of Local Government methodology.

Financial Sustainability Ratio	Benchmark	Result at 30 June 2021	Benchmark Met in 2020/2021
Operating Performance	>= 0%	-7.63%	No
Own Source Revenue	> 60%	75.26%	Yes
Debt Service	0%-20%	1.59%	Yes
Asset Renewal	>100%	78.64%	No
Infrastructure Backlog	<2%	2.07%	No
Asset Maintenance	>100%	98.04%	No

Commentary on these ratios has been included earlier in this report.

Conclusion

Council's 2020/2021 Financial Statements have been completed, audited, and advertised in accordance with the provisions of the Act. The Report on the Conduct of the Audit expressing an unmodified audit opinion has been received from The NSW Audit Office and is contained with the 2020/2021 Financial Statements, which are available for inspection by Councillors and the community.

ATTACHMENTS:

AT - 1 General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2021 - (*Distributed under separate cover*).

AT - 2 Performance against Budget for year ended 30 June 2021.

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AT - 2 Performance against Budget for Year Ended 30 June 2021

	Original Budget 2020/2021 1	Amended Budget 2020/2021	Actuals 2020/2021
(\$'000)			
Income from Continuing Operations			
Revenue			
Rates and Annual Charges	(66,875)	(67,059)	(67,039)
User Charges and Fees	(6,075)	(5,847)	(6,241)
Other Revenues	(1,464)	(1,576)	(2,981)
Grants and Contributions provided for Operating Purposes	(7,949)	(10,766)	(11,188)
Grants and Contributions provided for Capital Purposes	(6,068)	(16,061)	(12,302)
Interest and Investment Revenue	(839)	(679)	(1,167)
Other Income	(2,371)	(2,817)	(2,959)
Total Income from Continuing Operations	(91,641)	(104,805)	(103,877)
Expenses from Continuing Operations			
Employee Benefits and On-Costs	30,789	32,247	32,865
Materials and Services	28,738	32,674	32,154
Borrowing Costs	590	144	219
Depreciation and Amortisation and Impairment of IPP&E	18,605	25,063	25,889
Other Expenses	5,241	5,200	5,710
Net Losses from the Disposal of Assets	0	0	10,845
Total Expenses from Continuing Operations	83,963	95,328	107,682
Net Operating Result for the Year	7,678	9,478	(3,805)
Net Operating Result for the year before Grants and Contributions provided for Capital Purposes	1,610	(6,583)	(16,107)
Source of capital funding (excluding reserves)			
Proceeds from the sale of capital assets	(1,108)	(1,497)	(1,190)
Depreciation, Amortisation and Impairment of IPP&E	(18,605)	(25,063)	(25,889)
Grants and Contributions - Capital	(6,068)	(16,061)	(12,302)
	(25,781)	(42,621)	(39,381)
Application of Capital Funding			
Land, Building and Land Improvements	2,497	7,376	6,880
Roads, Bridges, Footpaths and Drainage	24,952	35,488	16,365
Sewer Infrastructure	2,250	3,587	1,689
Parks Assets and Other Structures	3,403	10,805	2,329
Other Assets	2,617	4,335	874
Plant and Equipment	2,566	3,927	2,447
	38,285	65,518	30,584
Net Capital Expenditure	12,504	22,897	(8,797)
Retained (surplus)/deficit from prior years			
Transfer from Reserves	(57,769)	(76,416)	(58,007)
Transfer (to) Reserves	46,875	46,937	62,885
	(10,894)	(29,479)	(4,878)
Retained (surplus)/deficit available for general funding purposes	-	-	2,432

oooO END OF REPORT Oooo

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Item: 235 **SS - September 2021 Quarterly Budget Review Statement - (95496, 96332)**

Previous Item: 118, Ordinary (29 June 2021)

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to inform Council of its financial position as at 30 September 2021; seek adoption of proposed changes required to the Budget within the 2021/2022 Adopted Operational Plan; and to seek adoption for the continuation of expenditure relating to the March 2021 flood.

EXECUTIVE SUMMARY:

Council is required to review its progress in achieving the financial objectives set out in its Operational Plan, within two months of the end of each quarter. The Responsible Accounting Officer must submit to Council a budget review statement that shows the revised estimate of the income and expenditure for that year, referencing the estimate of income and expenditure included in the Adopted Operational Plan.

The Responsible Accounting Officer has revised Council's income and expenditure for the 2021/2022 financial year and recommends revising estimates in line with Council's financial performance as at the end of September 2021, and as projected for the remainder of the financial year. This report and the relevant attachment provide information on Council's financial performance and financial position for:

- The first quarter of the 2021/2021 financial year; and
- The resulting financial position including the Budget variations proposed.

The Quarterly Budget Review Statement - September 2021 (the Statement) recommends budget adjustments that result in an overall balanced adjustment for the quarter.

RECOMMENDATION:

That:

1. Council receive the information contained in this report and that the Budget adjustments, as summarised in the report and detailed in Attachment 1 to the report, be adopted.
 2. Council note the ongoing nature of the work being undertaken to restore public assets and infrastructure, and support the associated expenditure, with updates to be provided to Council in each Quarterly Budget Review Statement.
-

BACKGROUND

Clause 203 of the Local Government (General) Regulation 2021 stipulates that the Responsible Accounting Officer of a council must prepare and submit to the Council a Budget Review Statement within two months after the end of each quarter (except the June quarter).

The Integrated Planning and Reporting (IP&R) Framework outlines that Councils are required to present a summary of the Council's financial position at the end of each quarter. It is the mechanism whereby councillors and the community are informed of the Council's progress against the Original Budget and the last revised Budget along with recommended changes and reasons for major variances.

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The Quarterly Budget Review Statement is the mechanism stipulated by the Local Government (General) Regulations 2021 for councils to revise the adopted Operational Plan for the year to reflect the actual financial performance as at the end of each Quarter and projected to the end of the financial year. This review ensures Council's Budget remains current and relevant throughout the financial year and provides early indication of progress in achieving financial targets.

In revising estimates, a conservative approach has been taken. Unfavourable trends relating to income outside Council's control are proposed to be adjusted to reflect the anticipated performance up to 30 June 2022. Unfavourable trends relating to expenditure outside Council's control are also proposed to be adjusted for the same period.

While some adjustments have been made in relation to the impacts of COVID-19 and the March 2021 Flood event, both these situations are on-going in nature and the subsequent uncertainty diminishes the ability to include adjust the Operational Plan until further information is available. Once this information is available, adjustments will be included in further Quarterly Budget Review Statements.

The Statement recommends budget adjustments that result in an overall balanced adjustment for the Quarter.

Variations proposed are necessary to ensure appropriate budget allocations are available to deliver Council's Adopted Operational Plan. Refer to Attachment 1 to this report for details.

Relevant Legislation

- Local Government Act, 1993
- Local Government (General) Regulation, 2021

DISCUSSION

Financial Position

The Statement recommends budget adjustments that result in an overall balanced result.

In the opinion of the Responsible Accounting Officer, Council is in a satisfactory short term financial position taking into consideration the projected income and expenditure.

Impact of the COVID-19 Pandemic

As a result of the public health orders in relation to the management of the COVID-19 Pandemic, there have been several adjustments included in this Quarterly Budget Review Statement, being a net unfavourable adjustment of \$90K, which are outlined in more detail within this report.

There is a level of uncertainty in the relation to the recovery and catch-up potential in relation to the re-opening of services that will likely need adjustment in future quarterly reviews, including the operation of the Hawkesbury Oasis Aquatic and Leisure Centre and the Companion Animal Shelter. It is also likely that further requests for rental assistance will be provided to Council's tenants.

Impact of March 2021 Flood

As resolved at the Ordinary Meeting 27 April 2021, Council noted the ongoing work being undertaken to restore public assets and infrastructure; and to receive updates regarding the financial impact outside the adopted Budget as part of Quarterly Budget Review Statements.

During the first quarter, Council has incurred a total of \$1.8 million of expenditure associated with flood recovery activities, of which \$0.4 million has been covered by part of the \$1.0 million in insurance received during 2020/2021 and \$0.2 million has been funded by the Sewer Reserve, while awaiting confirmation from Council's insurers.

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Claims to recover costs incurred since the flood have been lodged with a range of State Agencies and most of the claims are yet to be approved. Subsequently, there has been no adjustment to the Budget at this stage. Council is currently reviewing its capital works program to determine if delivery timings may need adjustment in order to prioritise the flood recovery activities and it is anticipated that some adjustments relating to this will be incorporated in the December Quarterly Budget Review Statement.

It is to be noted that flood recovery activities are still ongoing and associated expenditure is vital and requires the support of Council to continue with this expenditure.

Attachment 1 to this report (distributed under separate cover) includes an executive summary of Council's financial performance as at the end of the first quarter of 2021/2022 and provides further details within financial reports provided.

The Attachment also details all the major budget variations proposed. Adjustments include variations that are minor or not operationally significant in nature and adjustments to the phasing of budgets. These latter adjustments have no impact on Council's overall Budget position or Operating Performance Ratio.

The more significant items of the September 2021 Quarterly Budget Review Statement include:

1. Favourable Adjustments:

- *Financial Assistance Grant (\$102K)* – In line with advice provided from the Office of Local Government, Council's allocation for the Financial Assistance Grant was \$102K greater than the projection within the Original Budget.
- *Sale of Plant (\$41K)* – Several items of plant were replaced during 2020/2021 but were not sold until 2021/2022. The timing of these sales differs from the Original Budget and subsequent a favourable of \$41K was able to be included in this Quarterly Budget Review Statement.
- *Leaseback vehicle operating savings (\$38K)* – As a result of complying with the public health orders, where practical staff worked remotely from home, resulting is \$38K worth of savings in relation to operating costs associated with leaseback vehicles.

2. Unfavourable Adjustments:

- *Upper Colo Reserve Closure (\$54K)* – As resolved at the Ordinary Meeting on 13 July 2021, Upper Colo Reserve will be closed until the completion of the Upper Colo Bridge replacement. Accordingly, a net unfavourable adjustment of \$54K has been included within this Quarterly Budget Review Statement.
- *Food Inspection Program Resourcing (\$44K)* – In order to comply with the public health orders imposed relating to the COVID-19 Pandemic, the Food Inspection Program was unable to be conducted. To ensure that the annual inspections are completed within the financial year, additional resourcing of \$44K is required.
- *Rent Relief on Commercial Tenancies (\$44K)* – To support commercial tenants because of hardship experienced during the public health order closures, \$44K of rent relief has been provided. There are more applications currently being reviewed and it is likely that further relief will be provided, and adjustments made in further Quarterly Budget Review Statements.

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- *Septic Tank Inspection Income (\$40K)* – In order to mitigate risks associated with the COVID-19 Pandemic, the Septic Tank Inspection Program was temporarily halted. It has been determined that the reduced number of inspections able to be completed within the financial year, will result in a \$40K reduction of income.
- *Development Services Resourcing (\$24K)* – Additional resourcing was required to support development assessment processes during the first quarter, requiring an additional \$24K.

3. Adjustments with Nil Impact on Council's Overall Budget position

- *Customer Experience Strategy* – Council is currently developing a Customer Experience Strategy, aimed at improving the level of service provided to our customers. Savings in customer service costs of \$75K have been redirected to cover the costs associated with the strategy development.
- *Service Sustainability Roadmap* – To ensure Council's ongoing financial sustainability, a Service Sustainability Roadmap is being developed, which will inform the next Resourcing Strategy to be considered by Council in June 2022. Council has engaged independent resources to assist with the Roadmap development, costing \$36K, which is being funded from service reviews recommended as part of Council's internal audit function.
- *Review of Building Maintenance Resourcing* – A review on the optimal resourcing model for the delivery of building maintenance and associated capital works, which determined that a better outcome could be achieved by engaging in-house resources and reducing the use of external contractors. Accordingly, an additional five staff have been added to the Building and Associated Services Branch, amounting to \$339K, funded by reduced contractor costs.
- *Rural Fire Service Repairs and Maintenance Program* – In line with the advice provided by NSW Rural Fire Service, the Repairs and Maintenance funding provided by the NSW Government has been reduced by \$65K, offset by reduced repairs and maintenance.

4. Grants – Additional Works and Programs - \$1.7 million

Several adjustments relating to grant funding successfully secured by Council, are included in this Statement. These adjustments have a nil effect on the Budget position, as amounts included for income have a corresponding amount for expenditure. The securing of grant funding assists Council to undertake works otherwise not funded through Council's available funds.

It is to be noted that the grants outlined below are those that have not been reported to Council previously. Also included in this Quarterly Budget Review Statement is a total of \$9.9M of grant funding that was approved in previous financial years where activities and works are continuing.

There are several major adjustments relating to grant funding, as outlined below:

- *Regional Tourism Bushfire Recovery (\$37K)* – Council has been awarded a grant under the Regional Tourism Bushfire Recovery Fund to contribute to the Savour the Flavour Hawkesbury event – to be held in Richmond. This event will allow visitors to sample and purchase from local businesses, participate in cooking demonstrations and listen to music.
- *Greening Our City (\$382K)* – As part of the Greening Our City Program, Council will be planting trees in the suburbs of Hobartville, South Windsor and Bligh Park to increase canopy cover and biodiversity; and assist in lowering the impacts of urban heat.

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- *Black Spot Program Old Pitt Town Road (\$400K)* – Council has been successful in its application under the 2021/2022 Australian Government Black Spot Program. The funds will be used for several safety improvements on Old Pitt Town Road (near Midson Road), Scheyville.
- *Safer Roads Program George and Brabyn Streets, Windsor (\$260K)* – As part of the Safer Roads Program 2021/2022, Council has been successful in gaining funds to install a single lane roundabout at the intersection of George and Brabyn Streets, Windsor.
- *Safer Roads Program Bandon and Wallace Roads, Vineyard (\$143K)* – As part of the Safer Roads Program 2021/2022, Council has been successful in gaining funds to install a median island at Brandon and Wallace Roads, Vineyard.
- *Safer Roads Program Tebbutt and George Streets, Windsor (\$45K)* – As part of the Safer Roads Program 2021/2022, Council has been successful in gaining funds to install a median island at Tebbutt and George Streets, Windsor.
- *Safer Roads Program Oakville, Wolseley and Old Stock Route Roads, Oakville (\$300K)* – As part of the Safer Roads Program 2021/2022, Council has been successful in gaining funds to install an intersection medial island at Oakville, Wolseley and Old Stock Route Roads, Oakville.
- *Cycleways Upgrades (\$100K)* – In line with advice from Transport for NSW, Council was not successful in obtaining grant funding for 2021/2022. Accordingly, the budget has been updated to reduce the Cycleways Upgrade Program to \$100K, fully funded by Council.
- *New Fire Control Centre (\$200K)* – NSW RFS has allocated \$200K towards the relocation of the Fire Control Centre from the Rural Fire Fighting Fund.

5. Reserve Funded Adjustments

The following major adjustments are within internally or externally restricted funds, and consequently have nil impact on Council's overall position:

- *Redbank VPA Administration Reserve* – A specialist was employed for \$22K to review the amended Voluntary Planning Agreement for the Redbank Development.
- *Vineyard Loan Reserve* – Based on a reviewed schedule of delivery for stormwater drainage land acquisitions, stormwater drainage construction and roads designs, an amount of \$8.7M has been identified to be delivered after the end of the financial year.

Council successfully applied and drew down a \$16.5 million loan for the works above within the Low Cost Loan Initiative. Adjustments totalling \$223K were included for the change in timing and lower interest rates applied from the assumptions built into the Original Budget.

- *Vineyard Stormwater Drainage Reserve* – Adjustments totaling \$65K were made in relation to the loan borrowing costs and interest subsidy associated with the change in timing and interest rates that occurred after the development of the Original Budget.
- *Information Technology Reserve* – Council is currently undertaking an upgrade of its Human Resources and Payroll applications. An amount of \$25K is being funded from this Reserve to complete this work.

Council has been informed that the Technology One platform used as an on-premise solution will no longer be supported and will need to be transferred as a Software as a

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Service solution prior to 2024. Subsequently, to plan for the necessary funding of this conversion, \$59K has been transferred from deferred information works to the Reserve.

- *Domestic Waste Reserve* – An increase in annual charges relating to additional services provided of \$37K has been included in the Quarterly Budget Review Statement.
- *Sullage Reserve* – A net reduction of \$25K to this Reserve is required, with larger adjustments including:
 - Increase income associated with an increase in the number of residential services of \$15K; and
 - Reduction in income due to lower volumes of commercial sullage over the first quarter because of business closures associated with the COVID-19 Pandemic of \$38K.
- *Waste Management Facility Reserve* – A net increase of \$15K to this Reserve is required, with larger adjustments including:
 - Reduced gate-taking income of \$152K due to closure arising from the public health orders for COVID-19
 - Reduced Section 88 Fees due to the refund of \$188K from payments made in 2020/2021
 - Reduced commercial waste of \$17K due to closures associated with COVID-19
 - Reactive capital works due to breakages and alterations to the Gate House to comply with public health orders prior to reopening the Waste Management Facility, totaling \$24K
 - Fencing of the buffer properties to prevent vandalism and illegal dumping - \$52K, and
 - Operational savings of \$66K that occurred during the closure of the facility.

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

6. Performance against Financial Sustainability Benchmarks

Table 1 provides an update of Council's performance against the Financial Sustainability Benchmarks, as determined as part of the Fit for the Future Framework.

Table 1 – Financial Sustainability Ratios

Financial Sustainability Ratio	Benchmark	Original Budget 21/22	Amended Budget 21/22 After Carry Overs	Amended Budget 21/22 After Sep QBRs
Operating Performance	≥ 0	-0.06	-0.09	-0.0007
Own Source Revenue	$> 60\%$	80.0%	80.0%	70.8%
Asset Renewal	$> 100\%$	84.1%	147.9%	188.3%
Infrastructure Backlog	$< 2\%$	1.7%	1.21%	0.5%
Asset Maintenance	$> 100\%$	108.5%	90.77%	89.1%
Debt Service	0%-20%	4.1%	4.1%	3.34%

As shown above, there has been an improvement in the Operating Performance Ratio and a deterioration of the Asset Maintenance Ratio, the reasons for this are outlined below:

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- a) The Operation Performance Ratio was projected to be -0.06 when developing the Original Budget, which has improved because of new grants and the continuation of grants approved during 2020/2021. It is to be noted that the level of grant income recognised at the end of the financial year is dependent upon the level of expenditure relevant to the grant spent.
- b) As part of the development of the annual Financial Statements, the required level of asset maintenance is reviewed and updated accordingly. As part of the latest review, a substantial increase in required maintenance occurred because of delays in the renewal of assets during 2020/2021, arising from both COVID-19 and the March 2021 flood. As these renewals are delivered, future required maintenance levels will reduce.

7. Staff Establishment

As reported to Council at its Ordinary Meeting 23 February 2021, Council's staffing numbers in terms of Full Time Equivalents (FTE) as at the 31 March 2021 was 319.73. There has been an increase of 12.71 to 332.44 as at the 30 September 2021.

The following positions have been added:

- 1.0 FTE Community Recovery Support Worker – grant funded, temporary
- 1.0 FTE Community Recovery Officer – grant funded, temporary
- 1.0 FTE Resilience Planning Coordinator – grant funded, temporary
- 0.4 FTE Place Making Officer – grant funded, fixed term
- 1.0 FTE Truck / Plant Mechanic – as adopted in the 2021/2022 Original Budget
- 1.0 FTE Senior Heritage Officer – as adopted in the 2021/2022 Original Budget
- 1.0 FTE Operational Supervisor – Parks (Parks and Recreation Restructure)
- 1.0 FTE Tree Management Officer (Parks and Recreation Restructure)
- 0.11 FTE Visitor Information Centre Lead
- 0.2 FTE Signwriting and Printing Assistant
- 1.0 FTE Building Services Project Specialist (Building and Associated Services Restructure)
- 1.0 FTE Building Services Officer (Building and Associated Services Restructure)
- 1.0 FTE Trade Services Officer – Electrical (Building and Associated Services Restructure)
- 1.0 FTE Trade Services Officer – HVAC (Building and Associated Services Restructure)
- 1.0 FTE Building Services Support Officer (Building and Associated Services Restructure)

It is to be noted that throughout the year, reviews are undertaken to ensure the optimal resource mix between staff and contractors and that sufficient resourcing is available to delivery Council's services and works programs.

Parks and Recreation Services Restructure

A review undertaken on the Parks and Recreation Services Branch determined that additional resourcing in relation to tree management was required and parks maintenance could be undertaken with more efficiencies and enhanced service levels with the establishment of parks crews. The cost of the additional positions has been funded through reduced costs in Parks Maintenance.

Building and Associated Services Restructure

A review undertaken on the Building and Associated Services Branch revealed opportunities to:

- Generate cost efficiencies with an internal pool of tradespeople to undertake small works that cost more using external contractors
- Provide a dedicated Project Coordinator to oversee and manage complex works
- Recalibrate the allocation of specialist trades and facilities management; creating more opportunities for the Branch to manage minor works, generating contractor savings

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- Enable more of the Branch to assist in HAZMAT / Asbestos Management, inspections and management of external contractors.

The review indicated that five additional staff would be required to gain these opportunities and would be funded through reduced costs to engage external contractors.

Changes in Position Titles

The following changes in position titles have occurred since the 31 March 2021 up to the end of the quarter 30 September 2021:

- Urban Design Planner has been retitled to Place Making Officer
- Strategic Planner – Developer Contributions has been retitled to Senior Town Planner – Developer Contributions
- Building Tradesperson has been retitled to Building Services Trade and Inspections Officer (Carpentry)
- Plumber has been retitled to Building Services Trade and Inspections Officer (Plumbing)
- Waste Education Officer has been retitled to Waste Education and Environmental Sustainability Officer
- Graphic Design and Signwriting Officer has been retitled to Graphic Designer
- Parks Foreman has been retitled to Open Space Team Leader
- Operational Supervisor – Parks has been retitled to Operational Supervisor – Trees
- Corporate Systems and Database Administrator has been retitled to Corporate Systems Database Coordinator

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. If adopted, the budget proposed will be added to the current 2021/2022 Budget.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The subject of this report does not directly align with a specific Fit for the Future Strategy but does impact on Council's financial sustainability as measured by the NSW Government's Fit for the Future indicators.

ATTACHMENTS:

- AT - 1** The Quarterly Budget Review Statement - September 2021 - *(Distributed under separate cover)*.

oooO END OF REPORT Oooo

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Item: 236 **SS - Investment Report - October 2021 - (95496, 96332)**

Previous Item: 097, Ordinary (25 May 2021)

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 \$75.73 million in investments at 31 October 2021 and outlines that all investments were made in accordance with the Act, the Regulation and Council's Investment Policy.

RECOMMENDATION:

That the Monthly Investment Report for October 2021 be received and noted.

BACKGROUND

Council held \$75.73 million in investments as at 31 October 2021. 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 \$75.73 million in investments held as at 31 October 2021.

Table 1 – Summary of Council's Investment Portfolio as at 31 October 2021

Product Type	Face Value	% of Total
At Call Deposits	\$3,800,000	5.0%
Tcorp Cash Fund	\$2,131,807	2.8%
Term Deposits – Fixed Rate	\$69,800,000	92.2%
Grand Total	\$75,731,807	100.0%

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

Long Term Credit Rating	Face Value	% of Total
AA-	\$67,600,000	89.3%
BBB+	\$6,000,000	7.9%
NSW Tcorp Cash Fund	\$2,131,807	2.8%
Grand Total	\$75,731,807	100.0%

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Table 3 – Fixed Term Deposits

Institution	Long Term Rating	Short Term Rating	Maturity	Rate	Face Value
Bank of Queensland	BBB+	A-2	16-Dec-21	0.55%	\$500,000
			16-Dec-21	0.45%	\$2,000,000
ME Bank (part of BOQ)	BBB+	A-2	9-Dec-21	0.50%	\$2,000,000
			3-Jun-22	0.50%	\$1,500,000
Commonwealth Bank of Australia	AA-	A-1+	4-Nov-21	0.55%	\$1,500,000
			13-Jan-22	0.40%	\$1,000,000
			10-Feb-22	0.41%	\$1,500,000*
			23-Feb-22	0.43%	\$2,000,000
			17-Mar-22	0.40%	\$1,000,000
			29-Mar-22	0.30%	\$4,000,000
			7-Apr-22	0.40%	\$2,000,000
			21-Apr-22	0.42%	\$500,000
			27-Jun-22	0.34%	\$1,000,000
			21-Jul-22	0.41%	\$2,000,000*
			28-Nov-22	0.46%	\$2,000,000
			8-Dec-22	0.46%	\$1,000,000
			22-Feb-23	0.50%	\$2,000,000
			20-Nov-23	0.65%	\$1,000,000
National Australia Bank	AA-	A-1+	10-Nov-21	0.50%	\$2,000,000
			13-Jan-22	0.45%	\$2,000,000
			27-Jan-22	0.42%	\$800,000
			17-Mar-22	0.29%	\$1,000,000
			27-Jun-22	0.32%	\$2,000,000
			7-Jul-22	0.35%	\$1,000,000
			22-Sep-22	0.35%	\$2,000,000
			29-Dec-22	0.45%	\$3,000,000
			8-Mar-23	0.50%	\$1,000,000
			8-Sep-23	0.60%	\$1,000,000
			19-Aug-24	0.75%	\$3,000,000
			10-Sep-24	0.80%	\$1,000,000
			19-Nov-24	0.75%	\$1,000,000
			15-Jan-25	0.80%	\$500,000
			5-Mar-25	1.05%	\$1,500,000
			3-Nov-25	0.95%	\$500,000
			19-Nov-25	0.90%	\$500,000
			13-Jan-26	1.00%	\$500,000
Westpac	AA-	A-1+	4-Mar-26	1.30%	\$1,500,000
			9-Dec-21	0.49%	\$2,000,000*
			28-Apr-22	0.36%	\$1,000,000*
			28-Apr-22	0.32%	\$2,000,000
			5-May-22	0.35%	\$1,000,000*
			5-May-22	0.33%	\$1,000,000
			22-Jun-22	0.35%	\$3,500,000
			7-Jul-22	0.35%	\$2,000,000
Grand Total			30-Sep-22	0.34%	\$3,000,000
					\$69,800,000

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

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2. Environmental, Social and Governance (ESG) Investments

Tables 4 and 5 below provide the details on Environment, Social and Governance (ESG) investments and the proportion compared to the total Investment Portfolio.

Table 4 – ESG Investments

Institution	Long Term Rating	Short Term Rating	Maturity	Rate	Face Value
Commonwealth Bank of Australia	AA-	A-1+	10-Feb-22	0.41%	\$1,500,000
			21-Jul-22	0.41%	\$2,000,000
Westpac	AA-	A-1+	09-Dec-21	0.49%	\$2,000,000
			28-Apr-22	0.36%	\$1,000,000
			05-May-22	0.35%	\$1,000,000
Grand Total					\$7,500,000

Table 5 – Summary of Council's Investment Portfolio in Terms of ESG

Product Type	Face Value	% of Total
Environmental, Social and Governance (ESG)	\$7,500,000	10.74%
Other	\$62,300,000	89.26%
Grand Total	\$69,800,000	100.0%

3. Compliance to Investment Policy

Tables 6 to 7 below summarise Council's exposure limits to the credit ratings bands, term to maturity parameters and compliance with Council's Investment Policy.

Table 6 – 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	97.19%	100%	Yes
A+ to A- and below	7.92%	50%	Yes
BBB+ to BBB and below	7.92%	40%	Yes
BBB- and below	0%	10%	Yes
TCorp Cash Fund	2.81%	20%	Yes

Table 7 – 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+, BBB, BBB-	3 years	Yes
Non-rated ADIs	1 year	Yes

4. 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 8 below.

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Table 8 – Portfolio Return

31 October 2021	Weighted Average Monthly Return
Hawkesbury City Council – Investment Portfolio	0.040%
Benchmark – Bloomberg Ausbond Bank Bill Index	-0.001%
Performance Relative to Benchmark	0.042%

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.

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 October 2021 and has advised as follows:

- *Council's investment portfolio annual return is around 66bps above the Bank Bill index. This return excludes at Call Accounts and the NSW TCorp Cash Fund.*
- *Negative returns were recorded for the NSW TCorp Cash Fund in October 2021, September 2021 and March 2020 due to low levels of interest paid on the underlying investments, upward movements in interest rates causing negative mark to market valuations on the underlying investments and management fees paid to TCorp. The latter fee of 1bp per annum may be small in absolute terms but is now large relative to the return on the fund. Amicus recommends Hawkesbury City Council to consider moving its holdings in the NSW TCorp Cash Fund to higher yielding at call/cash accounts. This is not because the negative return of the NSW TCorp Cash Fund signals any risk of future capital loss in the TCorp Cash Fund (it does not), but rather it signals the interest rate is so low because the interest earned over the month can be swamped by the market to market movements and the management fees.*
- *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.*
- *As per Amicus' interest rate commentary, the RBA may raise interest rates earlier than it would like due to the higher inflation rate. However, the now earlier date is still most likely to be 2023 or late 2022 and there is almost no risk of an interest rate rise in the*

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next six months. We therefore favour locking in higher interest rates by purchasing high credit quality longer dated fixed rate securities to maintain current portfolio running yields where possible so long as liquidity considerations allow. We view re-investment risk caused by interest rates remaining low as the greater risk compared with interest rate risk caused by buying fixed rate assets in a rising interest rate environment.

- *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. The most compelling Term Deposit offerings include:*
 - *AMP Term Deposits up to one year where the yields are in excess of 1.00% (once the rebated agency fee of 20bps from Amicus is factored in).*
 - *Westpac Green Term Deposits - Westpac is offering attractive rates and is temporarily offering “Green TD’s” (i.e. ones where the proceeds are allocated only to environmentally positive projects) at the same rates as standard (non-Green) TDs. There is likely to be greater demand for ESG investments going forward so this is an opportunity to make your investment portfolio more ESG compliant/friendly while rates are still comparable.*
- *Take limited exposures (no more \$4 million of the total portfolio per entity, obviously within policy limits of 10% with a buffer) 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. In making these investments, Council should consider the likely lowest overall total size of the investment portfolio over the year to ensure that total exposures to an issuer outside the Major Banks does not exceed the 10% limit because the overall portfolio size has decreased since the initial investment was made.*
- *Consider investing in Bonds and Floating Rate Notes where the yields and risks are attractive relative to Term Deposits. As per prior reports, 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.*
- *Consider investing in the NSW TCorp Long Term Growth Fund. A meeting with Council officers was held to discuss the advantages of this investment strategy. As per those discussions, Amicus suggests an initial \$1 million investment and later adding \$1 million investments each month or every two months depending on Council’s comfort levels with the investment through time as Council sees early performance and prevailing market conditions (Amicus may recommend additional investments are suspended if markets become volatile). Amicus recommends up to a total value of \$5 million or \$6 million (around 10% of the portfolio).*
- *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 Amicus recommends Council actively pursue the strategies outlined above to mitigate the coming impact on absolute returns.*

During the reporting period, the investment portfolio reduced by \$4.2 million since September 2021, 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 October 2021 included funds that are restricted as to what they can be expended on.

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Table 9 – Restriction of Funds

Restriction Type	Amount	%
External Restrictions - S7.11 and S7.12 Developer Contributions	\$13,233,343	17.47%
External Restrictions - Western Parkland City Liveability Program	\$3,057,178	4.04%
External Restrictions - Bushfire and Flood Grants	\$2,533,852	3.35%
External Restrictions - Other (e.g. domestic waste, sewerage)	\$3,897,683	5.15%
Internal Restrictions (e.g. election, workers compensation, Employee Leave Entitlements)	\$21,390,577	28.25%
Unrestricted	\$31,619,175	41.74%
Total	\$75,731,808	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 9 (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 Strategy within the CSP.

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Our Leadership

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

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

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

1.3.3 Decisions relating to determining priorities will be made in the long term interests of the community.

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. The income applicable is provided for in the 2021/2022 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: 237 **SS - Code of Conduct Complaints Statistics Report - 1 September 2020 to 31 August 2021 - (96496)**

Previous Item: 168, Ordinary (8 September 2020)

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to provide Council with Code of Conduct complaint statistics for the period from 1 September 2020 to 31 August 2021.

EXECUTIVE SUMMARY:

Under Council's adopted 'Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW', the Complaints Coordinator is required to submit a report on a range of complaints statistics to the Council. These complaints statistics are also required to be provided to the NSW Office of Local Government (OLG).

This report outlines the required Code of Conduct complaints statistics for the period from 1 September 2020 to 31 August 2021 as required in accordance with the adopted 'Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW'.

RECOMMENDATION:

That the report under Clause 11.1 of the Council's Procedures for the Administration of the Code of Conduct, in respect of the Code of Conduct complaints statistics for the period from 1 September 2020 to 31 August 2021, be noted.

BACKGROUND

Council, at its Ordinary meeting on 8 September 2020, gave consideration to a report regarding Council's Code of Conduct and associated procedures.

At that meeting, Council adopted the Code of Conduct and also adopted the 'Procedures for the Administration of Conduct for Local Councils in NSW' (the Procedures) issued by the NSW Office of Local Government, as the Council's Procedures.

Under the provisions of Clause 3.17 of the Procedures, the General Manager has appointed the Director Support Services as the Complaints Coordinator.

Clause 11.1 of the Procedures states that Council's Complaints Coordinator must, within three months of the end of September each year, report on a range of Code of Conduct complaints statistics to the Council. Clause 11.2 of the Procedures requires Council to provide the complaints statistics to the Office of Local Government. Clauses 11.1 and 11.2 of the Procedures are as follows:

"11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

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- a) *the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)*
- b) *the number of code of conduct complaints referred to a conduct reviewer during the reporting period*
- c) *the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints*
- d) *the number of code of conduct complaints investigated by a conduct reviewer during the reporting period*
- e) *without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period*
- f) *the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and*
- g) *the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.*

11.2 *The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year."*

DISCUSSION

A report is required to be submitted to Council on a range of Code of Conduct complaints statistics each year. This report contains the Code of Conduct complaint statistics for the period from 1 September 2020 to 31 August 2021.

In accordance with Clause 11.1 of the Procedures, the following complaints statistics are provided to Council in respect of the period from 1 September 2020 to 31 August 2021:

Information Required	Reported Details
a) The total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period).	15 complaints.
b) The number of code of conduct complaints referred to a conduct reviewer during the reporting period.	12 complaints.
c) The number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints.	7 complaints - The outcomes were: <ul style="list-style-type: none"> • 4 complaints resolved by alternate and appropriate strategies. • 2 complaints were to take no action. • 1 complaint was no prima facie evidence to establish a breach of the Code.
d) The number of code of conduct complaints investigated by a conduct reviewer during the reporting period.	6 complaints.
e) Without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period.	The outcomes of investigations completed were: <ul style="list-style-type: none"> • 3 complaints resolved by alternate and appropriate strategies. • 1 complaint did not constitute a breach of the Code. • 2 complaints being investigated are still pending as at 31 August 2021.
f) The number of matters reviewed by the Office during the reporting period and,	6 complaints reviewed by the Office of Local Government. The outcomes were:

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without identifying particular matters, the outcome of the reviews.	<ul style="list-style-type: none"> • 1 complaint engaged in misconduct under Section 440F(1)(b) of the Local Government Act. • 1 complaint does not warrant further action. Concluded that no pecuniary interest would arise. • 1 complaint does not warrant further action. No breach of Clause 9.11 of the Code. • 2 complaints not a pecuniary interest. Referred back to General Manager to deal with in accordance with Procedures. • 1 complaint is still pending with the Office of Local Government as at 31 August 2021.
g) The total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.	<p>Total Cost (including staff costs) = Approximately \$66,233.05 (excl. GST where relevant). Note: 7 complaints ongoing as at 31 August 2021.</p>

The complaints statistics will also be forwarded to the Office of Local Government as required under Clause 11.2 of the Procedures.

Relevant Legislation

Under Council's adopted "Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW" a report is required to be submitted to Council on a range of Code of Conduct complaint statistics for the period 1 September to 31 August each year.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

FINANCIAL IMPACT

The costs associated with dealing with the Code of Conduct complaints have been provided for in the 2020/2021 and 2021/2022 Operational Plans.

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:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Item: 238 **SS - Pecuniary Interest and Other Matters Return - (95496, 96333)**

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to table a Disclosure of Pecuniary Interests and Other Matters Return, which has been recently lodged by a Councillor, as required by Clause 4.21(c) 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.

A Return has recently been lodged with the General Manager, and is now tabled at the first Council meeting held after the lodgement date.

RECOMMENDATION

That the Clause 4.21(c) Pecuniary Interests and Other Matters Return be received and noted.

BACKGROUND

Sections 4.21 to 4.27 of Council's Code of Conduct (the Code) relate to the register of Pecuniary Interest Returns and the tabling of these Returns, which have been lodged by Councillors and Designated Persons. Section 4.21 of the Code is as follows:

"4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in Schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in Schedule 1 to this code within 3 months after:

- (a) becoming a councillor or designated person, and*
- (b) 30 June of each year, and*
- (c) the councillor or designated person becoming aware of an interest they are required to disclose under Schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b)."*

As required by Section 4.24 of the Code, a register of all Returns to be completed under Section 4.21 is kept by Council.

In accordance with Section 4.25, all Returns lodged by Councillors and Designated Persons under Section 4.21(b) or (c) must be tabled at the first meeting of the Council after the last day the return is required to be lodged.

With regard to Section 4.25, all Councillors lodged annual Returns within the time prescribed by Section 4.21(b) of the Code of Conduct and these were reported to and tabled at Council's meeting on 12 October 2021.

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DISCUSSION

On 15 November 2021 Councillor Peter Reynolds lodged a Return. The purpose of the lodgement of this Return was to correct an error contained within the Return lodged by Councillor Reynolds and reported to Council's meeting on 12 October 2021.

Council obtained advice from the Office of Local Government concerning the appropriate mechanism for correcting an error in a Return. The Office of Local Government advised that it was open to a Councillor to lodge a Return under Section 4.21(c) of the Code of Conduct, on the basis that Councillors have an obligation to disclose an interest that has not previously been disclosed, including in an annual Return lodged within three months of 30 June each year.

The above Return is now tabled in accordance with Section 440AAB(2) of the Act and Clause 4.26 of the Code of Conduct, and the abovementioned Return is 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 2020/2021 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: 239 **SS - Council Resolution Summary - January 2021 to June 2021 - (95496)**

Previous Item: 063, Ordinary (30 March 2021)
 188, Ordinary (29 September 2020)
 088, Ordinary (12 May 2020)
 190, Ordinary (29 October 2019)
 040, Ordinary (12 March 2019)
 213, Ordinary (28 August 2018)
 NM2, Ordinary (24 June 2014)

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to:

- Provide Council with a summary of the status of Council resolutions for the period 1 January 2021 to 31 July 2021.
- Provide a summary of the status of Outstanding Council resolutions for the period January 2018 to December 2020, and to make recommendations with respect to those resolutions which are not able to be completed or require reconsideration.

EXECUTIVE SUMMARY:

Council has been providing six-monthly summary reports on resolutions passed in the previous six months since 2014.

In 2018 when considering the report regarding the Council Resolutions for the period from 1 January 2018 to 30 June 2018, Council resolved to include in future reports resolutions outstanding from previous summaries.

This report, and the attachments to the report, summarise the resolutions passed by Council for the period from 1 January 2021 to 30 June 2021 and those resolutions outstanding from previous summaries, excluding resolutions as outlined in the report below.

On 2 October 2021 Councillors were briefed on outstanding resolutions for the period 1 January 2018 to 31 December 2020, and provided with recommendations in relation to resolutions which have been identified as not being able to be completed, or where consideration is required as to whether the resolution can be completed. It is proposed that those resolutions be dealt with in accordance with the recommendations in Attachment 1 to this report.

At the Councillor Briefing Session further information will be provided in table form as to the detail of these resolutions and options for the way forward.

Information in summary form will also be provided concerning outstanding resolutions for the period 1 January 2018 to 31 December 2020 that are able to be completed, and expected timeframes.

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RECOMMENDATION:

That:

1. The Council Resolution Summary for the period 1 January 2021 to 30 June 2021 attached as Attachment 1 to this report, be received and noted.
2. The Council Resolution Summary of Outstanding Council resolutions for the period 1 January 2018 to 31 December 2020, attached as Attachment 2 to this report, be received and noted.
3. Council adopt the recommendations contained in Attachment 3 to this report regarding outstanding resolutions for the period 1 January 2018 to 31 December 2020.

BACKGROUND

Council at its Meeting on 24 June 2014, gave consideration to a Notice of Motion regarding summarising Council resolutions and resolved as follows:

"That Council prepare a six-monthly report summarising the resolutions passed by Council in the preceding six months, excluding resolutions not requiring action or procedural resolutions, and assigning a status to such resolutions to indicate if the action has commenced, has been completed, or a likely timeframe for completion."

Further to the above, Council at the meeting on 28 August 2018, when considering the report regarding the Council Resolutions for the period from 1 January 2018 to 30 June 2018, resolved, in part, as follows:

"That Council:

...

2. *Include in future such reports, an additional column giving information relating to the outcome or approximate timeframes where applicable for resolutions ongoing.*
3. *Include in future such reports, those resolutions outstanding from previous summaries."*

Accordingly, Council's Resolution Summary Reports were updated to contain the additional columns showing the action taken to date and outcomes, as well as an estimated completion date for those matters ongoing.

Further, outstanding resolutions pre-dating the most recent six month period were included in a separate document. Resolutions identified in either of the Resolution Summary Reports were able to be included in the future Resolution Summary Reports to Council.

At its meeting on 12 May 2020, Council received a report on Council Resolutions for the period 1 July 2019 to 31 December 2019, as well as outstanding resolutions from previous reports.

The Resolution Summary reports attached to the report to the Council Meeting on 12 May 2020 were the first to be published using Council's existing records management software, and in a new report format to include:

- Details of the relevant Council Resolution, broken into parts. This allows the actions for each part of a resolution to be tracked
- Details of the status of the resolution, including the specific action taken to progress it
- Better filtering to enable a variety of reporting formats.

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Using the records management software in this way requires each resolution and resolution part from each Council Meeting to be registered in the system so that notes can be made against each part based on a closed set of templates.

DISCUSSION

The outstanding resolutions for the period 1 January 2018 to 31 December 2020 have been reviewed, and the status updated in preparation for a report to Council.

A number of these resolutions have been completed since Council last received a report, and a separate number are identified as able to be completed and staff have provided estimated completion dates.

The review of outstanding resolutions has resulted in Council identifying six such resolutions (resolution parts) during the period where either they cannot be completed, or it is recommended consideration be given to whether they should be completed. They are:

Meeting Date	Resolution No	Resolution Description	Category
30/01/2018	RES027/18	NM4 - Unapproved Dwellings	Cannot be completed
27/02/2018	RES077/18	SS - Outcome of Consultations with LGBTQI Community on the Promotion of Inclusion and the Recognition of Relationship Diversity	Reconsider completing
12/02/2019	RES011/19	NM - Sand and Gravel Mining on the Hawkesbury Floodplain	Reconsider completing
29/10/2019	RES235/19	GM - Council's Delegation Policy - Update	Reconsider completing
18/02/2020	RES012/20	SS - Reclassification of Birk Place Reserve, 8 Birk Place, Blight Park	Reconsider completing
10/03/2020	RES059/20	SS - Property Matter - Lease to Upper Hawkesbury Power Boat Club - Club House - Governor Phillip Park, Windsor	Cannot be completed

Attachment 3 to the report provides additional detail in relation to these resolutions as well as a recommendation for each. It is proposed that Council give effect to those recommendations in respect of the resolutions contained in Attachment 3.

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

1.6 Corporate Services - Support the operation of the organisation through the provision of effective and efficient corporate support services.

1.6.2 Council's workforce, systems and processes will support high performance and optimal service delivery for our community.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

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FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

There are no financial implications applicable to this report.

ATTACHMENTS:

- AT - 1** Council Resolution Summary - January 2021 to June 2021 - (*Distributed under separate cover*).
- AT - 2** Council Resolution Summary - Outstanding Resolutions from previous Summaries January 2018 to June 2021 - (*Distributed under separate cover*).
- AT - 3** Council Resolution Summary - Outstanding Resolutions for the Period 1 January 2018 to 31 December 2020 unable to be completed or, completion reconsidered - (*Distributed under separate cover*).

oooO END OF REPORT Oooo

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Item: 240 **SS - Third Party Reviews - (95496)**

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to:

- Update Council on the progress of the program of third party reviews and the implementation of the recommendations from the reviews and Council resolutions
- Advise Council of legal advice received in relation to the Hawkesbury Sports Council
- Provide Council with options for the type of review which could be carried out of the Hawkesbury Sports Council.

EXECUTIVE SUMMARY:

In 2018 Council engaged InConsult Pty Ltd (InConsult) to conduct a review of Council's Corporate Risk Register.

Preliminary findings of the review of the Risk Register included the identification of specific risks involving inadequate governance arrangements in relation to third party organisations who provide services on behalf of or are funded by Council.

Council's Audit Committee received a report on these findings, and at its meeting in December 2018 the Audit Committee resolved to endorse a methodology for engaging InConsult to work with Council to develop and implement a program to address potential risks across Council's operations, including governance in relation to Council's relationships with third party organisations.

Peppercorn Services Inc which operates Council's externally funded community services was the first third party organisation to be reviewed and the InConsult report was presented to Council on 25 August 2020.

The second third party organisation to be reviewed was Hawkesbury River County Council and the InConsult report was considered by Council on 13 October 2020.

At its meetings on 25 August 2020 and 13 October 2020 Council resolved to implement various recommendations from the respective review reports.

In addition, Councillors were subsequently briefed on the options for the conduct of a review of the Hawkesbury Sports Council and Councillors expressed the view that legal advice ought to be obtained on questions concerning the lawfulness of the delegation by Council of functions to the Hawkesbury Sports Council. That advice has been obtained and is summarised in this report.

On 27 April, 2021 Council also considered a report addressing aspects of the operations of the Hawkesbury River County Council and it was resolved that Council refer that report to a Councillor Briefing Session, where details which need further investigation and clarity could be addressed.

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RECOMMENDATION:

That:

1. The information concerning the implementation of recommendations from reviews of Peppercorn Services Inc and the Hawkesbury River County Council be received and noted.
2. Council carry out a review of the Hawkesbury Sports Council Inc based on the methodology endorsed by Council's Audit Committee, with a focus on compliance, governance, and management of risk.

BACKGROUND

In June 2018 Council engaged InConsult to conduct a review of Council's Corporate Risk Register, which was developed in August 2010. The project aimed to achieve a greater understanding of Council's risk exposure and the controls relied upon to reduce this exposure to an acceptable level.

At its Meeting on 12 September 2018 the Audit Committee received a report on the preliminary findings of the review of the Risk Register. Those preliminary findings included the identification of specific risks including inadequate governance arrangements in relation to third party organisations.

In August 2018, InConsult provided Council with preliminary findings of the Risk Register Review. On 12 September 2018, the Audit Committee considered the preliminary findings and resolved, in part, that the General Manager prepare a report outlining how Council might begin the process of addressing potential risks identified in the preliminary findings. These risks included governance in relation to third party organisations. This action was endorsed by Council on 18 October 2018.

A report was then considered by the Audit Committee at its meeting on 5 December 2018 and it resolved, in part, as follows:

"That Council:

....

2. *Specifically endorse the methodology outlined in the report in relation to third party relationships, in particular:*
 - a. *The engagement of InConsult Pty Limited to work with Council staff to develop and implement a program to address this issue*
 - b. *Key features of the program are likely to include:*
 - i. *Confirming all third party relationships that are currently in place across the organisation*
 - ii. *Identifying "Best Practice" examples of third party relationships, the attributes of which can be used to evaluate the arrangements that currently exist within Council*
 - iii. *Engaging with each organisation/entity to:*
 1. *Explain the purpose of the project i.e. to identify and manage Council Risks in relation to the activities that the third party undertake on behalf of Council*
 2. *Evaluate the third party against "Best Practice"*
 3. *Identify any third party activities that have the potential to impact on Council in terms of Health and Safety, Environmental, Financial, Legal and Reputational etc.*
 4. *Identify any opportunities to better manage the third party relationship and thereby mitigate potential risks going forward*
 - c. *The progression of this initiative be reported back to the Audit Committee.*

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Council adopted the Audit Committee recommendations on 26 February, 2019.

Peppercorn Services Inc (Peppercorn)

Following the endorsement by Council of the methodology adopted by the Audit Committee for the carrying out of third party reviews, the scope of work to be undertaken by InConsult was finalised, and funding secured from CivicRisk Mutual, through its "Risk Enhance" program.

InConsult completed its review report on 30 March, 2020 and it was considered by the Audit Committee on 3 June, 2020 and by Council on 14 July, 2020 when it was resolved to refer it to a Briefing Session.

A further report was considered by Council on 25 August 2020 where Council resolved as follows:

"That:

- 1. The InConsult Pty Ltd report of the third party review of Peppercorn Services Inc be received and noted.*
- 2. The following recommendations contained in the InConsult Pty Ltd report be implemented:*
 - a) That Council develop a documented outsourcing framework.*
 - b) That Council review and revise the Memorandum of Terms of Delegation entered into with Peppercorn in 2013 and ensure that each service delivered by Peppercorn is the subject of a separate contract.*
 - c) That Council work with Peppercorn to develop a strategic audit plan.*
 - d) Recommendations 15 and 16 of the Report regarding Quarterly Reporting.*
- 3. Council receive advice on how the remaining recommendations in the report will be implemented and appropriate time frames."*

In the first half of 2020 Council developed a documented outsourcing framework in relation to the engagement and management of third party organisations. This Third Party Framework is attached as Attachment 1 to this report. The Framework aims to provide guidance on the establishment, engagement and monitoring of third party relationships.

The Memorandum of Terms of Delegation entered into with Peppercorn in 2013 has been reviewed. Although work has been undertaken on the development of separate contracts in respect of services delivered by Peppercorn, those service contracts have not been completed and that work is expected to be finalised in early 2022.

In relation to the Strategic Audit Plan, Peppercorn has in place a Risk and Audit Sub-Committee which oversees the organisation's approach to risk management. An internal Audit Policy is in the process of being developed and Peppercorn has purchased a software tool to assist with the mapping of industry standards applicable to serviced provision.

In relation to quarterly reporting, Peppercorn's Board currently receives monthly financial reports and the Audit and Risk Sub-Committee meets monthly. The Board will receive quarterly performance reports, and this is expected to commence from the start of 2022. It is intended that these reports form the basis of reports from Peppercorn to Council.

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The following information has been provided to Council as to the implementation of the balance of the recommendations in the Inconsult report, with each recommendation italicised:

Council to ensure that copies of all policies expected to be complied with by 3rd parties are issued to them annually

Currently some policies are referred to in the Memorandum of Terms of Delegation, and these will be reviewed as part of the finalisation of that document.

Council seek legal advice to ensure the contract with Peppercorn mandates service levels related to service delivery, business continuity and risk analysis and response. These are all issues that the review uncovered which could be controlled if specified in a contract

Although work has been undertaken on establishing a service level agreement style of contract; further work is required before legal advice can be sought on a draft document.

Peppercorn encourages directors to undertake the Australian Institute of Directors course

Due to the cost of undertaking the Australian Institute of Company Directors course, Board members have instead participated in governance training.

Peppercorn consider whether some policies could be combined with the relevant procedure and some procedures be combined to form an effective procedural manual

Peppercorn is currently undertaking a review of its policies. It is anticipated that the review will be complete before the end of this year for reporting to the Board in early 2022.

Peppercorn should review its approach to documentation of risks on the risk register to ensure that it is consistent with the management process and materially complete

Peppercorn to provide council with an inherent and residual risk report for each service delivered on behalf of council

A revised Risk Management Policy has been prepared as part of Peppercorn's policy review and will be provided to the Board for endorsement. Residual risk reports are yet to be developed.

Peppercorn to develop incident management procedures which include escalation and reporting of material issues and incidents to Board and HCC

This is being addressed as part of Peppercorn's review of policies, and a new system has been developed for the management of incidents.

Peppercorn to conduct a periodic review of Business Impact Analysis for all functions to ensure that Peppercorn identified key activities and determines maximum acceptable outage and recovery time objective with reference to Peppercorn and council's risk appetite

Peppercorn to ensure all key activities, recovery time objective and recovery strategy are listed in and the BCP and review and test annually

In relation to these two recommendations, it is proposed that review of the Business Continuity Plan occurs in the first quarter of 2022. Some relevant work has been undertaken in response to the COVID-19 Pandemic.

Peppercorn to conduct annual walkthrough discussion with primary and alternative members of CMT prior to conducting an exercise

The activation of the Crisis Management Team, for example during the Flood event in March 2021 has resulted in practical application of crisis management protocols.

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Hawkesbury River County Council

The second third party organisation to be reviewed was Hawkesbury River County Council and the InConsult Report was considered by Council on 13 October 2020, where Council resolved as follows:

"That:

1. *The InConsult report of the third-party review of Hawkesbury River County Council be received and noted.*
2. *Hawkesbury River County Council be requested to urgently implement the following recommendations contained in the InConsult report:*
 - a) *Hawkesbury River County Council should consider developing a risk management policy/plan which includes a structured approach to assessing risks and controls and then ensure they are documented in a risk register.*
 - b) *Hawkesbury River County Council should ensure that an Audit, Risk and Improvement Committee is implemented prior to March 2021 and implement requirements in accordance with the new risk management and internal audit framework.*
3. *Hawkesbury River County Council provide to constituent councils its annual budget and quarterly reviews, as well as minutes of its meetings on a monthly basis.*
4. *Council request from Hawkesbury River County Council a report on how the remaining recommendations in the report will be implemented and appropriate time frames.*
5. *Council be provided with a report to an Ordinary Meeting in February 2021 to the efficacy and value obtained from Hawkesbury River County Council and alternative methods of weed management, including but not limited to:*
 - a) *A detailed list of services that Council expects to receive from Hawkesbury River County Council on an annual basis and an analysis of the costs of these services. This analysis should include a comparison of the estimated costs of completing this work ourselves or by Hawkesbury River County Council.*
 - b) *Details of how Councils that are not part of Hawkesbury River County Council deal with their weed management obligations (eg. Wollondilly, Camden, Central Coast, Hornsby, Blue Mountains).*
 - c) *An analysis of the sources of funding for weed management and in particular, any differences between Hawkesbury Council's eligibility for grant funding and Hawkesbury River County Council's eligibility for grant funding.*
 - d) *Details of the current weed management capabilities of Hawkesbury City Council, including our access to trained staff and equipment.*
6. *Council consider meeting to discuss the learnings from the reviews to date and how they might be applied to future reviews.*

The Hawkesbury River County Council was notified of the terms of Council's resolution of 13 October 2020, and meetings were held between Council staff and the Hawkesbury River County Council's General Manager in 2020 and 2021. Below is a summary of the status of the actions identified in Council's resolution of 13 October 2020, based on information provided by the Hawkesbury River County Council.

In relation to Part 2 of the resolution, the Hawkesbury River County Council has engaged a consultant to assist with the development of a risk management policy, and a risk register will be developed as part of this work. An Audit, Risk and Improvement Committee will be implemented after the Board of the Hawkesbury River County Council has been elected following local government elections on 4 December 2021. It is intended that a report be provided to the first meeting of the new Board. These actions are anticipated to be implemented in approximately March 2022.

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In relation to Part 3 of the resolution, the Hawkesbury River County Council's Operational Plan and Budget, and Quarterly Budget Reviews are published on its website, along with the minutes for each meeting of the Board.

In the last six months Board Meeting Business Papers have also been sent by email directly to the General Managers of the constituent councils.

In relation to Part 4 of the resolution, although Hawkesbury River County Council's General Manager has undertaken a comprehensive review of each of the recommendations in the Inconsult report, a written report has not yet been provided to Council.

In relation to Part 5 of the resolution, at its meeting on 23 February 2021 Council considered a report concerning the efficacy and value obtained from Hawkesbury River County Council and alternative methods of weed management, and resolved as follows:

"That:

- 1. The report regarding Weed and Biosecurity Management be received and noted.*
- 2. By April 30, 2021, Council receive a further report on the costs of what was actually delivered by Hawkesbury River County Council in the Hawkesbury Local Government Area versus the annual targets outlined in the annual operational plans, for the past four years.*
- 3. By April 30, 2021, Council receive a report outlining the process it would need to follow if it wished to withdraw from Hawkesbury River County Council and take over as the local control authority.*
- 4. By April 30, 2021, Council receive a cost estimate of a replacement service provided in-house and likely timeframe to be operational."*

A report addressing this resolution was considered by Council at its meeting on 27 April, 2021 where it was resolved that Council refer the report to a Councillor Briefing Session, where details which need further investigation and clarity can be addressed.

In relation to Part 6 of the resolution, a Councillor Briefing Session was held on 16 March 2021, at which Councillors were provided with information about the options for the carrying out of further reviews, and specifically in relation to the proposed review of the Hawkesbury Sports Council.

Broadly, those options were presented as:

1. A compliance/governance review based on the methodology adopted by Council which underpinned the reviews undertaken to date, in the context of the management by Council of risks associated with these types of relationships.
2. A review which focused on an examination of the extent to which an organisation confers value on Council or carries out functions or provides services in the most efficacious manner.

Following this Briefing Session, legal advice was obtained on issues relating to the delegation of functions by Council to the Hawkesbury Sports Council and that legal advice is summarised later in this report.

Hawkesbury Sports Council

The next Third Party Organisation scheduled for review is the Hawkesbury Sports Council.

For each review conducted to date, the proposed scope and activities for the review have been prepared by InConsult, in consultation with Council.

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The focus of the reviews has been the nature of the relationship between Council and the third party organisation, and governance and compliance, in the context of the management by Council of risk associated with these types of relationships.

Consistent with the methodology adopted by the Audit Committee and Council, the previous reviews have focussed on governance, structure, delegations, operating procedures, risk management, business continuity, transparency and reporting and application of policies. The work has involved:

- Identifying and reviewing relevant Council governance and oversight standards
- Reviewing applicable governance instruments, legal structure and service standards
- Meeting with key staff of both Council and the third party organisation (and Board Members) to discuss governance, risk management, challenges and risks to Council
- Identifying key elements of better practice and evaluating the application of Council's governance and oversight
- Conducting a compliance audit of the third party's compliance to relevant governance instruments and financial requirements

Following discussions at Council Meetings and Councillor Briefing Sessions, Council requested legal advice be obtained as to the delegation of functions to the Hawkesbury Sports Council.

In summary, the legal advice says:

- The establishment of the Hawkesbury Sports Council by resolution of Council in 1992 was an effective delegation of powers pursuant to the Local Government Act 1919 as it then was.
- This delegation continued to have effect on commencement of the new Local Government Act in 1993.
- Potential issues arise under Section 377 of the Local Government Act 1993 as to whether the power of delegation is exceeded in respect of functions which may not be delegated, in respect of the making of a charge, the fixing of a fee, the voting of money for expenditure on work, services or operations, and decision under Section 356 to contribute money or otherwise grant financial assistance to persons.
- Those issues are overcome by the protocol in place between Council and the Hawkesbury Sports Council in relation to expenditure of funds approved as part of Council's Operational Plan.

DISCUSSION

The completed reviews have, consistent with the scope and activities, identified gaps in compliance, governance, statutory reporting obligations and development and application of policy and procedure. They have also highlighted the need for a framework that applies to how Council manages its relationship with these types of organisations. They have not assessed questions of value.

The completed reviews, particularly the review of the Hawkesbury River County Council, have identified the need for there to be a clear understanding of the purpose and scope of each review. There is a need for Council to consider whether the scope and activities of future reviews (including the Hawkesbury Sports Council) is appropriate and what should be done to deal with broader propositions such as whether Council expenditure provides appropriate value for Council.

If Council is minded to explore in detail issues related to value when reviewing third party organisations, then that would require a review of a different character to those carried out to date.

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To enable Council to consider what might be included in a review with more of a focus on value, efficacy, and the appropriate model for the delivery of the functions currently delegated to the sports Council, the following scope has been developed:

1. A review of the current role and functions of the sports council in management of Council's sports services/assets
2. Review of the current governance and legal arrangements, including any key performance indicators and service level standards for the sports services and asset management, including review of past assessment of performance and any external contracts
3. Review the financial performance of the current arrangement over the last five years, against the delivery of service levels, and identify 'value for money'
4. Stakeholder engagement with key participants in the Hawkesbury Sports Council, as well as users of the sports facilities, to discuss current performance against KPIs. This will include council management in addition to external consultation
5. Identify the current management model value proposition and any rationale for changing the current arrangements, that may emerge from the analysis
6. Case study review of alternate management arrangements for service and asset management and governance by other similar councils, including service levels or KPIs that are set. This may include interview of service providers or other councils to understand the costs and service levels being delivered
7. Development of two alternate models, in addition to the continued management by the sports council (base case)
8. Undertake a financial appraisal of the alternate models in comparison to the base case, and a comparison of the 'value for money'
9. Identify the non-financial costs and benefits from the sports council and alternate management options. This may include a formal cost benefit analysis or consultant is to propose and justify an alternative method to allow council to evaluate options for management of sports service and assets
10. Provide recommendations for Council to consider arising from the value proposition review, including whether any alternate models should be further investigated that would offer potentially more value for council.

A further consideration is how a different or additional style of review would be funded. For the completed reviews, Council has been able to access funding available through the "Risk Enhance" program offered to councils by CivicRisk Mutual Ltd. This funding is available for risk management projects. Council has access to approximately \$18,000 in Risk Enhance funding which would be likely to fund a compliance/governance style review.

Council's adopted Operational Plan does not include funding for a review and if such funding was required, a budget adjustment would need to be made through a Quarterly Budget Review.

Council could consider the following options for a review of the Hawkesbury Sports Council:

1. Proceed with a review based on the methodology and scope of previous reviews, with a focus on compliance, governance, and management of risk; or
2. Proceed with a review based on the methodology and scope of previous reviews, with a focus on compliance, governance, and management of risk, prior to a review based on value and efficacy; or
3. Proceed with a review based on value and efficacy.

Having regard to the legal advice concerning the delegation of functions to the Hawkesbury Sports Council, and the availability of funding for the carrying out of review with a focus on the management of risk by Council, it is recommended that a review based on the methodology endorsed by the Audit Committee be carried out.

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COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which do not specifically 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 Community

- 2.3 Community partnerships continue to evolve - Increase the range of local partnerships and plan for the future
 - 2.3.1 Encourage and facilitate community partnerships.
 - 2.3.2 Support and expand active volunteering.
 - 2.3.3 Advocate and facilitate constructive and productive partnerships with residents, community groups and institutions.
 - 2.3.4 Develop opportunities for active involvement of residents in the management of parks and public spaces in the Hawkesbury.
- 2.4 Community wellbeing and local services - Build on a sense of community and wellbeing
 - 2.4.1 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.
 - 2.4.2 Provide flexible services that can adapt to changing community needs and service demands.

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. Any applicable expenditure for further third party organisation reviews is not provided for in the 2021/2022 Adopted Operational Plan and if a decision is made to incur expenditure prior to the end of the current financial year, it will need to be addressed as part of a Quarterly Budget Review. If Council resolves to carry out a review of the Hawkesbury Sports Council or other third party organisation based on the methodology for the program of reviews endorsed by the Audit Committee then Council may be able to use Risk Enhance funding provided by CivicRisk Mutual for that purpose.

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** Hawkesbury City Council Third Party Framework - *(Distributed under separate cover)*.

oooO END OF REPORT Oooo

Ordinary

Section **4**

Reports
of committees

ORDINARY MEETING

SECTION 4 – Reports of Committees

Meeting Date: 23 November 2021

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SECTION 4 – Reports of Committees

Item: 241 **ROC - Local Traffic Committee - 8 November 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 8 November 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 8 November 2021.

DISCUSSION

The Committee considered staff reports on a range of matters as shown in the attached minutes (Attachment 1).

- Special Event Traffic - Australia Day on the Hawkesbury 2022 Event
- Special Event Traffic - Savour the Flavour Hawkesbury 2022 Event
- Special Event Traffic - UHPBC Spectacular - Windsor 2022 Event
- Special Event Update - Cancellation/Rescheduling of 2021 Special Events due to COVID-19
- General Traffic Matter – Pedestrian Safety Concerns – Intersection of Bells Line of Road and Grose Vale Road, Kurrajong

ATTACHMENTS:

AT - 1 Minutes of the Local Traffic Committee meeting held on 8 November 2021.

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Minutes of the Meeting of the Local Traffic Committee held remotely on Monday, 8 November 2021, commencing at 3pm.

ATTENDANCE

Present: Councillor Peter Reynolds, Hawkesbury City Council
Mr Mark Rusev, representing Ms Robyn Preston MP (Member for Hawkesbury)
Mr Peter Bache, Roads and Maritime Services
Mr Steve Grady, Busways

Apologies: Inspector Brendan Hillyard, NSW Police Force
Senior Constable Damien Mitchell, NSW Police Force

In Attendance: Mr Christopher Amit, Hawkesbury City Council, (Chair)
Ms Cathy Mills, Hawkesbury City Council
Ms Kaysie Cordi, 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 as agreed to with Councillor Reynolds.

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Mr Mark Rusev that the apologies be accepted.

SECTION 1 – Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the Motion of Councillor Peter Reynolds, seconded by Mr Mark Rusev, that the Minutes from the previous meeting held on Monday, 11 October 2021 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 - Australia Day on the Hawkesbury 2022 Event - Governor Phillip Park, Windsor - (Hawkesbury) - (80245, 79341)

REPORT:

Introduction

An application has been received seeking approval (in traffic management terms) for Hawkesbury City Council to conduct the Australia Day on the Hawkesbury 2022 Event within Governor Phillip Park, Windsor, on Wednesday, 26 January 2022.

The event organiser is proceeding with the event based on the current Public Health Orders and restrictions (COVID-19) Order 2021 under the Public Health Act 2010 (NSW).

The event organiser has advised:

- This is an annual event with the initial event being held in 2018.

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- This is a Community free family friendly event which includes food and beverages, stalls, live music, roving entertainment, rides, outdoor games, attendances from the local emergency services and a fireworks display on the river.
- The event will be conducted between 5pm and 9:30pm. The set up and pack down times are between 9am and 11pm.
- The event will be held within Governor Phillip Park located at the northern end of George Street, Windsor.
- The event is expected to attract approximately 5,000 spectators.
- There will be an increase to traffic flow on roads surrounding Governor Phillip Park and there may be considerable impacts on traffic using Windsor Road, Bridge Street, Macquarie Street and Wilberforce Road.
- It is expected that residents on George Street, Palmer Street, North Street, Arndell Street and Court Street may be affected due to the increased traffic flow.
- Parking will be at Governor Phillip Park, with access to the Event Parking area provided from Palmer Street.
- Traffic controllers will manage the entry into the event car parking in Palmer Street and to manage event patrons crossing the internal access road within the park to the event parking in the field adjacent to Governor Phillip Park accessed from Palmer Street and manage access to the boat ramp.
- Vehicles can approach the access point into the Event Parking area from the direction of either George Street or Court Street.
- With the completion of the new Windsor Bridge and the upgrade of the intersection of Bridge Street and George Street from a roundabout to traffic signals, access for traffic to Governor Phillip Park has changed.
- With the installation of the new traffic signals, to maintain traffic flow in Bridge Street, the right turn from Bridge Street (northbound) into George Street (eastbound) is now prohibited and all traffic is required to turn right at Court Street at the uncontrolled intersection.
- As Bridge Street is effectively one lane at Court Street, allowing event traffic to turn right at this location has the potential to increase congestion and as such it is proposed to ban the right turn into and out of Court Street at Bridge Street on the event day.
- Traffic that would normally turn right into Court Street will be detoured over the Windsor Bridge to perform a U-turn at the new roundabout at Freemans Reach Road, return back over the Bridge and then turn left into George Street.
- Traffic turning right out of Court Street will be detoured to the traffic signals at George Street.
- All traffic movements in Court Street will be restricted to left in/left out at Bridge Street to manage event traffic, improve road safety and maintain traffic flow in Bridge Street/Windsor Road.
- A detour route will be signposted to direct vehicles travelling from the south to continue north along Bridge Street over the new Windsor Bridge and perform a U-turn at the roundabout on the northern side of the bridge at Freemans Reach Road to travel south along the Bridge and turn left into George Street.
- Vehicles travelling from the west along Macquarie Street will turn right and then left into Court Street.

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- VMS signs will be used to inform traffic and detour routes signposted. A VMS plan with four VMS boards located at key locations and detour plan that guides event traffic and local road network traffic has been prepared.
- Some on-street parking along George Street near its intersection with Palmer Street may be taken out to allow safe vehicular movements in this vicinity. The adjoining property owners will be advised of this proposal.
- Advance warning with VMS shall be installed 2 weeks prior to the event and will be located at;
 - Windsor Road, McGraths Hill - near Pitt Town Road,
 - Macquarie Street, Windsor - near Hawkesbury Valley Way,
 - Hawkesbury Valley Way, Windsor – near Moses Street,
 - Wilberforce Road, Freemans Reach - near Freemans Reach Road.
- Approval by way of exclusive use has been sought to utilise Governor Phillip Park for the event.

Discussion

The participants/spectators travelling to the event, and in particular to Governor Phillip Park, may impact heavily on the state road network along Windsor Road, Macquarie Street, Wilberforce Road and Bridge Street as well as the local roads such as George Street and Court Street.

With the completion of the new Windsor Bridge and the upgrade of the intersection of Bridge Street and George Street from a roundabout to traffic signals, access for traffic to Governor Phillip Park has changed. The Management measures proposed have been previously discussed between Police, TfNSW and Council to ensure that traffic movement is not compromised in particular at the intersection of Bridge Street and Court Street.

A summary of the traffic management measures is listed below:

- All traffic movements in Court Street will be restricted to left in/left out at Bridge Street (State Road) to manage event traffic, improve road safety and maintain traffic flow in Bridge Street/Windsor Road.
- A traffic control vehicle will be parked in the centre of Court Street with barrier boards and traffic cones used to delineate and enforce the No Right Turn restrictions.
- A detour route will be signposted to direct vehicles travelling from the south to travel north along Bridge Street over the new Windsor Bridge and perform a U-turn at the roundabout on the northern side of the bridge at Freemans Reach Road and then travel south along Bridge Street to turn left into George Street at the new traffic signals.
- Traffic turning right out of Court Street will be detoured to the traffic signals at George Street via either Arndell Street or Palmer Street.
- Vehicles travelling from the west along Macquarie Street will turn right at Court Street and then left into Court Street.
- VMS signs will be used to inform traffic and all detour routes signposted.

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 on major traffic and transport systems and there may be low scale disruption to the non-event community.

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The event organiser is to ensure that the current Public Health Orders and restrictions (COVID-19) Order 2021 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 4 (ECM Document Set ID No: 7705317):

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. Special Event Traffic Management Plan and Traffic Control Plan,
5. Copy of Insurance Policy which is valid to 31 October 2021,
6. Copy of the application to the NSW Police Force.
7. Copy of correspondence to the NSW Fire and Rescue, Hawkesbury RFS, Hawkesbury Ambulance Service, Hawkesbury SES, Hawkesbury Local Area Command and Busways.

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) "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Australia Day on the Hawkesbury 2022 event within Governor Phillip Park, Windsor, on Wednesday, 26 January 2022 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 the current Public Health Orders and restrictions (COVID-19) Order 2021 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 traffic control measures
 - Temporary turn restrictions at the intersection of Bridge Street (State Road) and Court Street between 5pm and 9:30pm on Wednesday 26 January 2022. All traffic movements in Court Street will be restricted to left in/left out at Bridge Street to manage event traffic, improve road safety and maintain traffic flow in Bridge Street/Windsor Road.
 - Partial road closure permitted at the access point into Governor Phillip Park at the intersection of George Street and Palmer Street, Windsor between 5pm and 9:30pm on Wednesday 26 January 2022, with access only provided for event vehicles and those vehicles towing a boat and wishing to access the boat ramp.

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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 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 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) due to the traffic movements and restrictions along Bridge Street (State Road) and its intersections with George Street and Court Street, Windsor and the proposed turn restrictions at the intersection of Bridge Street and Court Street between 5pm and 9:30pm on Wednesday 26 January 2022 where all traffic movements in Court Street will be restricted to left in/left out at Bridge Street; a copy of the Transport for NSW – TfNSW (formerly TMC) approval to be submitted to Council;
- 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 requires traffic control on a public road, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4g. the event organiser is to obtain 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 advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);
- 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 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;

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- 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 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;
- 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:

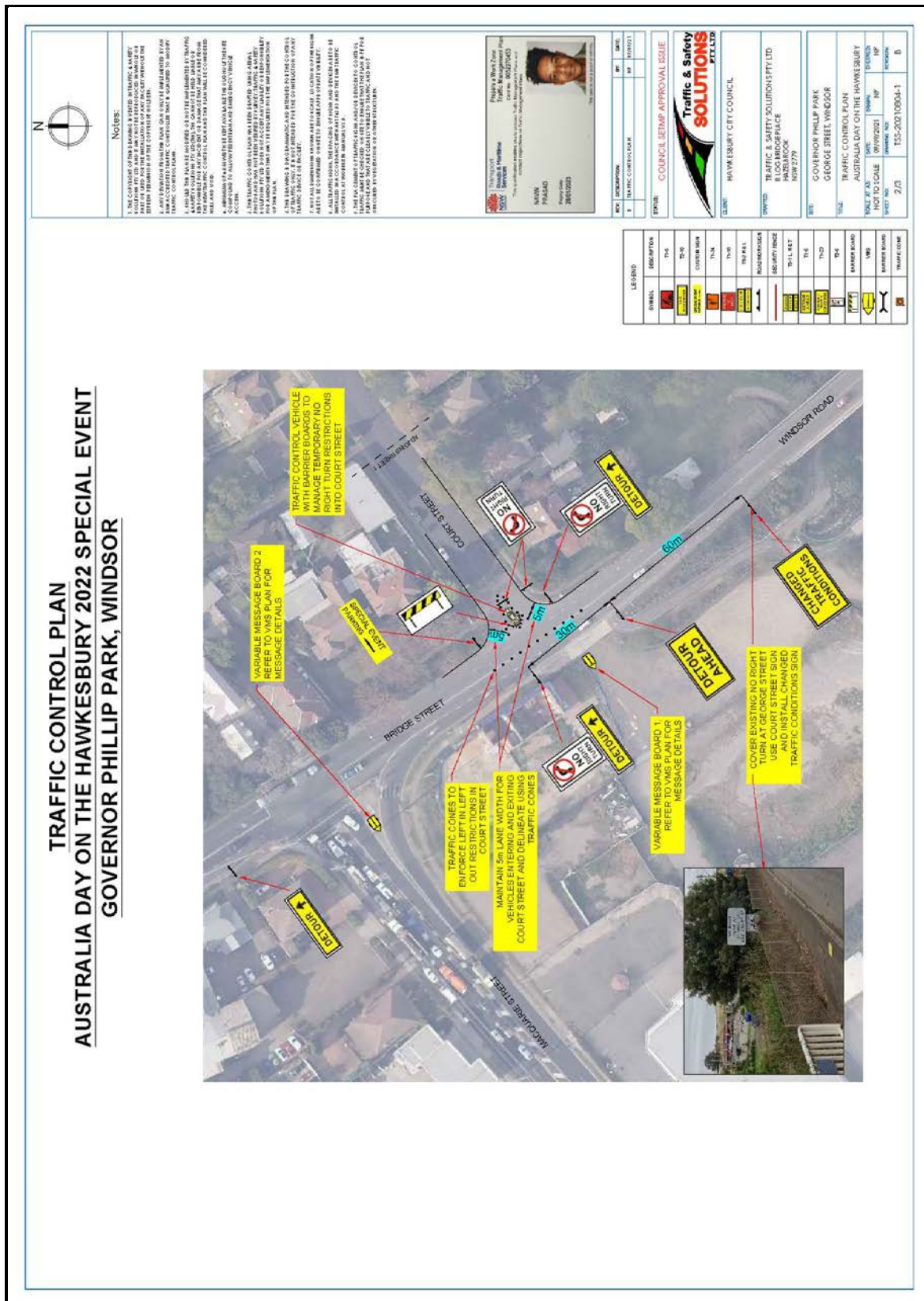
- 4l. access is to be maintained for businesses, residents and their visitors;
- 4m. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4n. all traffic controllers / marshals operating within the public road network are to hold appropriate certification 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 for the event, 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** Australia Day on the Hawkesbury 2022 – Traffic Control and Detour Plan 1-2.
- AT - 2** Australia Day on the Hawkesbury 2022 – Traffic Control and Detour Plan 2-2.
- AT - 3** Australia Day on the Hawkesbury 2022 – VMS and Detour Plan.
- AT - 4** Special Event Application – (ECM Document Set ID No: 7705317) - *see attached*.

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AT - 2 Australia Day on the Hawkesbury 2022 – Traffic Control and Detour Plan 2-2



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COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Mr Mark Rusev.

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) "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Australia Day on the Hawkesbury 2022 event within Governor Phillip Park, Windsor, on Wednesday, 26 January 2022 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 the current Public Health Orders and restrictions (COVID-19) Order 2021 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 traffic control measures
 - Temporary turn restrictions at the intersection of Bridge Street (State Road) and Court Street between 5pm and 9:30pm on Wednesday 26 January 2022. All traffic movements in Court Street will be restricted to left in/left out at Bridge Street to manage event traffic, improve road safety and maintain traffic flow in Bridge Street/Windsor Road.
 - Partial road closure permitted at the access point into Governor Phillip Park at the intersection of George Street and Palmer Street, Windsor between 5pm and 9:30pm on Wednesday 26 January 2022, with access only provided for event vehicles and those vehicles towing a boat and wishing to access the boat ramp.

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.

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(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 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) due to the traffic movements and restrictions along Bridge Street (State Road) and its intersections with George Street and Court Street, Windsor and the proposed turn restrictions at the intersection of Bridge Street and Court Street between 5pm and 9:30pm on Wednesday 26 January 2022 where all traffic movements in Court Street will be restricted to left in/left out at Bridge Street; a copy of the Transport for NSW – TfNSW (formerly TMC) approval to be submitted to Council;
- 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 requires traffic control on a public road, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4g. the event organiser is to obtain 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 advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);
- 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 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 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;
- 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;

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- 4n. all traffic controllers / marshals operating within the public road network 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 for the event, 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 - Savour the Flavour - Hawkesbury 2022 Event, Richmond - (Hawkesbury) - (80245, 79341)

REPORT:

Introduction

An application has been received seeking approval (in traffic management terms) for Hawkesbury City Council to conduct the Savour the Flavour - Hawkesbury 2022 event in Richmond, on Sunday, 27 March 2022.

The event organiser is proceeding with the event based on the current Public Health Orders and restrictions (COVID-19) Order 2021 under the Public Health Act 2010 (NSW).

The event organiser has advised:

- This is the first year this event is being held.
- This event celebrates the Hawkesbury being the original food bowl of Sydney. It will be a street festival with food stalls, cooking demonstrations, live music and roving entertainment.
- The event will be conducted between 11am and 4pm. The set up and pack down times are between 4am and 7:30pm.
- The event is expected to attract approximately 5,000 spectators.
- The event will be held within Windsor Street, Richmond between East Market Street and West Market Street with a road closure in place. The road closure will ensure the safety of patrons moving within the site.
- The road closure will be in place from 4am to 7:30pm with traffic diversions in place during this time.
- To ensure that there are no cars parked overnight within the event area in Windsor Street, traffic controllers will be onsite from 6pm on Saturday 26 March 2022 to 6am on Sunday 27 March 2022.
- As Windsor Street will be closed north west of East Market Street, the existing No Right Turn restriction from Windsor Street into East Market Street (north bound) will be temporarily removed for the duration of the road closure to detour traffic around the closed section of Windsor Street via Francis Street. This will assist in relieving congestion along March Street.

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- Traffic on Windsor Street will be detoured via West Market Street and March Street or via Francis Street and East Market Street.
- Traffic controllers will take control of the intersection of West Market Street and March Street to minimise traffic congestion exiting West Market Street onto the State Road..
- The impact of the proposed road closure and redirected traffic will be localised to the surrounding networks and may disrupt traffic in the greater regional area.
- Variable Message Signs (VMS) will be installed 2 weeks prior to the event to inform traffic and will be located in Windsor Street at the West Market Street and East Market Street closure points.
- Event attendees will be advised to park at the Hawkesbury Showground and either catch a shuttle bus or the train to the event. Alternatively there is parking within the surrounding streets and car parks.
- It is acknowledged that the event may cause inconvenience to the residents and motorists in the vicinity of the event, however the overall community benefits associated with the event far outweigh the dis-benefits.
- The operation of Buses along Windsor Street will be affected and consultation with Busways is in progress. The impact is considered to be minor.
- Consultation has been undertaken and is ongoing with the adjacent property owners and occupiers in relation to the proposed road closure.

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 on major traffic and transport systems and there may be low scale disruption to the non-event community.

The following Road Closure is proposed for Sunday, 27 March 2022, between 4am and 7:30pm;

- Road Closure; Windsor Street, Richmond between East Market Street (State Road signalised intersection) and West Market Street.
- Movement through the intersection of Windsor Street and East Market Street will not be affected other than the closure point into Windsor Street north west of East Market Street.
- The existing No Right Turn restriction from Windsor Street into East Market Street (north bound) will be temporarily removed for the duration of the proposed road closure to detour traffic around the closed section of Windsor Street via Francis Street. This will assist in relieving congestion along March Street.
- The impact of the proposed road closure and redirected traffic will be localised to the surrounding networks and may disrupt traffic in the greater regional area.
- Traffic will be detoured around the event site utilising the surrounding road network. Traffic on Windsor Street will be detoured via West Market Street and March Street (State road) or via Francis Street and East Market Street.
- Traffic controllers will take control of the intersection of West Market Street and March Street to minimise traffic congestion exiting West Market Street onto the State road.
- Road Closure will be between 4am and 7:30pm.
- As part of the consultation process, adjoining business/property owners have been requested to advise their customers of the proposed traffic changes to enable their customers to make alternative arrangements if they are planning to visit these businesses during the event times.
- Access to the adjacent properties will be restricted due to the proposed road closure.
- The speed limit in the vicinity of the event site for the local roads such as Windsor Street and West Market Street is 50kph. The speed limit for the surrounding streets within the state network such as Windsor Street on the approach to East Market Street and East Market Street is 60kph.

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The event organiser is to ensure that the current Public Health Orders and restrictions (COVID-19) Order 2021 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 3 (ECM Document Set ID No: 7703985):

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 (formerly RTA/RMS),
4. Special Event Traffic Management Plan and Traffic Control Plan,
5. Copy of Insurance Policy which is valid to 31 October 2021,
6. Copy of correspondence to the Residents/Businesses, Fire and Rescue NSW, NSW Rural Fire Service, SES, Hawkesbury Ambulance Service, NSW Police and Busways.

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 Savour the Flavour - Hawkesbury 2022 event in Richmond, on Sunday, 27 March 2022 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 the current Public Health Orders and restrictions (COVID-19) Order 2021 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; Windsor Street, Richmond between East Market Street (State Road signalised intersection) and West Market Street.
 - Road Closure only permitted for Sunday, 27 March 2022, between 4am and 7:30pm.
 - No other road closures are permitted.

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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 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 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) to undertake the proposed traffic control and change in operation at the signalised intersection of Windsor Street and East Market Street and the priority intersection of March Street and West Market Street, Richmond; a copy of the Transport for NSW – TfNSW (formerly TMC) approval to be submitted to Council;
- 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 requires traffic control on a public road, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4g. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of a Council Park/Reserve;
- 4h. the event organiser is to advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);
- 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 closure, detour route and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;

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- 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 closure, detour route and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence has been 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 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 for the event, 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:

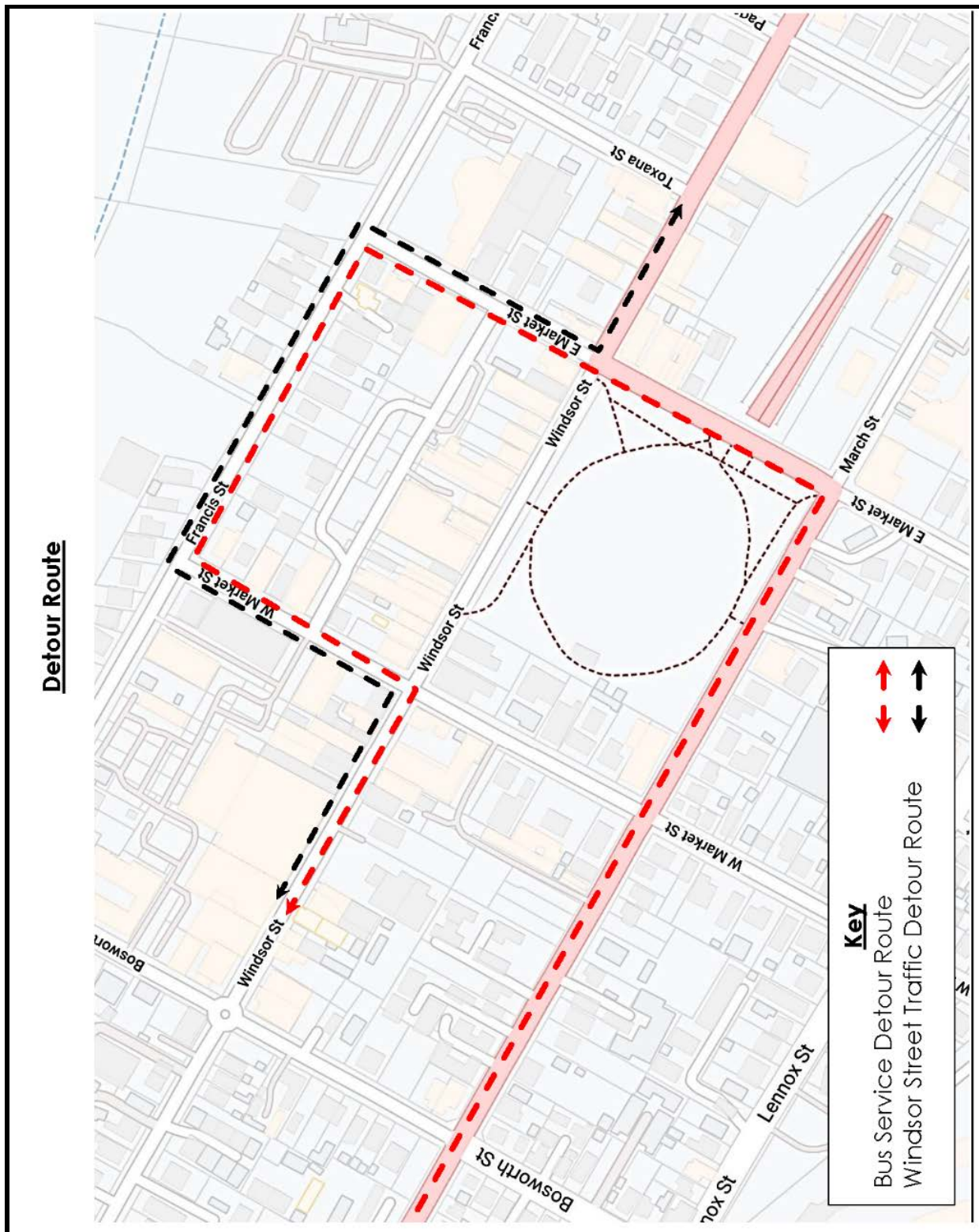
AT - 1 Savour the Flavour - Hawkesbury 2022 – Road Closure Plan.

AT - 2 Savour the Flavour - Hawkesbury 2022 – Road Detour Plan.

AT - 3 Special Event Application – (ECM Document Set ID No: 7703985) - *see attached*.

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AT - 2 Savour the Flavour - Hawkesbury 2022 – Road Detour Plan



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COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Mr Mark Rusev.

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 Savour the Flavour - Hawkesbury 2022 event in Richmond, on Sunday, 27 March 2022 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 the current Public Health Orders and restrictions (COVID-19) Order 2021 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; Windsor Street, Richmond between East Market Street (State Road signalised intersection) and West Market Street.
 - Road Closure only permitted for Sunday, 27 March 2022, between 4am and 7:30pm.
 - No other road closures are permitted.

and the following conditions:

Prior to the event:

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

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- 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 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) to undertake the proposed traffic control and change in operation at the signalised intersection of Windsor Street and East Market Street and the priority intersection of March Street and West Market Street, Richmond; a copy of the Transport for NSW – TfNSW (formerly TMC) approval to be submitted to Council;
- 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 requires traffic control on a public road, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4g. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of a Council Park/Reserve;
- 4h. the event organiser is to advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);
- 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 closure, detour route and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 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 closure, detour route and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence has been 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 are to hold appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);

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- 4o. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed for the event, during the event, under the direction of a traffic controller holding appropriate certification as required by 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 2.3 LTC - UHPBC Spectacular - Windsor 2022 Event - Upper Hawkesbury Power Boat Club - (Hawkesbury) - (80245, 73829)

REPORT:

Introduction

An application has been received from the Upper Hawkesbury Power Boat Club (UHPBC) seeking approval (in traffic management terms) to conduct the UHPBC Spectacular – Windsor 2022 event on Saturday, 15 and Sunday, 16 January 2022.

The event organiser is proceeding with the event based on the current Public Health Orders and restrictions (COVID-19) Order 2021 under the Public Health Act 2010 (NSW).

The event organiser has advised;

- This is an event which has been held previously for over 40 years.
- The event is a circuit power boat race (oval shape) on the Hawkesbury River, adjacent to Governor Phillip Park with various categories of boats.
- The circuit is generally along the straight section of the River between the Windsor Bridge and South Creek.
- In the past the Spectacular Event has been held in September and with the COVID restrictions easing and NSW opening up, this Spectacular event is to be undertaken on January 15th and January 16th 2022.
- Event Schedule:

Saturday, 15 January and Sunday, 16 January 2022:

- Circuit power boat race (oval shape) on the Hawkesbury River, adjacent to Governor Phillip Park.
 - Start and Finish times: 9am to 5pm.
 - Presentation each night (Saturday 9m and Sunday 10pm).
 - Set Up and Pack Down Times: 7:30am to 10pm.
- There are approximately 35 races per day each lasting 2-3 minutes each with gaps between races. The UHPBC also strictly adheres to the Governor Phillip Park Noise Policy at all times and has procedures in place to regularly check the noise of the participants to ensure that they comply with this policy. The UHPBC participants are always well within the limits as it is important to the Club to ensure that the local residents are not disrupted.

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- Each year the UHPBC undertake a letter drop to the entire peninsula area near Governor Phillip Park to ensure that all residents have the list of dates for the UHPBC events as well as adding those who chose to be on the email list to get regularly updates of the events and/or changes that are occurring. The UHPBC also provide each resident with free tickets for their household to major events.
- The participants travel from all over to race at this event and bring their family and crew. The UHPBC is keen to run this event to bring these people to the Hawkesbury area as they spend a fair amount of money in the area through needing accommodation and places to eat out whilst they are in the area.
- The number of competitors expected is approximately 100 for the event.
- As with previous years, there will be 6 boats per group competing, per race, in various categories.
- There will be approximately 500 spectators for the event.
- Parking will be at Governor Phillip Park with additional parking available off street utilising vacant land adjacent to Governor Phillip Park.
- Road closures are not required, although access to Governor Phillip Park will be restricted due to the event having Exclusive use of the Park.

Refer to Attachment 1: UHPBC Spectacular – Windsor 2022 – Site Plan.

Discussion

The event will be held principally along the Hawkesbury River with the event organiser requesting exclusive use of the River from Transport for NSW – TfNSW (formerly NSW Maritime). The spectators and participants travelling to the event, and in particular to Governor Phillip Park, may impact heavily on the state road network along Windsor Road, Macquarie Street, Wilberforce Road and Bridge Street as well as the local roads such as George Street and Court Street. Due to the opening of the new Windsor Bridge and the provision of signals at the intersection of Bridge Street and George Street, traffic arrangements and restrictions to turning movements have been implemented at this intersection which results in directing more traffic to the intersection of Bridge Street and Court Street. It would be appropriate to classify the event as a “Class 2” special event under the “Traffic and Transport Management for Special Events” guidelines issued by Transport for NSW – TfNSW (formerly TMC).

The event organiser is to ensure that the current Public Health Orders and restrictions (COVID-19) Order 2021 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: 7725531:

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. Site/Course Plan.

The event organiser has made application under separate cover to Council’s Parks and Recreation section for the exclusive use of Governor Phillip Park.

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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 UHPBC Spectacular – Windsor 2022 event planned for Saturday, 15 and Sunday, 16 January 2022, by the Upper Hawkesbury Power Boat Club 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 the current Public Health Orders and restrictions (COVID-19) Order 2021 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;
- 4d. the event organiser is to obtain approval from Transport for NSW – TfNSW (formerly TMC) due to the traffic movements and restrictions along Bridge Street and its intersections with George Street and Court Street, Windsor; a copy of the Transport for NSW – TfNSW (formerly TMC) approval to be submitted to Council;

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- 4e. the event organiser is to submit a Transport Management Plan (TMP) for the entire event incorporating Traffic Control Plans (TCP) which needs to include details such as the specific position of barriers, signs etc, required for any 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 \$20,000,000 noting Council and Transport for NSW – TfNSW (formerly TMC and RTA/RMS) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4g. if the event requires traffic control on Council roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the roads;
- 4h. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from Transport for NSW – TfNSW (formerly NSW Maritime); a copy of this approval to be submitted to Council;
- 4i. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of Governor Phillip Park;
- 4j. 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;
- 4k. 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 (advertising medium to be advised);
- 4l. 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;
- 4m. 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;
- 4n. 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;
- 4o. the event organiser is to submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

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During the event:

- 4p. access is to be maintained for businesses, residents and their visitors;
- 4q. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4r. 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);
- 4s. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed for the event, during the event, under the direction of a traffic controller holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4t. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4u. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

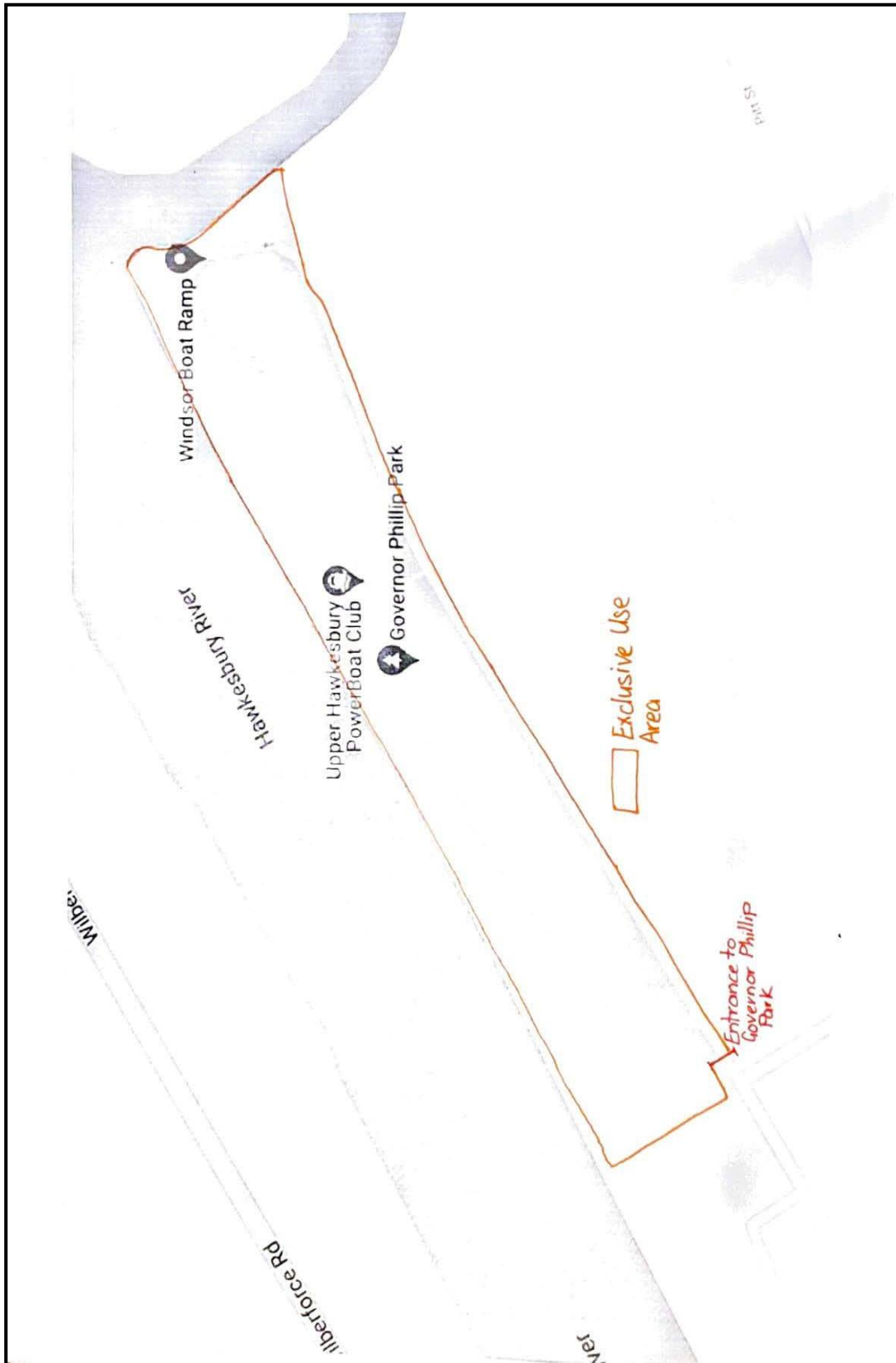
APPENDICES:

AT - 1 UHPBC Spectacular - Windsor 2022– Site Plan.

AT - 2 Special Event Application - (ECM Document Set ID No: 7725531) - *see attached*.

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AT - 1 UHPBC Spectacular - Windsor 2022 – Site Plan



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COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Mr Mark Rusev.

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 UHPBC Spectacular – Windsor 2022 event planned for Saturday, 15 and Sunday, 16 January 2022, by the Upper Hawkesbury Power Boat Club 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 the current Public Health Orders and restrictions (COVID-19) Order 2021 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;

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- 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) due to the traffic movements and restrictions along Bridge Street and its intersections with George Street and Court Street, Windsor; 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 Traffic Control Plans (TCP) which needs to include details such as the specific position of barriers, signs etc, required for any 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 \$20,000,000 noting Council and Transport for NSW – TfNSW (formerly TMC and RTA/RMS) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4g. if the event requires traffic control on Council roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the roads;
- 4h. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from Transport for NSW – TfNSW (formerly NSW Maritime); a copy of this approval to be submitted to Council;
- 4i. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of Governor Phillip Park;
- 4j. 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;
- 4k. 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 (advertising medium to be advised);
- 4l. 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;
- 4m. 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;
- 4n. 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;
- 4o. the event organiser is to submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

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During the event:

- 4p. access is to be maintained for businesses, residents and their visitors;
- 4q. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4r. 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);
- 4s. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed for the event, during the event, under the direction of a traffic controller holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4t. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4u. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

Item 2.4 LTC - Cancellation/Rescheduling of 2021 Special Events due to COVID-19- (Hawkesbury) - (80245)

Previous Item - LTC 11 October 2021 – Item 2.1

REPORT:

Several Events planned to be undertaken during 2020 within the Hawkesbury Local Government Area were either cancelled or rescheduled due to the COVID-19 pandemic, with some of these events being undertaken during 2021. This has continued with events to be undertaken in 2021 needing to be either cancelled or rescheduled.

The current Public Health Order and restrictions (COVID-19) Order 2021 under the Public Health Act 2010 (NSW) is ongoing in 2021.

The following event have been rescheduled:

1. Light Up Windsor 2021: The event was approved for Saturday, 04 December 2021. The event was cancelled as reported to LTC in September 2021. The event was then rescheduled to Saturday, 11 December 2021. Due to changing protocols with COVID restrictions, the **Event has been rescheduled to Wednesday, 22 December 2021**. The conditions of approval granted for the original event date are to apply to the rescheduled event date.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Mr Mark Rusev.

Support for the Recommendation: Unanimous support

That the information be received.

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SECTION 3 - Reports for Information

There were no Reports for Information.

SECTION 4 - General Business

Item 4.1 LTC - Pedestrian Safety Concerns - Intersection of Bells Line of Road and Grose Vale Road, Kurrajong - (Hawkesbury) - (80245)

REPORT:

Councillor Reynolds raised concerns regarding the safety of pedestrians trying to cross at the intersection of Bells Line of Road and Grose Vale Road, Kurrajong with the topography of the area causing sight issues for drivers.

A discussion was held regarding a number of options that could be considered to improve the intersection in the short term and longer term.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Mr Mark Rusev.

Support for the Recommendation: Unanimous support

That:

Council undertake an investigation to include pedestrian and traffic counts in the vicinity of the intersection of Bells Line of Road and Grose Vale Road, Kurrajong to determine various types of improvements that could assist with the safety of pedestrians including a pedestrian refuge or crossing, warning signage or other measures.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Monday, 10 January 2022 at 3pm in the Small Committee Room.

The meeting terminated at 3:30pm.

oooO END OF REPORT Oooo

ORDINARY MEETING

SECTION 4 – Reports of Committees

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Ordinary

Section 5

Notices of motion

ORDINARY MEETING
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SECTION 5 – Notices of Motion

Item: 242 **NM1 - Warragamba Dam Water Level - (79351, 138880)**

Submitted by: Councillor Reynolds

NOTICE OF MOTION:

That:

1. Council write to the relevant NSW Ministers urgently requesting amendments to NSW legislation covering operation of Warragamba Dam.
2. These amendments allow for the drawing down of the dam water level to preempt forecast rainfalls in the catchment area to help mitigate associated forecast flooding of the Hawkesbury Nepean River should the dam spill.

BACKGROUND

WaterNSW states:

“There is an operational procedure (H14 operational protocol) for Warragamba dam which is designed to manage inflows during a flood event to protect the community.”

But - “For WaterNSW to release anymore water prior to a forecast rain event would be a breach of the key operation objective of the dam being the provision of water security for Greater Sydney.”

With an already, water-logged catchment, Warragamba dam at capacity and the high likelihood of heavy rainfall events in the coming months, Council must request that the State government urgently investigate the pre-release of stored water to increase airspace in Warragamba dam to reduce downstream flood impacts.

Last week (9 Nov 2021) the BOM issued an update on current weather systems likely to affect Australia in the coming months.

“The Bureau's ENSO Outlook remains at La Niña ALERT, meaning around a 70% chance of La Niña forming in the coming months. Several climate drivers are combining to produce the current wet outlook for Australia.

International climate models have strengthened their forecast likelihood of La Niña forming before the end of the year. Similarly, in the atmosphere, the Southern Oscillation Index (SOI) has eased back slightly from La Niña levels. Regardless of whether La Niña thresholds are met, a La Niña-like pattern in the Pacific may still increase the chances of above-average rainfall for northern and eastern Australia at times during spring and summer.

The Madden–Julian Oscillation (MJO) is forecast by a minority of climate models to strengthen and move eastwards across the Maritime Continent and into the western Pacific over the coming fortnight. If the MJO strengthens this would increase chances of above average rainfall across north-east Australia.

The Southern Annular Mode (SAM) has been positive for the past three weeks, and is forecast to remain at positive levels to the end of the year. A positive SAM during summer typically brings wetter weather to eastern parts of Australia, but drier than average conditions for western Tasmania.

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Climate change continues to influence Australian and global climate. Australia's climate has warmed by around 1.44 °C for the 1910–2019 period. Rainfall across northern Australia during its wet season (October–April) has increased since the late 1990s. In recent decades there has been a trend towards a greater proportion of rainfall from high intensity short duration rainfall events, especially across northern Australia.”

Reference: <http://www.bom.gov.au/climate/enso/>

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING
SECTION 5 – Notices of Motion
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Item: 243 **NM2 - Colo Bridge Replacement - (79351, 138885)**

Submitted by: Councillor Ross

NOTICE OF MOTION:

That a Council report be provided as a matter of priority to the incoming elected Council detailing the following:

- a) Total area within the scope of the project including both banks and adjoining road network.
- b) A bridge design of at least 1:10 flood operating capability.
- c) Proposed bridge or viaduct extension(s) to permit safe heavy vehicle access from either direction of Upper Colo Road.
- d) Removal of 2020 flooding flotsam from Southern bank riparian zone.
- e) Planned community recreational facilities on both sides of the stream, including public conveniences, refuse bins, and vehicle parking areas.
- f) Projected key dates through to project completion.
- g) Funding avenues.

NOTE BY MANAGEMENT

The replacement of the Upper Colo Bridge, was triggered by significant damage incurred during the March 2021 Flood. The matter of the bridge's replacement was reported to Council on 28 September 2021. Council resolved to replace the flood damaged timber bridge with a reinforced concrete bridge.

The report outlined details of the objectives and design features of the replacement bridge which included:

Project objectives for the replacement Bridge:

- Improve access, road safety, transport connections and the local environment
- Support suitable heavy vehicle movement to efficiently address safe good transport and road safety
- Provide for reliable journeys
- Provide longevity and resilience to the existing environment (flood and fire)
- Be cost effective in construction and future maintenance
- Provide the ability to be constructed in an appropriate timeframe.

Design features of the replacement Bridge:

- Maintain the existing waterway
- Retain the aesthetics of the Site by providing a structure with a high level of aesthetic quality,
- The number of spans takes into consideration optimum span lengths of the concrete beams at the same time minimising the depth of the beams to provide a favourable aesthetic outcome.
- The new bridge will consist of 5 spans compared to the existing 6 spans to minimise the environmental impact on the site if the existing timber piles cannot be fully extracted avoiding undue excavation of the River bed.

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- Non-structural elements such as timber kerbs are to be provided instead of the standard concrete kerbs.
- Minimisation of the depth of the superstructure elements.
- Sealing of both road approaches for a minimum 50metres.
- Incorporate lateral water loads and overtopping loads ensuring flood resilience.
- Optimise the deck/road level at the Bridge (which is at an approximate level of 5metres AHD) to provide improved flood resilience noting that deck level is to be raised by approximately 1metre (The 1:100 flood level is 20.3metres)
- Allow for the removal of the existing 15T Load Limit. Consideration can be given to restrict vehicles to meet the environmental constraints of the local, adjoining road capability.

There was overall support for the recommended approach from the community at the community meeting held on 1 September 2021. The community expressed a strong view in maintaining the aesthetics of the site and ensuring that the replacement bridge was built within the existing footprint with a marginal increase to the deck level of 1metre.

The community were willing to offset retaining the existing vista of the site in return for a bridge that would be subject to occasional inundation. The inundation at this site is generally short term and the positive environmental benefits far outweigh increased flood immunity.

Access from Upper Colo Road and Colo Heights Road to the Bridge site will remain as per the current road alignment and operating conditions. The existing terrain and available road reserve create some restrictions for larger vehicles turning left turn from Upper Colo Road into Colo Heights Road. Taking into account the low number of vehicles undertaking this manoeuvre and the low level of traffic at this site, the manoeuvre is considered to be manageable.

During the construction of the replacement bridge, debris along both sides of the existing bridge will be cleared.

In relation to flood levels at the bridge site, the existing bridge is at a level of 5m Australian Height Datum (AHD). The flood levels at the site are as follows.

- The 1:5 Flood Level = 13.5m
- The 1:20 Flood Level = 16.8m
- The 1:100 Flood Level = 20.3m

To build the replacement bridge at the 1:100 flood level will result in the new bridge being approximately 15 metres higher than the current bridge allowing for another 1 to 2 metres to the river bed level. The Bridge length would be in the order 160 metres compared to the 60 metre replacement bridge. Acquisition of land would be required to realign the road reserve to accommodate the bridge at this level. It should be pointed out that Upper Colo Road in this vicinity is at a level of 16metres, that is to say, that the road itself becomes inundated during a 1:20 or higher flood event.

Project delivery stages of the replacement Bridge include:

- Design (completed)
- REF and Heritage Assessment (nearing completion). There are no major constraints that will preclude the works being undertaken
- Engagement of a suitable project management consultant (proposal being sought from Public Works Advisory)

Projected Timeline for the delivery of the Bridge:

- Tendering to be undertaken during December 2021/January 2022
- Contract Award in February 2022

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- Project Delivery anticipated to take approximately six to nine months after the awarding of the Contract. Noting that this time lines takes into account weather conditions that may restrict construction activity.

In relation to funding this project, an application has been made by Council under the Natural Disaster Funding arrangements to fully fund the replacement bridge and associated works. It is anticipated that the capital costs will be approved. It is important to note that the arrangements for funding the replacement of such assets are on the condition that they are replaced like for like with respect to function and serviceability. Thus, any change to function, or serviceability – for example increasing the degree of flood proofing – would result in these costs having to be met by Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Confidential Reports

Meeting Date: 23 November 2021

CONFIDENTIAL REPORTS

Item: 244 GM - Nominations for 2022 Australia Day Awards - (79351)

Directorate: General Manager

REASON FOR CONFIDENTIALITY

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).

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

ORDINARY MEETING

Confidential Reports

Meeting Date: 23 November 2021

Item: 245 **CP - Appointments to Hawkesbury Local Planning Panel - (95498)**

Previous Item: 089, Ordinary (11 May 2021)
 056, Ordinary (30 March 2021)

Directorate: City Planning

REASON FOR CONFIDENTIALITY

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).

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

ORDINARY MEETING

Confidential Reports

Meeting Date: 23 November 2021

Item: 246 **CP - Legal Advice - Development Application No. DA0508/18 - Extractive Industries - 374, 395 and 415 Freemans Reach Road, Freemans Reach - (95498)**

Directorate: City Planning

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)(g) of the Act as it relates to legal advice concerning the means to lodge an appeal against the approval of the subject Development Application and the information is regarded as advice concerning litigation, or 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.

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



Ordinary meeting

End of Business Paper

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.