

Hawkesbury City Council

ordinary meeting business paper

date of meeting: 12 April 2016

location: council chambers

time: 6:30 p.m.



mission statement

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

How Council Operates

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

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

Ordinary Meetings of Council are generally held on the second Tuesday of each month (except January), and the last Tuesday of each month (except December), meeting dates are listed on Council's website. The meetings start at 6:30pm and are scheduled to conclude by 11pm. These meetings are open to the public.

When an Extraordinary Meeting of Council is held, it will usually also be held on a Tuesday and start at 6:30pm. These meetings are also open to the public.

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

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

Public Participation

Members of the public can register to speak on any items in the business paper other than the Confirmation of Minutes; Mayoral Minutes; Responses to Questions from Previous Meeting; Notices of Motion (including Rescission Motions); Mayoral Elections; Deputy Mayoral Elections; Committee Elections and Annual Committee Reports. To register, you must lodge an application form with Council prior to 3pm on the day of the meeting. The application form is available on Council's website, from the Customer Service Unit or by contacting the Manager - Corporate Services and Governance on (02) 4560 4444 or by email at council@hawkesbury.nsw.gov.au.

The Mayor will invite registered persons to address the Council when the relevant item is being considered. Speakers have a maximum of three minutes to present their views. The Code of Meeting Practice allows for three speakers 'For' a recommendation (i.e. in support), and three speakers 'Against' a recommendation (i.e. in opposition).

Speakers representing an organisation or group must provide written consent from the identified organisation or group (to speak on its behalf) when registering to speak, specifically by way of letter to the General Manager within the registration timeframe.

All speakers must state their name, organisation if applicable (after producing written authorisation from that organisation) and their interest in the matter before speaking.

Voting

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

Planning Decision

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

Business Papers

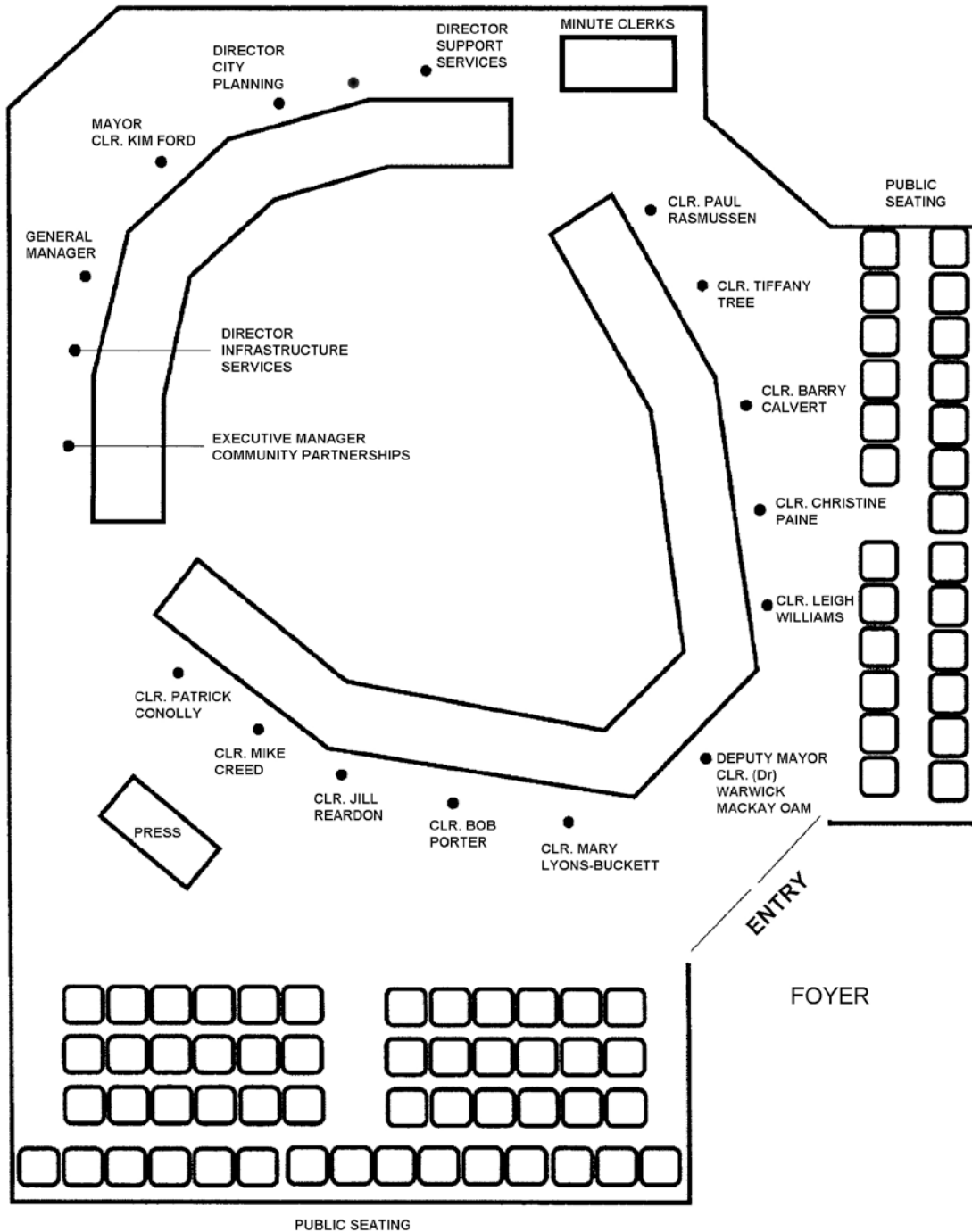
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>.

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

Further Information

A guide to Council Meetings is available on the Council's website. If you require further information about meetings of Council, please contact the Manager, Corporate Services and Governance on, telephone (02) 4560 4444.

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 56 **CP - DA0284/15 - 421 Tennyson Road, Tennyson - Lot 21 DP 867467 - Construction and alterations to a shed, alterations to the car park and the operation of a poultry processing facility and hatchery - (95498, 132573)**

Development Information

File Number: DA0284/15
Property Address: 421 Tennyson Road, Tennyson
Applicant: Mr GL Jones
Owner: GJ Investments (NSW) Pty Ltd
Proposal Details: Livestock Processing Industry and Intensive Livestock Agriculture – Construction of a shed, alterations and additions to a shed, alterations to the car park and the operation of a poultry processing facility and hatchery
Estimated Cost: \$400,000
Zone: RU1 Primary Production
Date Received: 15 May 2015
Advertising: 3 June 2015 to 19 June 2015

Key Issues:

- ◆ Permissibility
- ◆ Designated Development
- ◆ Amenity Impacts

Recommendation: Approval

REPORT:

Executive Summary

This application seeks Council approval for the construction of a shed, alterations and additions to a shed, alterations to the car park and the operation of a poultry processing facility and hatchery at 421 Tennyson Road, Tennyson.

The proposal involves the construction and operation of new facilities for 'Tinder Creek Ducks'. This business provides duck meat for human consumption and currently operates a poultry processing facility at 14 Hillview Road, Kellyville, and a poultry farm at 6053 Putty Road, Mellong.

The existing facility at Kellyville is located within the North West Growth Centre and has been re-zoned for residential development. The subject application seeks the relocation of this poultry processing facility to a rural area.

A number of submissions raising concerns with respect amenity impacts and animal welfare have been received in response to the notification of this application.

The documentation supplied in support of the application, including acoustic and odour assessment reports, demonstrate that the operation of the development is unlikely to result in unacceptable amenity impacts for neighbours. Furthermore the proposed operating capacities of the poultry processing facility and hatchery do not trigger the 'designated development' provisions of the Environmental Planning and Assessment (EP&A) Regulation 2000. For these reasons the proposal is seen to be acceptable and is recommended for conditional approval.

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This application is being reported to Council for determination at the request of Councillor Williams.

Development Description

Pursuant to Section 78A(1) of the EP&A Act 1979 (as amended) this application seeks Council's approval for the construction and operation of a poultry processing facility and hatchery.

The proposal specifically involves:

- landfilling works to accommodate the extension of the front shed
- the construction of a Colorbond shed with a gross floor area of 345m² (dimensions of 23m by 15m) and a maximum height of 5.62m. This building is to operate as a hatchery
- alterations and additions to an existing front Colorbond shed resulting in a GFA of 1,385m² (dimensions of 49.5m by 28m) and a maximum height of 6.895m. This building is to be used as a poultry processing facility
- linemarking of the existing gravel car park to create 23 staff and visitor parking spaces;
- the construction of waste water treatment plant (anaerobic, maturation and holding ponds) and irrigation system
- the operation of a duck processing facility and hatchery.

The proposed poultry processing facility and hatchery is to operate in conjunction with the existing poultry farm at 6053 Putty Road, Mellong. In this regard, ducks that are raised offsite at 6053 Putty Road, Mellong will be transported to the subject property for slaughter and processing.

The documentation supplied in support of the application indicates that the poultry processing facility may slaughter and process approximately 6,000 ducks on average per week, which translates to an average live weight of 15,000kg per week. The Applicant has advised that the processing capacity of the poultry processing facility will be limited to no more than 3,000kg of live weight per day.

The slaughter and processing of the ducks is to be undertaken wholly within the confines of the poultry processing facility building. The ducks are unloaded within the loading dock/holding area, stunned and cut for bleeding. The carcasses then proceed through a scalding, plucker and waxing machine to remove feathers. Once devoid of feathers, the ducks go through evisceration, lung removal, foot removal and are then prepared for packaging as whole birds or portions. The finished product is then placed in a freezer or coolroom awaiting dispatch.

The application indicates that any waste material, such as offal and feathers, will be disposed of offsite on the day of processing.

The proposed hatchery is to be used to accommodate and incubate duck eggs. The documentation indicates that the hatchery will incubate up to 28,000 eggs at any one time. With the staggering of the egg hatching, approximately 5,700 day-old newborn ducks will generally be transported to the farm at 6053 Putty Road per week. The Applicant advises that the ducks take approximately five to six weeks to achieve 'table weight' and be fit for slaughter.

Hours of operation of 7:00am to 5:00pm are nominated for the business, although the processing of the ducks within the poultry processing facility is to occur after 9:00am. It should also be noted that a caretaker will supervise incubation within the hatchery and the equipment servicing the buildings will operate 24 hours a day.

Summary Recommendation

The proposal is permissible within the RU1 Primary Production zone and the proposed capacities do not trigger the relevant designated development provisions. The application has been reviewed by Council's Environmental Health staff and with the imposition of conditions the proposal is seen to represent a satisfactory form of development within the rural context of the locality.

The development is acceptable and is recommended for conditional approval.

Site and Locality Description

The subject property is located on the northern side of Tennyson Road and has an area of approximately 12.47ha. The site is legally known as Lot 21 in DP 867467 and contains a dwelling house, front shed and rear dam.

The property is currently used for rural residential purposes and the operation of a truck depot. It does not appear that an approval has been issued for the existing truck depot.

Surrounding development generally consists of rural residential and agricultural land. The immediate neighbours at 393, 394 and 438 Tennyson Road are used for rural residential purposes and contain dwelling houses and ancillary structures.

The property adjoins Howes Creek to the rear.

Policies, Procedures and Codes to which the matter relates

- Hawkesbury Local Environmental Plan 2012 (HLEP 2012)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Industry (SEPP No. 33)
- State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP No. 44)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water Catchment SEPP)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)

Section 79C Matters for Consideration

The modified proposal has been considered against the heads of consideration listed under Section 79C of the EP&A Act.

i. Environmental Planning Instruments:

Hawkesbury Local Environmental Plan 2012

The subject property is zoned RU1 Primary Production under the provisions of HLEP 2012.

The HLEP 2012's Dictionary provides the following definitions relevant to this proposal:

"livestock processing industry" means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.

Note. Livestock processing industries are a type of rural industry

intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,
- (d) poultry farms,

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but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

Note. Intensive livestock agriculture are a type of agriculture."

The proposed poultry processing facility involves the slaughter and processing of ducks for consumption and therefore satisfies the above definition of a 'livestock processing industry'. The proposed hatchery involves the incubation of eggs and the raising of ducks for commercial purposes and may be defined as 'intensive livestock agriculture'.

Both livestock processing industries and intensive livestock agriculture are permissible within the RU1 Primary Production zone. The Applicant has suggested that the hatchery is ancillary to the primary livestock processing industry (poultry processing facility) use however as both uses are permissible within the zone this view is of little relevance to the assessment of the application.

The proposed development satisfies the objectives of the RU1 Primary Production zone in that the uses are permissible and involve the agricultural use of the land. The property is located within a Sydney Water supply area and accordingly adequate services are available to support the development.

Acoustic, odour and waste water disposal reports have been prepared in support of the application and these reports demonstrate that the operation of the development is unlikely to result in unacceptable amenity impacts, environmental impacts or landuse conflict. The land affected by the development is identified as Class 5 Acid Sulphate Soil and the proposed works are unlikely to lower the water table.

The proposed development has been assessed against the provisions of the HLEP 2012 and has been found to be generally consistent with applicable provisions relating to permissibility, zone objectives and environmental impacts.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Industry

SEPP No. 33 defines potentially hazardous and offensive industries as follows:

*"**potentially hazardous industry** means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:*

- (a) to human health, life or property, or*
- (b) to the biophysical environment,*

and includes a hazardous industry and a hazardous storage establishment.

***potentially offensive industry** means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment."*

The supplied documentation does not indicate that the development involves the storage and/or use of dangerous goods and accordingly the proposal is not defined as a potentially hazardous industry.

By virtue of the nature of the use, the proposed development has the potential to generate noise and odour impacts. However, Council's Environmental Health Officer has reviewed the submitted acoustic and odour assessment reports and with the imposition of conditions the development is not expected to produce significant impacts for the locality.

The proposal therefore satisfies the provisions of SEPP No. 33.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The site exceeds 1ha in area and therefore triggers the requirements of SEPP No. 44. However, the proposed building works and waste water treatment plant will not necessitate the removal of native vegetation that may be categorised as potential or core Koala habitat. The proposal is therefore considered satisfactory having regard to the provisions of this Policy.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7(1) of SEPP No. 55 outlines a consent authority:

"must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose".*

An inspection of the property indicated that the property has a long history of use for rural residential purposes. The inspection further revealed that the front shed is currently being used as a truck depot, which does not appear to be authorised by Council.

Whilst the previous and existing uses are unlikely to have resulted in the contamination of the land the truck depot operations are unknown due to the fact that there is no approval in place. In this regard, a preliminary assessment of the area of operations should be required as a development consent condition in order to ensure that any fuel or oil storage/spillage areas are not contaminated or require remediation. A consent condition requiring this investigation prior to any commencement of work is recommended. Should that initial assessment be clear, the property would be considered suitable for the proposed commercial use having regard to the provisions of SEPP No. 55.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

Not applicable. The Sydney Drinking Water Catchment SEPP outlines that all livestock industries within the Sydney drinking water catchment are defined as designated development and require the concurrence of the Catchment Authority. However the provisions of this Policy do not apply as the subject property is not located within this catchment.

Sydney Regional Environmental Planning Policy No. 20 – Hawkesbury-Nepean River

The subject land falls within the boundary of SREP No. 20. This Policy aims *"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"*. SREP No. 20 requires Council to assess development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

The proposed hatchery would be defined as 'intensive animal industry' for the purposes of SREP No. 20. However the provisions of Clause 11(10) do not apply as the area that is to accommodate the hatchery is not categorised as a 'floodway'.

The proposed development is generally consistent with the aims, objectives and recommended strategies of SREP No. 20. The property is located within a rural area and with appropriate management the development will not negatively impact on environmentally sensitive areas, areas of cultural significance or the availability of rural land.

ii. Draft Environmental Planning Instruments

There are no draft environmental planning instruments that apply to the subject land.

iii. Development Control Plans

Hawkesbury Development Control Plan 2002

An assessment of the proposed against the relevant provisions of the HDCP 2002 follows:

Part A Chapter 3: Notification of Development Applications

The notification of the application was undertaken from 3 to 19 June 2015 in accordance with Part A Chapter 3 of the HDCP 2002. A total of 28 submissions were received in response to the notification of the application. Matters raised within submissions are discussed later in this report.

Part C Chapter 2: Car Parking and Access

Part C Chapter 2 of the HDCP 2002 does not outline specific parking controls for rural industries or farms. However, based on an industrial rate and a total GFA of 1,730m² the development would require a total of 20 spaces. On account of staff numbers, floor area, hours of operation and capacities the provision of 23 spaces is seen to be acceptable for a development of this nature.

The unloading and transportation of ducks for processing will be undertaken wholly within the loading dock of the poultry processing facility. Sufficient area within the vicinity of this building is provided to allow heavy vehicles to manoeuvre and enter and exit the site in a forward direction.

Part C Chapter 3: Signs

Not applicable. The installation of signage is not proposed with this application.

The potential installation of signage will be subject to the 'exempt development' requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or require the submission of a separate development application.

Part D Chapter 8: Farm Buildings and Outbuildings

Not applicable. The provisions of this Plan do not strictly apply to structures associated with a rural industry or intensive livestock industry.

The proposed poultry processing facility and hatchery buildings will satisfy the setback, height and material requirements for farm buildings. Furthermore the hatchery building satisfies the area requirements of Table 1 of Part D Chapter 8 of the HDCP 2002.

The poultry processing facility building will exceed the maximum area allowed for farm buildings however this potential non-compliance is seen to be acceptable based on its use and the generous setbacks provided.

(a)(iv) Regulations

These matters have been considered in the assessment of this application.

Part 1 Clauses 21 and 22 of Schedule 3 of the EP&A Regulation outline the circumstances where 'livestock intensive industries' and 'livestock processing industries' may be classified as designated development:

"Livestock intensive industries

- (4) *Poultry farms for the commercial production of birds (such as domestic fowls, turkeys, ducks, geese, game birds and emus), whether as meat birds, layers or breeders and whether as free range or shedded birds:*
- (a) *that accommodate more than 250,000 birds, or*
 - (b) *that are located:*
 - (i) *within 100 metres of a natural waterbody or wetland, or*
 - (ii) *within a drinking water catchment, or*
 - (iii) *within 500 metres of another poultry farm, or*
 - (iv) *within 500 metres of a residential zone or 150 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste.*

Livestock processing industries

Livestock processing industries (being industries for the commercial production of products derived from the slaughter of animals or the processing of skins or wool of animals):

- (a) *that slaughter animals (including poultry) with an intended processing capacity of more than 3,000 kilograms live weight per day, or*
- (b) *..., or*
- (c) *..., or*
- (d) *that are located:*
 - (i) *within 100 metres of a natural waterbody or wetland, or*
 - (ii) *in an area of high watertable or highly permeable soils or acid sulphate, sodic or saline soils, or*
 - (iii) *on land that slopes at more than 6 degrees to the horizontal, or*
 - (iv) *within a drinking water catchment, or*
 - (v) *on a floodplain, or*
 - (vi) *within 5 kilometres of a residential zone and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste."*

The proposed poultry processing facility may process up to 6,000 ducks per week, which translates to live weight of 15,000kg per week. The Applicant has advised however that the processing capacity of the poultry processing facility will be limited to no more than 3,000kg of live weight per day and that processing will generally be limited to two or three days a week.

On this basis the proposal does not exceed the relevant processing capacity of 3,000kg of live weight per day.

The other designated development considerations under the EP&A Regulation relate to location and amenity considerations. In particular with respect to Part 1 Clause 22(d)(iv), it is noted that the property is located approximately 550m from a residential zone and 1,400m from more traditional small lot residential properties within Golden Valley Drive. However, the proposal's location within 5km of a residential zone does not automatically categorise the application as designated development; instead Council must consider the likely amenity impacts generated by the proposal.

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With respect to this consideration, suitable documentation in the form of acoustic, odour and waste water reports have been provided to demonstrate that the operation of the development is unlikely to result in unacceptable amenity impacts for the neighbourhood, environmental impacts or landuse conflict.

A survey plan has also been prepared to demonstrate that the waste water treatment plant and irrigation areas will be located more than 100m from Howes Creek. Furthermore, the property is not located within a drinking water catchment, is not flood affected, does not have an excessive slope and does not have a high water table.

Therefore, based on the intended processing capacity and the documentation supplied, the poultry processing facility is not considered to represent designated development.

The proposed hatchery is to be used to incubate duck eggs and raise newborn ducks. The documentation indicates that the hatchery will incubate up to 28,000 eggs at any one time, however this is to be staggered so that approximately 5,700 day-old newborn ducks are transported per week away from the subject site to the farm at 6053 Putty Road. Based on these numbers, as well as the associated location and amenity considerations, the hatchery is not classified as designated development.

(b) Likely Impacts of the Development (Environmental Impacts on both the Natural and Built Environments, and Social and Economic Impacts in the Locality)

These matters have been considered in the assessment of this application.

Hours of operation of 7am to 5pm are nominated for the business, with the processing of the ducks within the poultry processing facility nominated to occur after 9am. The supervision of the hatchery is to be undertaken by the caretaker 24 hours a day and the equipment servicing the buildings will operate continuously.

Acoustic and odour assessment reports have been submitted in support of the application that demonstrates that the operation of the development is unlikely to result in unacceptable amenity impacts for neighbours. These reports indicate that the development can operate in compliance with the relevant noise and odour criteria provided a number of construction and operational measures are employed. Nominated measures to reduce amenity impacts include:

- the poultry processing facility is to incorporate acoustic wall treatment within the structure
- the unloading, handling and processing of live ducks for slaughter must be undertaken wholly within the poultry processing facility building
- the holding area/loading dock and any other areas used in the handling and slaughter of ducks must be cleaned immediately after processing
- any waste generated, such as feathers and offal, must be collected and disposed off-site after the processing of poultry. No waste is to be stored at the site overnight
- waste gut material is to be stored on ice prior to collection.

To assist in the assessment of this application an inspection of the existing poultry processing facility at Kellyville was also undertaken. This inspection indicated that although the existing facility has reduced setbacks to neighbouring properties and that the delivery and slaughter of ducks was undertaken externally, the facility generally operated without significant noise and odour impacts.

Council's Environmental Health Coordinator has reviewed the supplied acoustic and odour assessment reports and generally supports their conclusions and recommendations. Compliance with the recommendations of these reports may be conditioned should the application be approved.

The subject buildings are significantly setback from neighbouring dwellings and the proposed operating hours are seen to be acceptable within the context of the locality. With the imposition of conditions restricting processing capacity, and requiring compliance with the recommendations of the prepared consultancy reports, it is considered unlikely that the development will result in adverse environmental, social or economic impacts for the locality.

(c) Suitability of the Site for Development

These matters have been considered as part of the assessment of the application.

The proposal does not trigger the 'scheduled activity' provisions of Schedule 1 of the Protection of the Environment Operations Act 1997 as the development will not accommodate more than 250,000 birds at any one time or process more than 750 tonnes of live weight per year (the poultry processing facility is to close for two weeks a year). As a result a licence from the Environmental Protection Authority is not required.

The land is not defined as flood liable land and is generally free of environmental constraint. The land is considered suitable for the proposed development.

(d) Any Submissions

As detailed previously in this report a total of 28 submissions were received in response to the notification of the application. The matters raised in these submissions are detailed below in italics, followed by a response by the assessing officer.

Comment: *The proposed poultry processing facility and hatchery is inconsistent with the rural character of the area.*

Officer's Response: The proposal is permissible within the RU1 Primary Production zone. As discussed previously in this report the application is supported by documentation indicating that development will be able to function without producing significant amenity and environmental impacts.

Comment: *The development will produce adverse noise and odour impacts for the locality.*

Officer's Response: These matters have been discussed previously in this report with the conclusion indicating that the impacts are not likely to be adverse to the surrounding locality.

Comment: *It is likely that the development will pollute Howes Creek.*

Officer's Response: The poultry processing facility is to be bunded to collect waste water used in the cleaning of the building. This waste water will then be transferred to a series of anaerobic, maturation and holding ponds before dispersal via an irrigation system.

A waste water treatment report has been submitted for the proposal indicating capacity and design requirements for the waste water treatment plant to minimise environmental impacts.

Comment: *Tinder Creek Ducks have previously been exposed for animal cruelty and poor conditions.*

Officer's Response: It is understood that Animal Liberation obtained footage relating to keeping and treatment of ducks within the existing farm at 6053 Putty Road, Mellong. As a consequence this facility was inspected by the Department of Primary Industries, the Food Authority and the RSPCA.

Discussions held with the Department of Primary Industries indicate that no action was taken with respect to the treatment and condition of the animals at this associated facility.

It should also be noted that those complaints were at another, albeit linked, facility. In this regard the operations at another facility cannot be used as a reason for the refusal of a new operation.

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Comment: *The poultry processing facility exceeds the maximum allowable size for farm buildings.*

Officer's Response: The provisions of Part D Chapter 8 of the HDCP 2002 do not apply to structures of this nature.

Comment: *The local road network will be unable to handle the traffic generated by the development.*

Officer's Response: Council's Development Engineer has not raised an objection to the proposal on traffic or parking grounds. Staff and heavy vehicle movements, whilst increasing the traffic movements, are unlikely to significantly impact on the operating efficiency of the local road network.

(e) Public Interest

The proposed development is not expected to adversely impact upon the amenity of the locality or the, surrounding environment. The proposal is permissible and its approval is seen to be in the public interest.

Financial Implications

Council's Section 94A Development Contributions Plan requires the payment of a contribution of \$4,000 based on the supplied estimated value-of-works.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 79C(1) having been taken into consideration. The development is permissible within the zone and the proposed capacities do not trigger the relevant designated development or scheduled activity provisions.

With the imposition of conditions the development is seen to be acceptable and is recommended for conditional approval.

Planning Decision

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

RECOMMENDATION:

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. DA0284/15 for the construction of a shed, alterations and additions to a shed, alterations to the car park and the operation of a poultry processing facility and hatchery at Lot 21 DP 867467, known as 421 Tennyson Road, Tennyson, subject to the following conditions:

ORDINARY MEETING**Meeting Date:** 12 April 2016**General Conditions**

1. The development shall take place generally in accordance with the following stamped approved plans and documentation:

Document Number	Prepared By	Dated
Drawing No. 45214 Sheet 1	RE and PA Collis Design	16 December 2014
Drawing No. 45214 Sheet 2	RE and PA Collis Design	16 December 2014
Drawing No. 45214 Sheet 3	RE and PA Collis Design	16 December 2014
Drawing No. 45214 Sheet 4	RE and PA Collis Design	16 December 2014
Drawing No. 45214 Sheet 5	RE and PA Collis Design	16 December 2014
Noise Impact Assessment Report (Reference No. 13858R2 Rev '1')	Rodney Stevens Acoustics	15 October 2015
Odour Assessment (Reference No. 5644/S24176/16)	Stephenson Environmental Management Australia	10 March 2016
Proposed Onsite Wastewater Treatment and Irrigation Management Plan (Reference No. 2580)	Aquadynamic Consultancy Services	31 March 2015

... except as modified by the conditions of this consent.

2. The processing capacity of the poultry processing facility shall be limited to no more than 3,000kg of live weight per day, 15,000kg of live weight per calendar week and 750 tonnes of live weight per calendar year.
3. No excavation, site works or building works shall be commenced prior to the issue of a Construction Certificate.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
6. The development shall have regard to the Disability (Access to Premises – Buildings) Standards 2010.
7. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
8. This development falls within the Sewerage Scheme controlled by Hawkesbury City Council. Therefore Hawkesbury City Council is the approving authority for all sewer works.

Prior to Issue of Design Compliance Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Design Compliance Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Design Compliance Certificate. The Design Compliance Certificate shall be obtained for the earthworks and the waste water treatment plant.

9. The applicant shall pay a Design Compliance Certificate Fee in accordance with Council's adopted fees and charges when submitting Civil Engineering Plans for approval.

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10. A contamination report shall be prepared to demonstrate that the land is suitable for the proposed livestock processing industry and intensive livestock agriculture uses. This report must be prepared by a suitably qualified person and be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.
11. All earthworks on the site must comply with the following:
 - a) topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping
 - b) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of the filling works
 - c) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stone flagging or terracing shall be constructed
 - d) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 95% when tested in accordance with Australian Standard AS1289 'Methods of testing soils for engineering purposes' unless otherwise specified
 - e) filling shall comprise only uncontaminated Virgin Excavated Natural Material (VENM). Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.

Details satisfying the above requirements are to be submitted to the Principal Certifying Authority prior to the issue of the Design Compliance Certificate.

12. Any retaining walls having a height exceeding 600mm are required to be designed by a practicing structural engineer. The design must be submitted to the Principal Certifying Authority prior to issue of the Design Compliance Certificate.
13. The onsite waste water treatment plant shall be designed and constructed in accordance with the Proposed Onsite Wastewater Treatment and Irrigation Management Plan (Reference No. 2580) prepared by Aquadynamic Consultancy Services and dated 31 March 2015.

The waste water treatment plant and irrigation areas shall not be located within 100m of Howes Creek.

Details are to be provided in the plans and specifications for the Design Compliance Certificate.

14. Prior to the issue of the Design Compliance Certificate, the applicant must submit and obtain approval from the Certifying Authority for an Erosion and Sediment Control Plan (ESCP). The ESCP must be designed in accordance with Landcom's publication 'Managing Urban Stormwater – Soils and Construction (2004)' and show the location of site boundaries, adjoining roads, approximate grades, vegetation, site access, impervious areas, existing and proposed site drainage.

Prior to Issue of Construction Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any building works.

15. Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2015 (as amended from time to time), a contribution of \$4,000 shall be paid to Hawkesbury City Council. This contribution is based on the supplied value-of-works of \$400,000.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2015 (as amended from time to time).

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

16. The payment of a long service levy is required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 in respect to this building work. Proof that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Corporation offices or at most Councils.
17. Hawkesbury City Council is the sewer authority for this development. As this development involves works in connection to an onsite septic system, a payment of the prescribed inspection fee for both internal and external sewer drainage work is required to be made prior to the issue of a Construction Certificate.
18. A Sewer Management Facility System application shall be submitted to Hawkesbury City Council. Evidence of the approval of the application must be submitted to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate.
19. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to the release of the Construction Certificate.
20. The development shall be constructed in accordance with the recommendations of the Noise Impact Assessment Report (Reference No. 13858R2 Rev '1') prepared by Rodney Stevens Acoustics and dated 15 October 2015, including:
 - the wall construction in the freezer, refrigeration plant and cool room areas must consist of:
 - 'Colorbond' steel outer layer on steel frame with glasswool infill with a density of no less than 12kg/m²
 - 13mm fibre cement sheeting as internal lining
 - no less than 75mm thick Metecno coolroom panels (or equivalent)
 - walls are to be acoustically treated and constructed in accordance with Appendix D of the Noise Impact Assessment Report
 - noise sources which are continuous (always on) shall be placed away from external doorways (which could allow sound to escape).

Details are to be provided in the plans and specifications for the Construction Certificate.

21. The poultry processing facility shall be designed and constructed in accordance with the Proposed Onsite Wastewater Treatment and Irrigation Management Plan (Reference No. 2580) prepared by Aquadynamic Consultancy Services and dated 31 March 2015.

The poultry processing facility shall be bundled in accordance with the recommendations of the Onsite Wastewater Treatment and Irrigation Management Plan.

Details are to be provided in the plans and specifications for the Construction Certificate.

22. A detailed Plan of Management shall be prepared for the poultry processing facility and hatchery and provided to Council for approval prior to the release of the Construction Certificate. This plan shall be prepared in accordance with the requirements of the Department of Primary Industries and best practice guidelines such as:
 - Department of Primary Industries' 'Best Practice Management for Meat Chicken Production in NSW (Manual 2 – Meat Chicken Growing Management)
 - Animal Health Australia's 'Farm Biosecurity Manual for the Duck Meat Industry';
 - CSIRO's 'Model Code of Practice for the Welfare of Animals (Domestic Poultry, 4th Edition)'

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- Rural Industries Research and Development Corporation's 'National Environmental Management System for the Meat Chicken Industry (2003)'
- Department of Primary Industries' 'Odour Management Options for Meat Chicken Farms (2004)'.

The plan shall address, but not limited to, the following:

- poultry numbers and densities
- processing capacities
- the management of noise, odour and dust
- deliveries, collection and transportation
- shed and equipment maintenance
- animal welfare and treatment
- farm hygiene and biosecurity
- waste management
- pest management
- chemical management;
- environmental monitoring
- complaints handling.

The plan must specify that the processing capacity of the poultry processing facility shall be limited to no more than 3,000kg of live weight per day, 15,000kg of live weight per calendar week and 750 tonnes of live weight per calendar year.

Prior to the Commencement of Works

23. The applicant shall advise Council of the name, address and contact number of the principal certifier in accordance with Section 81A(2)(b) of the Environmental Planning and Assessment Act 1979.
24. At least two days prior to the commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
25. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
 - a) Unauthorised access to the site is prohibited.
 - b) The owner of the site.
 - c) The person/company carrying out the site works and telephone number (including 24 hour seven days' emergency numbers).
 - d) The name and contact number of the Principal Certifying Authority.

The sign is to be maintained for the duration of works.

26. Toilet facilities (to the satisfaction of Council) shall be provided for workers throughout the course of building operations. Such a facility shall be located wholly within the property boundary.
27. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction.
28. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

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29. All civil construction works required by this consent shall be undertaken in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier.

During Construction

30. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am and 6pm and on Saturdays between 8am and 4pm.
31. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
32. Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
33. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
34. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site
 - b) building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site
 - c) builders waste must not be burnt or buried on site
 - d) all waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
35. Filling shall comprise of only uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to the placing of any fill on site.
36. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
- a) all work shall be carried out in accordance with AS2601
 - b) adjoining owners are given 24 hours' notice, in writing, prior to commencing demolition
 - c) the site shall be secured at all times against the unauthorised entry of persons or vehicles
 - d) utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences
 - e) safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work
 - f) precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes
 - g) the structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work
 - h) demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings
 - i) removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia)
 - j) unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place
 - k) no material is to be burnt on site.

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37. The footings shall be pierced or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value.
38. The floor of the internal WC shall be graded and drained to an approved floor waste.
39. The facilities must be constructed to comply with Australian Standard AS 4465:2005 'Construction of Premises and Hygienic Production of Poultry Meat for Human Consumption.
40. Compliance Certificates (known as Part 4A Certificates) as are to be issued by the nominated Principal Certifying Authority for Critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000, as required by Section 109E(3)(d) of the Environmental Planning and Assessment Act 1979.
41. The car park shall be linemarked and signposted in accordance with AS2890.1 and AS2890.2. Disabled parking shall be provided in accordance with AS2890.6:2009.
42. Inspections and Compliance Certificates for sanitary drainage works can be conducted and issued by Hawkesbury City Council. Inspections must be conducted on the exposed pipes prior to covering.

In the case of internal and external drainage, the inspection must be conducted by Hawkesbury City Council's Building and Development Branch. Please phone (02) 4560-4565 to arrange inspections.

Prior to Issue of a Construction Compliance Certificate

43. The applicant shall pay a Construction Compliance Certificate fee in accordance with Council's adopted fees and charges when submitting Civil Engineering Plans for approval.
44. The earthworks and waste water treatment plant must be completed in accordance with the approved Design Compliance Certificate plans and to the satisfaction of the certifying authority.

Prior to Issue of the Occupation Certificate

45. A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the onsite sewerage management system, is required to be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate.
46. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
47. Written clearance from the relevant electricity supply authority shall be submitted to the Principal Certifying Authority.

Use of the Development

48. Operating hours for the poultry processing facility (livestock processing industry) and hatchery (intensive livestock industry) shall be limited to the following:

Monday to Saturday: 7am to 5pm
Sunday: Closed

The slaughter and processing of poultry shall be restricted to the hours of 9:00am to 5:00pm Monday to Saturday.

49. The processing capacity of the poultry processing facility shall be limited to no more than 3,000kg of live weight per day, 15,000kg of live weight per calendar week and 750 tonnes of live weight per calendar year.

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50. The operation of the poultry processing facility and hatchery shall be undertaken in accordance with the approved Plan of Management (as required by Condition 21 of this consent) and the requirements of the Department of Primary Industries.
51. The business must operate in accordance with the requirements of the Food Regulation 2004 under the NSW Food Act 2003 and be licensed with the NSW Food Authority.
52. The development shall operate in accordance with the recommendations of the Noise Impact Assessment Report (Reference No. 13858R2 Rev '1') prepared by Rodney Stevens Acoustics and dated 15 October 2015, including:
 - all external doors are to be fully closed during the evening and night time periods while mechanical plant and equipment are in operation
 - noise sources which are continuous (always on) shall be placed away from external doorways (which could allow sound to escape).
53. The development shall be conducted in such a manner that the LA(eq) noise levels, measured at any point in accordance with the NSW EPA's Industrial Noise Policy (2000), do not exceed 5 dB(A) (LAeq) above background noise levels at any property boundary in the day and evening (as defined by the NSW EPA Industrial Noise Policy).
54. The development shall be conducted so as to prevent the emission of offensive noise as defined by the Protection of the Environment Operations Act 1997 during the night time period ('night' defined by the NSW EPA Industrial Noise Policy).
55. Any activity carried out in accordance with this approval shall not give rise to offensive noise, air pollution (including odour) or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
56. The unloading, handling and processing of live ducks for slaughter shall be undertaken wholly within the poultry processing facility building. These operations shall not be undertaken externally of the building.
57. All deliveries, loading and unloading shall be undertaken within the approved operating hours.
58. All vehicles must be loaded and unloaded entirely within the property. Vehicles shall be driven in a forward direction at all times when entering and leaving the premises.
59. The poultry processing facility shall operate in accordance with the recommendations of the Odour Assessment (Reference No. 5644/S24176/16) prepared by Stephenson Environmental Management Australia and dated 10 March 2016 and the Proposed Onsite Wastewater Treatment and Irrigation Management Plan (Reference No. 2580) prepared by Aquadynamic Consultancy Services and dated 31 March 2015, including:
 - the holding area/loading dock and any other areas used in the handling of live ducks shall be cleaned of faeces and other waste immediately after the processing of each batch of ducks
 - waste material, such as blood, guts and feathers, is to be collected and disposed off-site immediately after the processing of poultry. No waste is to be stored overnight
 - waste gut material is to be stored on ice prior to collection to reduce odour emissions.
60. Odour mitigation measures are to be utilised to minimise the potential generation of odour from leaving the confines of the poultry processing facility and hatchery.
61. Dust mitigation measures are to be utilised to minimise the potential generation of dust, including the generation of feathers from leaving the confines of the poultry processing facility.

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62. Any dead animals shall be regularly removed from the facilities in accordance with Section 3.3 of the Department of Primary Industries 'Best Practice Management for Meat Chicken Production in NSW (Manual 2 – Meat Chicken Growing Management)' to prevent odour nuisance and the spread of disease.
63. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
64. In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activities where material harm to the environment is caused or threatened.
65. The storage and handling of liquids associated with the onsite activities is to be carried out in accordance with the requirements of:
 - NSW WorkCover
 - Office of Environment and Heritage's 'Storing and Handling of Liquids: Environmental Protection Participant's Manual (2007)'.
66. All chemicals, liquids, waste materials associated with the use of the site are to be stored within buildings, away from stormwater drains in appropriately covered and bunded areas.
67. An ongoing trapping and baiting regime for the control of rats and other pests is to be implemented and maintained.
68. Any lighting from the development is to be directed away from surrounding properties, at an angle of 45 degrees towards the ground and shielded if needed, to prevent any light spillage and nuisance onto adjoining properties.

The reasons for the imposition of these conditions are those matters specified under Section 79C(1) of the Environmental Planning and Assessment Act 1979 as are relevant to the subject development.

Advisory Notes

- *** This consent operates from the consent date shown on the top of this notice and will lapse unless the development is commenced within five years from the date endorsed on this consent.
- *** Private Accredited Certifiers do not have any authority to issue Engineering Approvals or carry out inspections for works on Public Roads under the Roads Act 1993.
- *** The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government [General] Regulation 2005).
- *** The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 and 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system. Please contact Council's Customer Service Staff to make an appointment so that Council officers may conduct your inspection.
- *** The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

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- *** Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- *** The applicant is advised to consult with the relevant:
 - a) Water supplier;
 - b) sewer provider;
 - c) electricity provider; and
 - d) telecommunications carrier

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

ATTACHMENTS:

AT - 1 Locality Map

AT - 2 – Plans of the Proposal

ORDINARY MEETING

Meeting Date: 12 April 2016

AT - 1 Locality Map

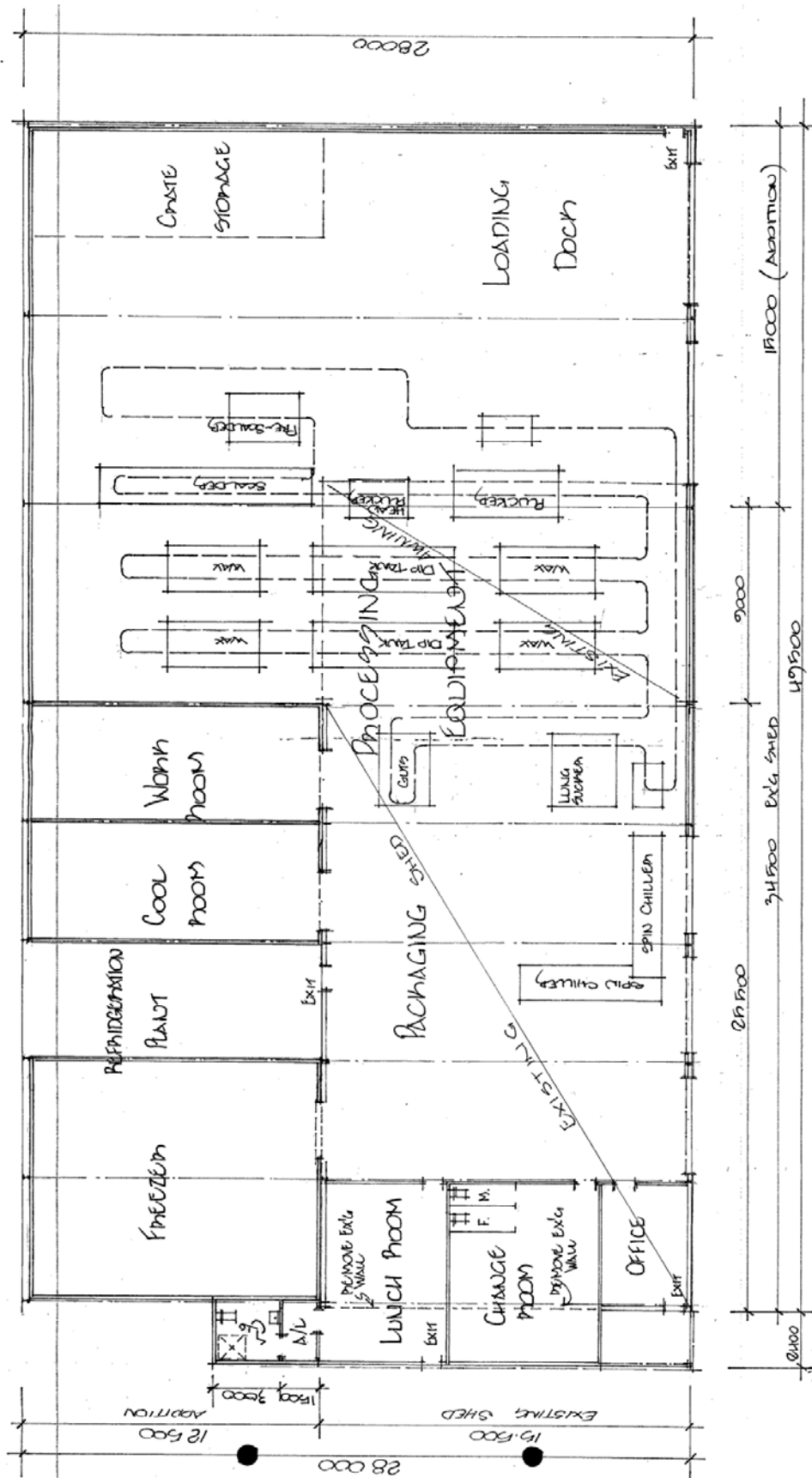


Meeting Date: 12 April 2016

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ORDINARY MEETING

Meeting Date: 12 April 2016



R.E. & P.A. COLLIS DESIGN P.O. BOX 62, WINDSOR, 2756				Ph: 02 45773588	
DRAWN		ISSUE		SCALE	
B.C.				1:150	
				DRAWING No	
				1452114	
		16-12-14		SHEET 1 OF 5	
PROPOSED DOCK PROCESSING SHED					
At: N°1421 TENNYSON ROAD, WINDSOR					
from: LINDEM GREEN DUCKS					

FLOOR PLAN 1:150

0000 END OF REPORT 0000

Item: 57 CP - Proposed Public Exhibition of Draft Voluntary Planning Agreement for Stormwater Contributions at Pitt Town - (95498, 124414)

REPORT:

Executive Summary

The purpose of this report is to advise Council of an offer from the landowner to enter into a Voluntary Planning Agreement (VPA) with Council. The VPA would cover the likely stormwater contributions in the Cleary precinct stormwater catchment in the Pitt Town Development Area.

The VPA is proposed as the Section 64 Contributions Plan for stormwater in that precinct has not yet been finalised and the landowner wishes to progress with their development.

It is recommended that the draft Voluntary Planning Agreement attached to this report be placed on public exhibition for the statutory period of 28 days prior to reporting back to Council for finalisation.

Consultation

The issues raised in this report do not trigger the public consultation provisions of Council's Engagement Policy. However, there is a statutory public exhibition period of 28 days for draft VPAs that must be undertaken. Following that exhibition period the matter would be reported back to Council to consider any public submissions prior to finalisation.

Background

The Pitt Town Development Area (PTDA) is made up of a number of different development precincts and stormwater catchments. All the precincts are covered by Council's Section 94 Contributions Plan (S94 Plan) that collects contributions for local infrastructure such as roads, parks, etc. The S94 Plan does not collect contributions for the stormwater infrastructure as this is normally provided by the development and/or via a Section 64 Contributions Plan (S64 Plan). To date some, but not all, stormwater catchments in the PTDA are covered by a S64 Plan. The other development areas not covered are due primarily to the fact that the development has been under taken by the Johnson Property Group (JPG) and they have constructed the required stormwater due to them being the only development that benefits from the facility.

Council would recall on 23 February 2016 the S64 Plan for the "Central" stormwater catchment was adopted. The S64 Plan requires a contribution of \$16.47 per square metre of development area for the land acquisition and construction of the Trunk Drainage lines and detention system for that catchment. The next stage of the development of that S64 Plan was to cover the Cleary and part of the Thornton Precincts.

The next stage of the S64 Plan is expected to be reported to Council in draft form for public exhibition in the near future. In the meantime, part of the Cleary precinct not under the control of the JPG is proposed to be developed. As an interim stage the owner has proposed to enter into a VPA with Council to make cash contributions in lieu of waiting for the finalisation of the S64 Plan for the catchment.

Following the receipt of the offer from the landowner to enter into a VPA, development approval has been issued to the landowner for the subdivision of the land into 10 residential allotments. That approval includes conditions that the VPA must be in place and the contributions paid prior to the release of any allotments.

The attached draft VPA, apart from including all the required standard clauses for such an agreement, proposes a simple cash payment to cover the likely contributions that will be levied after completion of the S64 Plan. In this case the square metre rate has been estimated (as the final amount is yet to be fixed) and an additional clause has been inserted to enable the amounts to be rectified (refund or additional payment) once the S64 Plan has been finalised. This equalisation would be undertaken prior to the release of the second, and final, stage of the development.

ORDINARY MEETING

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It is proposed to place the attached draft VPA on public exhibition for the statutory period of 28 days during which members of the public may make submissions. It is also proposed to obtain a legal review by both Council and the landowner of the draft agreement to refine the wording prior to reporting back to Council for finalisation of the matter. The intent of the agreement, to obtain a cash payment prior to release of allotments for a contribution to the land acquisition, trunk drainage and basin construction, will not change as part of that legal review.

Conformance to the Hawkesbury Community Strategic Plan

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

- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury
- Have development on both sides of the river supported by appropriate physical and community infrastructure

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

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

Financial Implications

The provision of Trunk Drainage and detention basin systems is required for any subdivision development. In this case the main system will provide for a number of properties that are in fragmented ownership and any one development is not of a sufficient scale to provide such facilities. In these cases Council needs to provide the concept, design and funding mechanism so that each of the properties that develop within the catchment makes a fair and equitable contribution to the common facilities.

The intent of the development of the S64 Contributions Plan and the draft VPA is to ensure that the costs of such facilities are shared across the development area and not by the general community that do not benefit directly from the facilities.

Should Council be required to bring the works forward to enable development, and then collect the appropriate contributions as development proceeds, the costs of borrowings have been included in the VPA and S64 Plan contributions.

Planning Decision

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

ORDINARY MEETING

Meeting Date: 12 April 2016

RECOMMENDATION:

That:

1. The draft Voluntary Planning Agreement attached as Attachment 1 to the report, be placed on public exhibition for a period of 28 days.
2. Following the exhibition period the matter be reported back to Council to consider any submissions, if received, and to finalise the Voluntary Planning Agreement.

ATTACHMENTS:

- AT - 1** Draft Voluntary Planning Agreement between Hawkesbury City Council and Mr Philip Thomas Cleary

ORDINARY MEETING

Meeting Date: 12 April 2016

AT - 1 Draft Voluntary Planning Agreement between Hawkesbury City Council and

Mr Philip Thomas Cleary

THIS PLANNING AGREEMENT is made on the day of 2016

BETWEEN:

Parties

HAWKESBURY CITY COUNCIL ("the Council")

AND:

MR PHILIP THOMAS CLEARY ("the Developer")

Introduction

- A. The Developer is the registered proprietor of the Development Land.
- B. The Developer has made a Development Application to Council for Development Approval to carry out the Proposed Development.
- C. The Developer has offered to provide the Developer's Contribution on the terms and conditions contained in this agreement if Development Approval is granted to the Proposed Development.

And it is agreed as follows

1 Definitions and Interpretation

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

- 1.1 "Act" means the *Environmental Planning and Assessment Act 1979* (NSW) (as amended from time to time).
- 1.2 "Approval" means any approvals consents, modifications, certificates (of all types) permits, endorsements, licenses, conditions or requirements (and any variation to them) which may be required by Law for the Proposed Development, the Roads Works or the Community Works.
- 1.3 "Authority" means a government, semi-government, local government, statutory, public, ministerial, civil, administrative, fiscal or judicial body, commission, department, agency, tribunal or other authority or body.
- 1.4 "Base CPI" means the CPI number for the quarter ending immediately before the commencement of this Agreement.
- 1.5 "Business Day" means a day that is not a Saturday, Sunday or any other day which is a public holiday or a bank holiday in the place where an act and thing is to be performed or a payment is to be made.
- 1.6 "Cash Contribution" means, subject to clause 3 and clause 6, \$13.57 per square metre within the Development Land.
- 1.7 "CPI" means the Consumer Price Index released by the Australian Bureau of Statistics for "Sydney - All Groups" or such other consumer price index that might replace it.

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- 1.8 "CPI Review Date" means each quarterly anniversary of the date of this agreement.
- 1.9 "Costs" include costs, charges, fees, disbursements and expenses, including those incurred in connection with advisers.
- 1.10 "Current CPI" means the CPI number for the quarter ending immediately before the relevant CPI Review Date.
- 1.11 "Developer's Contribution" has the meaning given in clause 6.
- 1.12 "Development Application" means an application under Part 4 of the Act for Development Approval.
- 1.13 "Development Approval" means a development consent issued under the Act with respect to all or part of the Proposed Development.
- 1.14 "Development Land" means the land comprising Lot 12 DP 1021340, Hall Street, Pitt Town.
- 1.15 "Dispute" in connection with this agreement means an argument, a controversy, a difference, a dispute including of opinion or interpretation.
- 1.16 "Event of Insolvency" means anyone or more of the following occurrences:
- (i) the Developer becomes bankrupt, is served with a bankruptcy notice or a bankruptcy petition, has committed an act of bankruptcy or has entered into an arrangement within and under the meaning of the *Bankruptcy Act 1976* (Cth); or
 - (ii) the Developer becomes subject to any order or declaration under the *Mental Health Act 2007* (NSW) or is otherwise incapable of managing his or her own affairs.
 - (iii) if the Developer is a company, if:
 - (a) a resolution is passed for the winding up or liquidation of that company;
 - (b) a liquidator, provisional liquidator, receiver, receiver manager, controller, controlling manager, administrator, voluntary administrator or official manager is appointed to the Developer or a resolution is passed for the purposes of placing that party in the control of an external administrator;
 - (c) it suspends payment of its debts or is unable to pay its debts including of money payable under this agreement or is deemed insolvent;
 - (d) it fails to or is taken as having failed to comply with a statutory demand under the *Corporations Act 2001* (Cth);
 - (e) if anything analogous or having substantially similar effect to any of the events specified above happens under the law of any applicable jurisdiction with respect to the Developer.

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- 1.17 "GST" has the same meaning as the GST Act and other words or expressions used in the GST Act which have a particular defined meaning (including any applicable legislative determinations and Australian Taxation Office public rulings) have the same meaning.
- 1.18 "GST Act" means *A New Tax System (Goods and Services Tax) Act 1999* (Cth) (as amended from time to time).
- 1.19 "Land" means Lot 12 DP 1021340, Hall Street, Pitt Town.
- 1.20 "Law" means:
- (i) the common law and principles of equity;
 - (ii) the requirements of legislation, regulations and by-laws; and
 - (iii) a binding order made by an Authority.
- 1.21 "LPI" means Land and Property Information.
- 1.22 "Mortgage" means a mortgage charge, lien pledge, title retention, deposit arrangement, caveat or equitable interest.
- 1.23 "Party" means a party to this agreement, including their successors and assigns.
- 1.24 "Proposed Development" means the subdivision of the Development Land into 11 residential allotments and one open space allotment.
- 1.25 "Residential Allotment" means a lot comprising part of the Development Land to be created as part of the Proposed Development that is intended to be used for the purposes of a single dwelling house without being further sub-divided.
- 1.26 "Subdivision Certificate" means a certificate issued under section 109C(d) of the Act with respect to the Proposed Development.
- 1.27 "Transfer" means to settle, assign, transfer, convey, alienate, otherwise dispose of or part with possession of.

2 Interpretation:

In this agreement unless the contrary intention appears:

- 2.1 One gender includes the opposite gender.
- 2.2 The singular includes the plural and the plural includes the singular.
- 2.3 A party includes that party's executors, administrators, successors, permitted assigns, permitted legal representatives and substitutes.
- 2.4 Dollars or \$ means Australia dollars and all money payable under this agreement is payable in that currency.
- 2.5 "Including" and similar expressions are not words of limitation.
- 2.6 Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.

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- 2.7 Headings, any table of contents or index are for convenience only and do not affect interpretation of this agreement.
- 2.8 An explanatory note which relates to this agreement does not affect the interpretation of this agreement.
- 2.9 A provision of this agreement must not be construed to the disadvantage of a party merely because that party was responsible wholly or partly for the preparation of this agreement or the inclusion of a term or condition in this agreement.
- 2.10 If an act and thing must be done on a specific day which is not a business day, it must be done instead on the next business day.
- 2.11 A person means and includes a person, a body corporate, Authority, firm, body of persons, association, trust, joint venture or other legal commercial entity or undertaking recognized by law whether or not incorporated.

3 Planning Agreement

- 3.1 This agreement
 - 3.1.1 applies to the Development Land;
 - 3.1.2 is a planning agreement within the meaning set out in section 93F of the Act;
 - 3.1.3 is to be registered on the title of the Development Land under section 93H of the Act;
 - 3.1.4 is not a confidential document and may be exhibited without restriction by either party.
- 3.2 Subject to clause 3.3, this agreement operates from the date it is executed.
- 3.3 Clause 6 of this agreement will only operate if and when Council grants Development Approval (or Development Approvals as the case may be) to the Proposed Development on the Development Land.

4 Application of s94 and s94A of the Act to the Development

This agreement excludes the application of section 94A and section 94 of the Act to the Proposed Development.

5 Registration of this Agreement

- (a) Either:
 - (i) within 20 Business Days of the date of the Gazettal; or
 - (ii) within 120 days from the commencement of this Agreement;whichever is the latter, the Developer must take all reasonable steps to procure the registration of the Agreement on the relevant folios of the register held by the LPI pertaining to the Development Land.
- (b) The Council agrees:

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- (i) to provide a release and discharge of this Agreement with respect to the Development Land or any lot, including a strata lot, created on subdivision of the Development Land on satisfaction by the Developer of the obligation to provide the Developer's Contribution: and
 - (ii) to do all things reasonably necessary, including the execution of any documents, to enable the Developer to remove the notation of this Agreement on the relevant folios of the register, held by the LPI pertaining to the Land.
- (c) The Council acknowledges that the registration of this Agreement on the relevant folios of the register held by the LPI pertaining to the Development Land constitutes suitable means of enforcement of this Agreement for the purposes of s93F(3)(g) under the *Environmental Planning and Assessment Act 1979*.

6 Developer's Contribution

Subject to the terms of this agreement, including clause 3.3, the Developer agrees to provide the Developer's Contribution in the form of the Cash Contribution.

7 Calculation of Developer's Contributions

The Developer and Council acknowledge and agree that a Provisional Contribution based on the latest cost estimates will be calculated on the basis that approximately 10 additional residential allotments can be achieved on the Development Land and the Developer will contribute cash to the value of \$13.57 per square metre for each of those allotments. The difference between the calculated Provisional Contributions and the Actual Contributions, as defined in an adopted section 64 contributions plan, will be adjusted and further payment to Council or the issue of credit to the Developer will be required prior to the issue of the subdivision certificate for stage 2 of the development on the Development Land.

8 CPI Adjustment of Developer's Contributions

On each CPI Review Date the Cash Contribution will be calculated as follows:

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

Where:

RAC_b = The Cash Contribution per square metre at the commencement of this Agreement (i.e. \$13.57)

RAC_c = Adjusted Residential Allotment Contribution at CPI review date.

9 Payment of Cash Contribution

The Cash Contribution must be paid to Council, prior to the issue of the Subdivision Certificate, on a 'pro-rata' basis. The pro-rata payment calculation is to be based on the square metre size of the Residential Allotments included in the Subdivision Certificate for the relevant stage.

10 G.S.T

- 10.1 Unless otherwise expressly stated all money or other sums payable or consideration to be provided under this agreement are exclusive of GST.

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

11 Dispute Resolution

11.1 Reference to Dispute

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

11.2 Notice of Dispute

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

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

11.3 Representatives of Parties to Meet

- (a) The representatives of the Parties must promptly (and in any event within 15 Business Days of the written notice provided in accordance with clause 11.2 meet in good faith to attempt to resolve the notified dispute.
- (b) The Parties may, without limitation:
 - (i) resolve the dispute during the course of that meeting;
 - (ii) agree that further material, expert determination in accordance with clause 11.5 or consideration is needed to effectively resolve the dispute (in which event the Parties will, in good faith, agree to a timetable for resolution); and
 - (iii) agree that the Parties are unlikely to resolve the dispute and, in good faith, agree to a form of alternative dispute resolution (including expert determination, arbitration or mediation) which is appropriate for the resolution of the relevant dispute.

11.4 No party may constrain

If:

- (a) at least one meeting has been held in accordance with clause 11.3; and
- (b) the Parties have been unable to reach an outcome identified in clause 11.3; and

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- (c) any of the Parties, acting in good faith, forms the view that the dispute is reasonably unlikely to be resolved in accordance with a process agreed under clause 11.3(b)(iii), then, that Party may, by 15 Business Days written notice to the other Party, terminate the dispute resolution process in respect of that dispute. The termination of the process set out in this clause does not of itself amount to a breach of this Agreement.

11.5 Expert Determination

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

11.6 Urgent Relief

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

12 Agreement of the Developer

12.1 The Developer warrants that it:

- 12.1.1 is the legal and beneficial owner of part of the Development Land;
- 12.1.2 will take all practicable steps and use best endeavours and do all acts and things required to procure:
 - 12.1.2.1 the execution of any documents necessary to effect registration of this agreement with LPI; and
 - 12.1.2.2 the production of the relevant certificates of title for the Development Land and the registration of this agreement at LPI on the title of the Development Land within twenty (20) Business Days of the date of the commencement of this agreement.

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

13 Enforcement by any party

- (a) Without limiting any other remedies available to the Parties, this Agreement may be enforced by any Party in any court of competent jurisdiction.

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- (b) Nothing in this Agreement prevents:
 - (i) a Party from bringing proceedings in a court of competent jurisdiction to enforce any aspect of this Agreement or any matter to which this Agreement relates, subject to compliance with clause 14; and
 - (ii) the Council from exercising any function under the Act or any other Act or law.

14 Assignment

- 14.1 The Developer must not Transfer its interest in the whole or any part of the Development Land (other than a Residential Allotment located in a stage for which the relevant Developer's Contribution has been provided to Council) without the written consent of the Council, such consent not to be unreasonably withheld or delayed.
 - 14.1.1 Approval is reasonably withheld if the proposed assignee, or person is not solvent and reputable and the assignment or encumbrance will materially adversely affect the obligations of the Developer and the rights of the Council under this Agreement.
 - 14.1.2 Any request to the Council from the Developer or Land Owner to assign, encumber or deal with any right, obligation or interest under this Agreement to another party must include, but not be limited to, financial details and references relating to that other party. The Council must also be permitted to make reasonable enquiries into these matters of that party.
- 14.2 The transferee must execute a deed in a form and with conditions acceptable to Council acting reasonably, including;
 - 14.2.1 agreement to comply with this agreement as if the transferee was the Developer with respect to that part of the Development Land transferred, including in relation to obligations which arose before the Transfer; and
 - 14.2.2 acknowledgement and agreement that the rights of the Council under this agreement are not diminished in any way.

15 Release

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

16 Termination

- 16.1 This agreement may be terminated by the Council by written notice to the Developer if:
 - 16.1.1 the Developer commits a breach of any of the terms and conditions of this agreement and fails to remedy such a breach within fourteen (14) days of receipt of a written notice (which specifies the breach and requires the

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Developer to remedy the breach) whereupon the date of such termination will be effective on the 15th day from receipt of such written notice; or

16.1.2 an Event of Insolvency occurs.

17 Review Procedures

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

18 Notices

18.1 Any notice, request for information to be made or information to be given under this agreement must, in order to be valid, be in writing and must be given to or served upon a party:

18.1.1 by being left at that party's address or such other address as may be notified to the first party giving or serving any such document which will be deemed served when so left; or

18.1.2 'by being posted in a pre-paid ordinary, certified or registered letter addressed to that party at such address which will be deemed duly served three (3) Business Days after the posting of the same; or

18.1.3 by being dispatched by facsimile transmission to that party and which will be deemed served at the time recorded on the facsimile machine of the party serving such document of an error free transmission to the correct facsimile number.

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

The Developer

Address:

Facsimile:

Council

Address:

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

Telephone: 4560 4444
Facsimile: 4587 7740

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19 Proper Law and Jurisdiction

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

20 Severance

20.1 If it is held by any Court or Tribunal that:

20.1.1 any part or condition of this agreement is void, invalid, illegal or otherwise unenforceable, or

20.1.2 this agreement would be void, voidable, invalid, illegal or otherwise unenforceable unless any part or condition of this agreement was severed then that part or provision which is severed from this agreement will not affect the continued operation of the remainder of this agreement which has not been severed nor the validity or enforceability of that part or condition, provided that the fundamental purpose of or the intentions expressed by the parties under this agreement is not substantially altered.

21 Waiver

21.1 No failure on the part of a party to exercise and no delay in exercising and no cause of dealing with respect to, any condition and the rights, powers or remedies of that party under this agreement will impair any of those rights, powers or remedies, nor constitute a waiver of any of those rights, powers or remedies.

21.2 No single or partial exercise by a party of any condition and rights, powers or remedies under this agreement will preclude any other or further exercise of those or exercise of any other conditions rights or remedies.

21.3 Any condition and the rights, powers or remedies under or relating to this agreement are cumulative and will not exclude any other rights, powers or remedies under or relating to this agreement at Law.

21.4 No waiver of any of the conditions of this agreement will be effective unless in writing signed by the party against whom such waiver is sought to be enforced.

21.5 Any waiver of the conditions of this agreement will be effective only in the specific instance and for the specific purpose given and the waiver will not be deemed a waiver of such obligations or of any subsequent breach of the same or some other obligation.

22 Approvals and Consent

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

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23 Assignment and Dealings

None of the parties to this agreement may assign or otherwise deal with their rights, powers, obligations and remedies under this agreement or allow any interest in them to arise or be varied, save and except as provided in clause 14.

24 Entire Agreement

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

25 No Fetter

25.1 Nothing in the agreement is to be construed as requiring the Council to do anything

25.1.1 that would cause it to be in breach of any of its obligations at Law;

25.1.2 limiting or fettering in any way the exercise of any statutory discretion or duty; at Law; or

25.1.3 imposing any obligations to grant an Approval.

26 Representatives and Warranties

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

27 Costs

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

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Executed as an agreement on

2016

Execution by Council

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

Signature of witness

Signature of authorised officer

Name of witness

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

Address of witness

Execution by Philip Thomas Cleary

Signed by :

Signature of director/company secretary

Signature of director

Print name

Print name

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2016

GENERAL MANAGER

Item: 58 GM - 2016 National General Assembly of Local Government (79351)

REPORT:

Executive Summary

The 2016 National General Assembly of Local Government (2016 General Assembly) conducted by the Australian Local Government Association (ALGA) will be held 19 to 22 June 2016 in Canberra. Due to its relevance to Council's business, it is recommended that the 2016 General Assembly be attended by Councillors and appropriate staff.

Consultation

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

Background

The 2016 General Assembly being conducted by the ALGA will be held 19 to 22 June 2016 in Canberra. The theme of this General Assembly is 'Partners in an Innovative and Prosperous Australia' and delegates will look at the many ways local government is being innovative both in Australia and overseas.

Cost of attendance at the 2016 General Assembly would be approximately \$1,850 plus travel expenses per delegate.

Budget for Delegate Expenses - Payments made:

Total Budget for Financial Year 2015/2016	\$48,000
Expenditure to date	\$17,337
Outstanding Commitments as at 4 April 2016 (approx.)	\$1,260
Budget balance as at 4 April 2016 (approx. including outstanding commitments)	\$29,403

It should be noted that the outstanding commitments referred to above are in relation to councillor attendance at the 56th Floodplain Management Australia Conference to be held in May 2016 as previously authorised by Council.

It should also be noted that Councillor attendance at the 2016 Local Government Professionals Australia National Congress & Business Expo to be held in May 2016 is pending. Should attendance at either conference proceed, the balance of outstanding commitments will change to reflect the costs associated with these conferences.

Conformance to the Hawkesbury Community Strategic Plan

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

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

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

- Broaden the resources and funding available to our community by working with local and regional partners as well as other levels of government.

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Financial Implications

Funding for attendance at this conference will be provided from the Delegates Expenses within the 2015/2016 Operational Plan.

RECOMMENDATION:

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the 2016 National General Assembly of Local Government being conducted by the Australian Local Government Association at an approximate cost of \$1,850, plus travel expenses per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2016

Item: 59 **GM - Sydney West Joint Regional Planning Panel - Re-appointment of Council Nominees - (79351, 117061)**

Previous Item: Item 102, Ordinary (26 May 2009)
 Item 114, Ordinary (10 July 2012)
 Item 58, Ordinary (28 April 2016)

REPORT:

Executive Summary

The current Joint Regional Planning system was established and commenced operations in the middle of 2009. At the time Council was required to nominate two persons to the Sydney West Joint Regional Planning Panel (SWJRPP). The General Manager and Director City Planning were subsequently nominated as Council's representatives to the SWJRPP and re-appointed in July 2012 at the conclusion of the initial three year appointment and in April 2015 for a further 12 months.

The Department of Planning and Environment (DPE) has now contacted Council seeking a further nomination for Council's nominees or confirmation of the re-appointment of its existing nominees.

Consultation

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

Background

The current Joint Regional Planning system was established and commenced operations in the middle of 2009. At the time there was much discussion and concern regarding the establishment and operation of the proposed Panels, particularly surrounding the issues of council nominees to panels.

In association with the establishment of panels Council was required to nominate two persons to the SWJRPP. Initially, at its meeting held on 26 May 2009 Council resolved to nominate the General Manager and Director City Planning as its representatives to the SWJRPP. At the expiry of this three year appointment the Council, at its meeting on 10 July 2012 re-appointed the General Manager and Director City Planning as its representatives to the SWJRPP.

It will be recalled that during 2015 the structure of the JRPP was under review in association with the proposed establishment of the Greater Sydney Commission (GSC). As such, at the time Council was requested to nominate its delegates to the SWJRPP for a further period of 12 months. Subsequently, Council at its meeting on 28 April 2015 confirmed the continued nomination of the General Manager and Director City Planning as its representatives to the SWJRPP.

With the recent establishment of the GSC the structure of the JRPPs is altering but will still include two council representatives in respect of matters within a council's area.

The DPE has recently contacted Council seeking advice of its representative as the current appointments expire at the end of April 2016. It is proposed that Council now confirm the continued nomination of the General Manager and Director City Planning as the Council's nominees to the SWJRPP.

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Conformance to the Hawkesbury Community Strategic Plan

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

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

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

- Make decisions in ways that are transparent, fair, balanced and equitable supported by appropriate resource allocations.

Financial Implications

The cost associated with the time required for attendance of Council's nominees at meetings of the SWJRPP will be met from within current budget allocations.

RECOMMENDATION:

That Council confirm the continuing nomination of the General Manager and Director City Planning as Council's representatives on the Sydney West Region Joint Regional Planning Panel from the expiry of the term of the current nominations and the General Manager be authorised to nominate an appropriate member of staff as an alternate member of the Panel, if necessary.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2016

INFRASTRUCTURE SERVICES

Item: 60 **IS - Exclusive Use of Governor Phillip Reserve - Upper Hawkesbury Power Boat Club - Double Dash Boat Race - (95495, 79354, 73829)**

REPORT:

Executive Summary

An application has been received from the Upper Hawkesbury Power Boat Club to hold an 'exclusive use' event at Governor Phillip Reserve. The Upper Hawkesbury Power Boat Club is seeking the date of Sunday, 1 May 2016 for the Double Dash Boat Race.

These events create positive flow on benefits to the community, and it is recommended that exclusive use of the Reserve be granted.

Consultation

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

Background

There are a number of exclusive use events that are held at Governor Phillip Reserve over the year.

The Upper Hawkesbury Power Boat Club is seeking the date of Sunday, 1 May 2016 for the Double Dash Boat Race. This race replaces the Bridge to Bridge Power Boat Race which is normally held in May. Last year this event was also held as an alternate event when the Bridge to Bridge event was cancelled. The race includes the same boats that undertake the Bridge to Bridge, but rather than going one way from Brooklyn to Windsor Bridge, they start at Windsor travel down to the Sackville Ski Gardens. After all the boats have completed this run, there is a return leg back to Windsor.

Due to timing a Special Event Application for traffic management has not been lodged and the organisers will need to seek approval to conduct the event under the direction/supervision of the police.

The Plan of Management for the Windsor Foreshore Parks allows for these types of activities to occur.

These events raise the profile of the Hawkesbury region and increase visitation with benefits to the business community and it is recommended that exclusive use be granted to Upper Hawkesbury Power Boat Club.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Directions Statement;

- Help create thriving town centres, each with its own character that attracts residents, visitors and businesses

Financial Implications

Income will be generated through user charges for use of the Reserve in accordance with the 2015/2016 Adopted Operational Plan.

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RECOMMENDATION:

That:

1. Approval be granted to the Upper Hawkesbury Power Boat Club for "exclusive use" of Governor Phillip Reserve for the 2016 Double Dash Boat Race to be held on Sunday, 1 May 2016.
2. The approvals be subject to the following conditions/documents:
 - a) Council's general park conditions
 - b) Council's fees and charges
 - c) the Windsor Foreshore Plan of Management
 - d) the Governor Phillip Exclusive Use Policy
 - e) the Governor Phillip Noise Policy
 - f) A Traffic Management Plan which has been approved as part of a Special Event Application or under other regulatory approval.
3. As the applicant has not advised alternative dates in the event of inclement weather, the General Manager be given authority to negotiate exclusive use on an alternate date, if required by the applicant.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2016

Item: 61 **IS - Road Naming Proposal Associated with DA0255/14 Pitt Town - (95495, 79346)**

REPORT:

Executive Summary

An application has been received requesting that the road naming process be commenced for an approved subdivision in Pitt Town that involves the creation of a new public road. Three names have been provided for consideration with the application.

The three names provided have been assessed and the report recommends that public consultation be sought on the name Eden Circuit.

Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy.

It is proposed that Council undertake the following community engagement process in compliance with Council's Policy, New South Wales Roads Act 1993, New South Wales Roads Regulation 2008 and the New South Wales Road Naming Policy. The consultation required is for a period of 28 days and involves the following:

- advertisement in Local Press
- advertisement on Council's web page
- notice created on the New South Wales Geographical Names Board road naming portal.

Background

The subdivision at Lot 1 DP 551960, 125 Cattai Road and Lot 51 DP 1211187, 2 Mitchell Road, Pitt Town was approved by Council on 9 December 2015 (DA0255/14).

The subdivision will include the creation of one new public road.

The applicant has provided three names for consideration for the new public road. These names are listed in order of preference by the applicant as follows:

- The Fields
- Eden Circuit
- Edenfields Loop.

All three of the proposed names relate to the estate name of *'Eden Fields'*.

The three proposed names have been reviewed for conformance in accordance with the guidelines and principles as set out in the New South Wales (NSW) Road Naming Policy. As a result of the review, it was found that two of the three names do not conform to the Policy and are listed below:

- The Fields – 'Road Names shall not include the definite article (the) as the sole name element of a road name'.
- Edenfields Loop – 'The road type of Loop does not comply. A Loop road is a roadway that diverges from and re-joins the main thoroughfare'.

The name Eden Circuit conforms to the guidelines and principles as set out in the NSW Road Naming Policy.

ORDINARY MEETING

Meeting Date: 12 April 2016

Based on the information outlined above, it is recommended that public comment be sought, under the requirements of the NSW Roads Act 1993, for the naming of the new public road in connection with DA0255/14 as Eden Circuit, Pitt Town.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After People and Place Direction Statement;

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

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

- Work with the community to define the Hawkesbury character to identify what is important to preserve and promote.

Financial Implications

The advertising and administrative expenses associated with this matter have been paid by the applicant in accordance with Council's adopted Fees and Charges.

RECOMMENDATION:

That:

1. In accordance with the requirements of the Roads Act, 1993, the name Eden Circuit Pitt Town, in connection with DA0255/14, be publically advertised for a period of 28 days, seeking comment and submissions.
2. The matter be reported back to Council following the public exhibition process, with a view to adopting the street name for use.

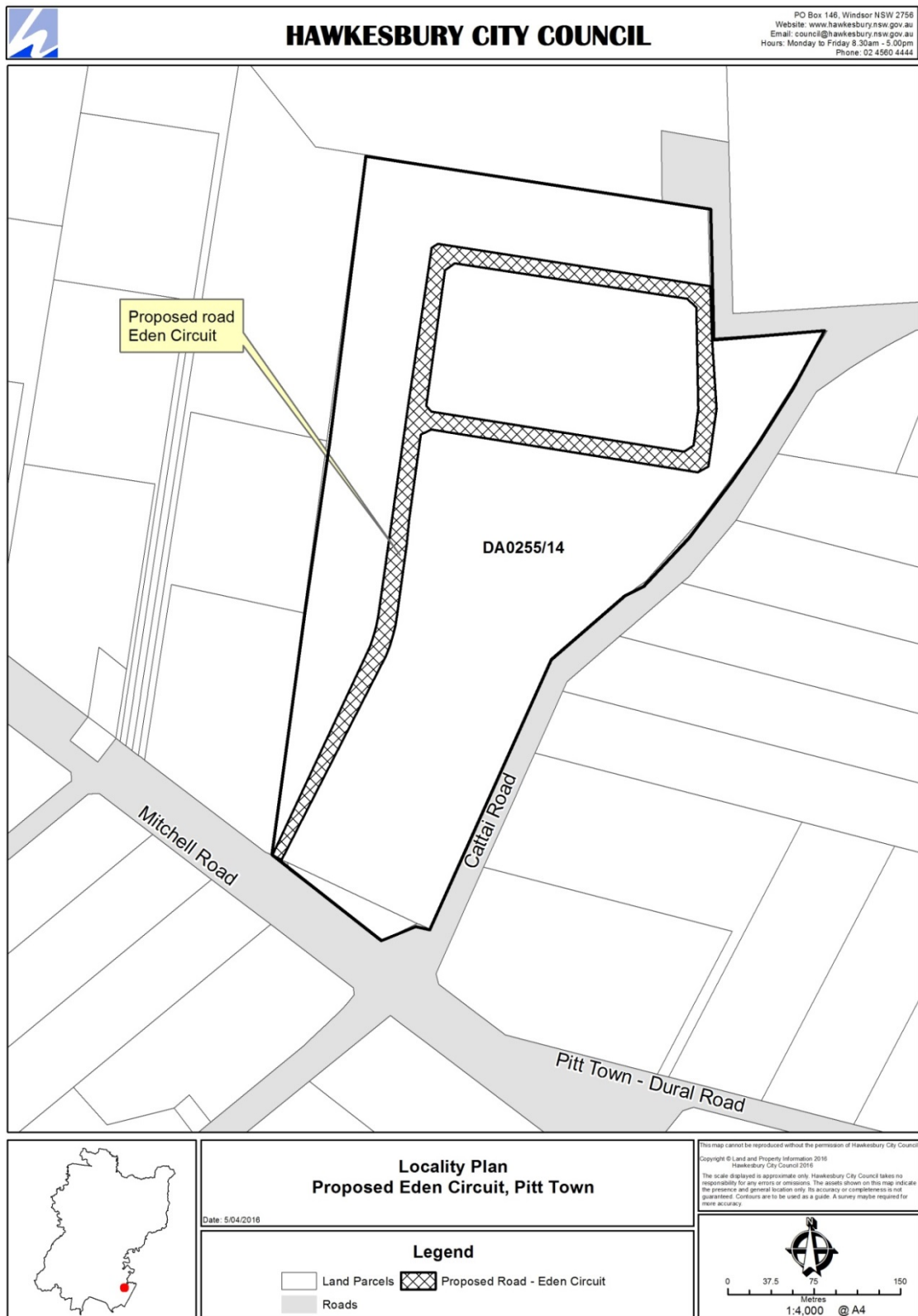
ATTACHMENTS:

AT - 1 Locality Plan

ORDINARY MEETING

Meeting Date: 12 April 2016

AT - 1 Locality Plan



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2016

Item: 62 **IS - Road Naming Proposal Associated with DA0794/14 Pitt Town - (95495, 79346)**

Previous Item: 157, Ordinary (29 July 2008)
 65, Ordinary (8 April 2008)
 266, Ordinary (27 November 2007)
 246, Ordinary (13 November 2007)

REPORT:

Executive Summary

A written submission has been received requesting that Council consider the road name Glengarry to be added to the current approved list of names for the Pitt Town Development area and this name be allocated to the approved subdivision as part of DA0794/14.

The report recommends that public consultation be sought on the name of Glengarry.

Consultation

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy.

It is proposed that Council undertake the following community engagement process in compliance with Council's Policy, New South Wales Roads Act 1993, New South Wales Roads Regulation 2008 and the New South Wales Road Naming Policy. The consultation required is for a period of 28 days and involves the following:

- Advertisement in Local Press
- Advertisement on Council's web page
- Notice created on the New South Wales Geographical Names Board road naming portal

Background

As part of the Pitt Town Development area, the subdivision at Lot 11 DP 1021340, 1 Hall Street Pitt Town was approved by Council at its meeting of 9 October 2015 (DA0794/14).

The subdivision will include the creation of one new public road, which is a cul-de-sac road.

A name for the new public road had previously been selected by the developer from the list of approved road names for use within the Pitt Town Development area which was adopted by Council on 8 April 2008 and 29 July 2008. The name selected for the new road by the developer was Riversedge Place.

A submission has been received from a resident of Pitt Town, who is also a past owner of the subject land requesting that Council consider the road name Glengarry be added to the current approved list of names for the Pitt Town Development area and this name be allocated to the approved subdivision as part of DA0794/14. The new name proposed for this road is Glengarry Way.

Details on the new name proposal provided by the applicant is listed below:

"I write requesting consideration as to naming the road in favour of the loss of my grandson Garry Norbet Cleary. Died 1998. Being the previous owners for about ninety years. Norbet Cleary whom Garry was named after. His great grandfather. After giving this some thought the name Glengarry Way seems fitting as this name was also given to my family property. As his grandmother I feel it's my last chance to place a memorial in some way for his parents."

ORDINARY MEETING

Meeting Date: 12 April 2016

Details of the submission were forwarded to the developer of the site, seeking their feedback on the proposal to add Glengarry to the Pitt Town Development area road name list and also allocate it to the new road as part of DA0794/14. The developer has confirmed that there is no objection to this proposal proceeding.

The name proposal has been reviewed to ensure that the proposed name meets the guidelines and principles as set out in the New South Wales Road Naming Policy. The use of the name "*Glengarry*" meets these requirements. The use of "*Way*" as the road type however does not meet these guidelines and principles. The road type "*Way*" is associated with an open ended road.

It is suggested that a road type of "*Place*" be used as this applies to a cul-de-sac road.

Based on the information outlined above, it is recommended that public comment be sought, under the requirements of the NSW Roads Act, 1993, for the naming of the new public road in connection with DA0794/14 as Glengarry Place, Pitt Town.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After People and Place Direction Statement;

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

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

- Work with the community to define the Hawkesbury character to identify what is important to preserve and promote.

Financial Implications

The advertising and administrative expenses associated with this matter can be accommodated within Council's Operational Plan.

RECOMMENDATION:

That:

1. In accordance with the requirements of the Roads Act, 1993, the name Glengarry Place, Pitt Town, in connection with DA0794/14, be publically advertised for a period of 28 days, seeking comment and submissions.
2. The matter be reported back to Council following the public exhibition process, with a view to adopting the street name for use.

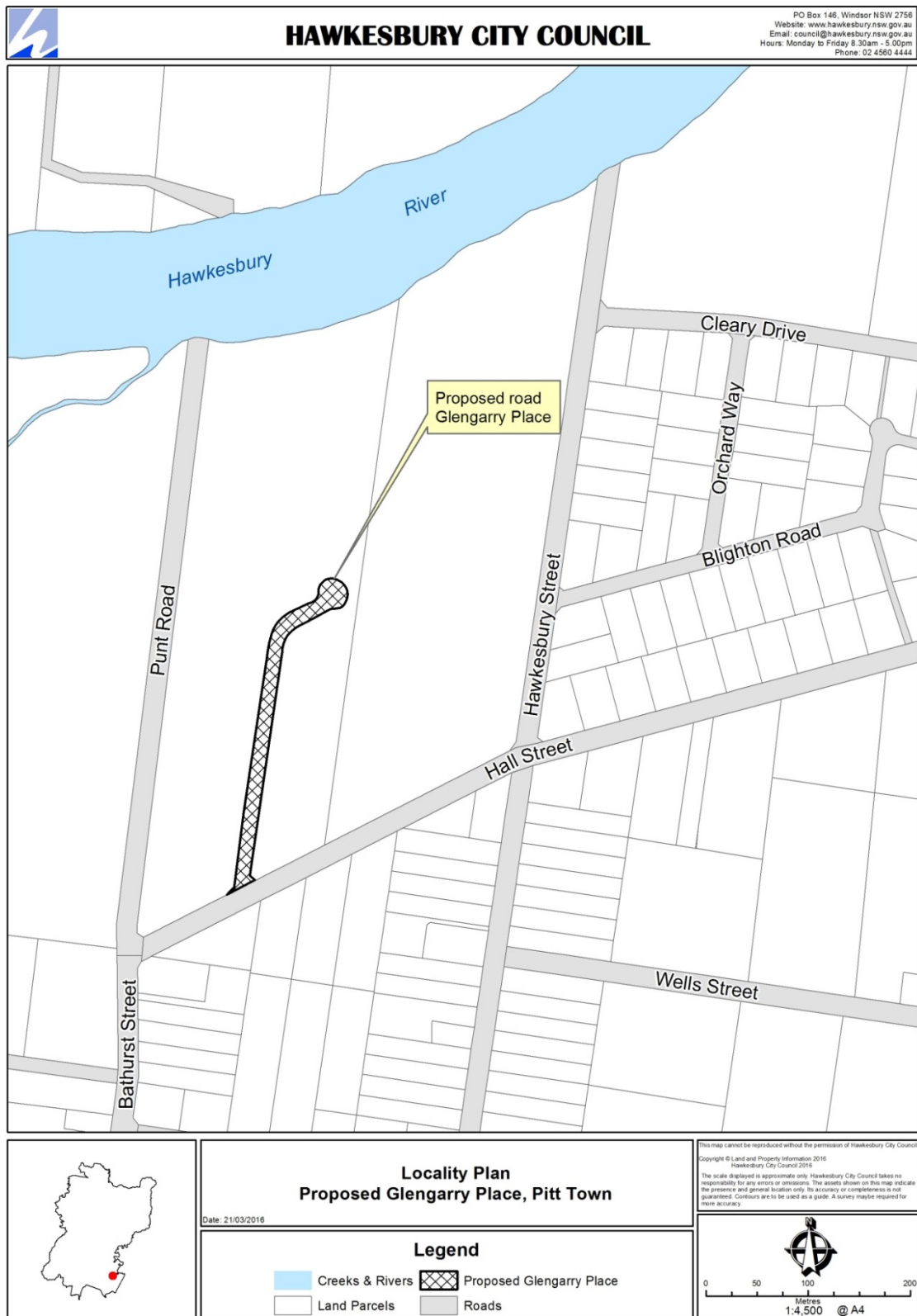
ATTACHMENTS:

AT - 1 Locality Plan

ORDINARY MEETING

Meeting Date: 12 April 2016

AT - 1 Locality Plan



oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date:** 12 April 2016**SUPPORT SERVICES****Item: 63****SS - Monthly Investments Report - February 2016 - (95496, 96332)****REPORT:****Executive Summary**

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

This report indicates that Council held \$45.30 million in investments at 29 February 2016.

It is recommended that this report be received and noted.

Consultation

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

Background

The following table indicates that Council held \$45.30 million in investments as at 29 February 2016. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
On Call								
CBA	A1+	AA-			1.75%	3,000,000	6.62%	
Total On-call Investments								3,000,000
Term Investments								
ANZ	A1+	AA-	02-Sep-15	27-Apr-16	2.90%	1,000,000	2.21%	
ANZ	A1+	AA-	02-Sep-15	27-Apr-16	2.90%	1,000,000	2.21%	
ANZ	A1+	AA-	18-Nov-15	18-May-16	3.00%	500,000	1.10%	
ANZ	A1+	AA-	18-Nov-15	18-May-16	3.00%	1,000,000	2.21%	
ANZ	A1+	AA-	18-Nov-15	08-Jun-16	3.00%	2,000,000	4.42%	
ANZ	A1+	AA-	19-Aug-15	15-Jun-16	2.95%	2,000,000	4.42%	
ANZ	A1+	AA-	19-Aug-15	17-Aug-16	2.95%	2,000,000	4.42%	
ANZ	A1+	AA-	24-Feb-16	14-Sep-16	3.05%	1,000,000	2.21%	
ANZ	A1+	AA-	24-Feb-16	14-Sep-16	3.05%	2,500,000	5.52%	
Bankwest	A1+	AA-	02-Dec-15	04-May-16	3.00%	2,500,000	5.52%	
CBA	A1+	AA-	04-Nov-15	16-Mar-16	2.88%	1,500,000	3.31%	
NAB	A1+	AA-	04-Mar-15	02-Mar-16	3.13%	2,000,000	4.42%	
NAB	A1+	AA-	06-May-15	04-May-16	2.93%	2,000,000	4.42%	
NAB	A1+	AA-	22-Dec-15	15-Jun-16	3.04%	1,000,000	2.21%	
NAB	A1+	AA-	08-Jul-15	06-Jul-16	3.00%	2,000,000	4.42%	
NAB	A1+	AA-	13-Jan-16	20-Jul-16	3.10%	1,000,000	2.21%	

ORDINARY MEETING

Meeting Date: 12 April 2016

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
NAB	A1+	AA-	27-Jan-16	03-Aug-16	3.00%	1,500,000	3.31%	
NAB	A1+	AA-	17-Feb-16	17-Aug-16	3.00%	1,000,000	2.21%	
Westpac	A1+	AA-	27-May-15	02-Mar-16	3.05%	1,300,000	2.87%	
Westpac	A1+	AA-	20-May-15	16-Mar-16	3.05%	2,000,000	4.42%	
Westpac	A1+	AA-	02-Jun-15	30-Mar-16	3.05%	2,000,000	4.42%	
Westpac	A1+	AA-	10-Jun-15	06-Apr-16	3.05%	2,000,000	4.42%	
Westpac	A1+	AA-	04-Nov-15	15-Jun-16	2.85%	1,000,000	2.21%	
Westpac	A1+	AA-	04-Feb-16	28-Sep-16	3.00%	1,000,000	2.21%	
Westpac	A1+	AA-	02-Oct-15	05-Oct-16	3.00%	1,000,000	2.21%	
Westpac	A1+	AA-	02-Oct-15	05-Oct-16	3.00%	1,000,000	2.21%	
Westpac	A1+	AA-	07-Oct-15	19-Oct-16	3.00%	1,000,000	2.21%	
Westpac	A1+	AA-	07-Oct-15	19-Oct-16	3.00%	1,500,000	3.31%	
Westpac	A1+	AA-	10-Dec-15	14-Dec-16	3.00%	1,000,000	2.21%	
Total Term Investments								42,300,000
TOTAL INVESTMENT AS AT 29 February 2016								45,300,000

Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	3,000,000	1.75%	Reserve Bank Cash Reference Rate	2.00%	-0.25%
Term Deposit	42,300,000	3.00%	UBS 90 Day Bank Bill Rate	2.29%	0.71%
Total	45,300,000	2.92%			

Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	7,051,685
External Restrictions - Other	3,732,703
Internal Restrictions	20,431,582
Unrestricted	14,084,030
Total	45,300,000

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

In addition to funds being fully allocated to fund the Operational Plan activities, funds relating to closed self-funded programs and that are subject to legislative restrictions cannot be utilised for any purpose other than that specified. Externally restricted funds include funds relating to Section 94 Contributions, Domestic Waste Management, Sewerage Management, Stormwater Management and Grants.

ORDINARY MEETING

Meeting Date: 12 April 2016

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.

Investment Commentary

The investment portfolio increased by \$1.50 million during the month of February 2016. During February 2016, income was received totalling \$8.90 million, including rate payments amounting to \$5.50 million, while payments to suppliers and staff costs amounted to \$5.20 million.

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

Council has a loan agreement for an amount of \$5.26 million under the Local Government Infrastructure Renewal Scheme (LIRS). The full amount was drawn down upon signing the agreement in March 2013, with funds gradually being expended over the period during which the program of works is being delivered. The loan funds have been placed in term deposits, with interest earned on unexpended invested loan funds being restricted to be used for works relating to the LIRS Program projects.

As at 29 February 2016, Council's investment portfolio is all invested with major Australian trading banks or wholly owned subsidiaries of major Australian trading banks and in line with Council's Investment Policy.

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

Council's investment portfolio complies with Council's Investment Policy, adopted on 30 June 2015.

Investment Certification

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

Conformance to the Hawkesbury Community Strategic Plan

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

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

Financial Implications

Funds have been invested with the aim of achieving budgeted income in Service 121 – Investments within the 2015/2016 Adopted Operational Plan.

RECOMMENDATION:

The report regarding the monthly investments for February 2016 be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2016

Item: 64 **SS - Commemoration of Former Councillor (Dr) Rex Stubbs OAM - (95496, 103542)**

Previous Item: MM, Ordinary (11 May 2010)
 2, Ordinary (1 February 2011)

REPORT:

Executive Summary

Council, at its meeting on 1 February 2011, considered a report regarding the commemoration of former Councillor (Dr) Rex Stubbs OAM. Council resolved that a scholarship be established and that a commemorative plaque be installed in the gardens adjacent to the Deerubbin Centre.

The scholarship was first offered in 2011 and has been strongly promoted annually for five years, however, despite general and targeted promotion, the scholarship has not attracted many entries.

This report outlines proposed amendments to the scholarship and its prize in order to better achieve the aims of presenting a commemorative activity to honour former Councillor (Dr) Rex Stubbs OAM and to recognise his support of and dedication to the Hawkesbury and its community.

Consultation

Mrs Linda Stubbs has been consulted and is fully supportive of the proposed change.

Background

A Mayoral Minute was considered by Council at the Ordinary meeting held on 11 May, 2010. It reported the passing of former Councillor (Dr) Rex Stubbs OAM and acknowledged his achievements and commitment to the Hawkesbury and its community. Council felt it befitting to recognise Dr Stubbs' contribution and resolved, in part, as follows:

"That:

3. *A report be prepared in consultation with the immediate family of former Councillor (Dr) Rex Stubbs OAM and submitted to Council regarding the procedures and/or processes required to name the open space garden area on the George Street frontage of the Deerubbin Centre and to establish an annual art prize or scholarship in honour of former Councillor (Dr) Rex Stubbs OAM and to recognise his support of and dedication to the Hawkesbury and its community."*

Subsequently, Council, at its meeting on 1 February 2011, considered a report regarding the commemoration of former Councillor (Dr) Rex Stubbs OAM, and resolved as follows:

"That:

1. *Council name the open space garden area on the George Street frontage of the Deerubbin Centre as the "Dr Rex Stubbs OAM Memorial Garden" in honour of former Councillor (Dr) Rex Stubbs OAM, involving the improvement of the area and the installation of a plaque as detailed in the report.*
2. *Council establish the "Dr Rex Stubbs OAM Memorial Scholarship" to fund the attendance of 2 residents (1 to be a young person) at the Royal Australian Historical Society State conference and to also fund 2 years membership for the 2 residents with the Royal Australian Historical Society on the basis outlined in the report.*

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Meeting Date: 12 April 2016

3. *Funding required in connection of part 1 above be incorporated in the March 2011 Quarterly Budget Review and that funding in respect of 2 above be included in the 2011/2012 Draft Budget."*

All the above resolutions have been implemented. The garden area on the George Street frontage of the Deerubbin Centre has been landscaped, has had a commemorative plaque installed, and is now a very attractive and well used recreational space.

The Scholarship was first offered in 2011 and has been strongly promoted annually for five years, however, despite general and targeted promotion, the Scholarship has not attracted many entries.

This report outlines proposed amendments to the Scholarship and its prize in order to better achieve the aims of presenting a commemorative activity to honour former Councillor (Dr) Rex Stubbs OAM and to recognise his support of and dedication to the Hawkesbury and its community.

Current position

The Dr Rex Stubbs OAM Memorial Annual Scholarship was established by Council in February 2011. It recognises Dr Stubbs' commitment to both the Hawkesbury community and the historical significance of the area and aims to develop interest in the history of the Hawkesbury.

The Scholarship funds the attendance of two people (one to be 16 – 26 years of age) at the annual Royal Australian Historical Society (RAHS) State Conference. Scholarship recipients also receive a two year RAHS membership. The Dr Rex Stubbs OAM Annual Memorial Scholarship Brochure is attached as Attachment 1 to this report.

During the five year period 2011-2015, seven people have submitted entries for the Scholarship, with no entries received for 2015. The Scholarship has not been successful in attracting young people, with none applying within this category during the previous five years.

Proposal

It is proposed that the Scholarship cease, the last year being 2015, and that funding is instead used for a history/heritage event for members of all Hawkesbury LGA historical societies and heritage related groups, as well as those in immediate environs. The presentation of a history/heritage event would provide a broader base of beneficiaries of the commemorative activity. The event would be held on a weekend day to cater for all age groups.

Dr Rex Stubbs OAM had an abiding interest in local history. He became a member of the Hawkesbury Historical Society in 1981 and held the position of President from 1992 until 2010. There are many other historical societies and heritage based groups in the Hawkesbury including: Kurrajong and Comleroy Historical Society; Dharug and Lower Hawkesbury Historical Society; Hawkesbury Family History Group; Colo Family History Society; National Trust of NSW – Hawkesbury Branch; Friends of Australiana Pioneer Village, as well the neighbouring group, Riverstone Historical Society. These groups do not have age limits, or they have family memberships.

The history/heritage event would be titled the Dr Rex Stubbs OAM Commemorative (event) and would take the form of a seminar, professional development workshop or mini conference with contributions by participating groups, or a lecture by a keynote speaker.

The history/heritage event would be organised by the Cultural Services Branch of Council.

Summary

The current Scholarship, which has been strongly promoted annually for five years, has not been successful. The proposal is to change the commemorative activity so that more people will benefit from it and to better recognise Dr Rex Stubbs' support of and dedication to the Hawkesbury and its community. The proposal is to present an annual history/heritage event, named after Dr Rex Stubbs OAM. Mrs Linda Stubbs has been consulted and is fully supportive of the proposed change.

ORDINARY MEETING

Meeting Date: 12 April 2016

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping our Future Together

- Have constructive and productive partnerships with residents, community groups and institutions;

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

- Achieve community respect through good corporate governance and community leadership and engagement.

Financial Implications

The cost of running a history/heritage event is estimated at \$3,000 per annum. It is proposed to carry forward to 2016/2017 unused 2015/2016 funds, provided for in Service Account 179 – Regional Museum of the 2015/2016 Adopted Operational Plan. This would be an adjunct to funding being considered in the preparation of the 2016/2017 Draft Operational Plan. Ongoing annual funding would then be required.

RECOMMENDATION:

That:

1. The Dr Rex Stubbs OAM Annual Memorial Scholarship cease, the last year being 2015.
2. In place of the Scholarship, an annual Dr Rex Stubbs OAM History/Heritage Event be held, the first year being 2016.

ATTACHMENTS:

AT - 1 The Dr Rex Stubbs OAM Annual Memorial Scholarship Brochure.

ORDINARY MEETING

Meeting Date: 12 April 2016

AT - 1 The Dr Rex Stubbs OAM Annual Memorial Scholarship Brochure

REX STUBBS OAM

MEMORIAL ANNUAL SCHOLARSHIP

ENTRIES CLOSE 31 AUGUST ANNUALLY

HAWKESBURY CITY COUNCIL
 386 George Street WINDSOR NSW 2756
 PO Box 146 WINDSOR NSW 2756
 PHONE 02 4560 4444 FAX 02 4587 7740
 WEB www.hawkesbury.nsw.gov.au
 EMAIL council@hawkesbury.nsw.gov.au

HAWKESBURY COUNCIL

DR REX STUBBS OAM MEMORIAL SCHOLARSHIP

ENTRY FORM

Entries must address **PART 1** and **PART 2A** or **PART 2B**.

EMAIL your entry and completed entry form to council@hawkesbury.nsw.gov.au and include 'Rex Stubbs Scholarship, attention Manager Cultural Services' in the subject line or

MAIL to Manager Cultural Services, Hawkesbury City Council, PO Box 146 Windsor NSW 2756 or

HAND DELIVER to Hawkesbury Central Library, 300 George Street Windsor.

name	
address	postcode
contact phone/mobile	
contact email	

Entries and entry forms must be received by **5PM, 31 AUGUST**.

Category (please tick all applicable categories)

- ☐ Resident of Hawkesbury LGA
☐ Member of historical group based in the Hawkesbury LGA (please note which group)
☐ Cultural Services volunteer
☐ 16 – 26 years of age

DECLARATION

I, the undersigned, have read, understood and agree to the published conditions on this entry form for the Dr Rex Stubbs OAM Memorial Annual Scholarship. I certify that my entry is my original work and has not previously been published or exhibited. I agree that my entry may be published or reproduced on Hawkesbury City Council's website and may be used in promotional and informational materials or displayed in any public exhibition held by Council as a result of the competition.

signature	
name (printed)	date / /

Parent or guardian must sign for all entrants under the age of 18.

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ENTRIES AND ENTRY FORMS MUST BE RECEIVED BY 5PM, 31 AUGUST.

ENTRIES MUST ADDRESS PART 1 AND PART 2 A OR PART 2 B.

If the entrant is under the age of 18, the parent or guardian must sign the entry form.

CONDITIONS OF ENTRY Entries will not be returned, with the exception of unique items. Such items must be collected by a date notified by Hawkesbury City Council (Council).

Items not collected by 31 December of the year of entry will be disposed of at the discretion of Council.

Other entries may be lodged in Hawkesbury Central Library at the discretion of the Local Studies Librarian.

ELIGIBILITY The scholarship is open to residents of the Hawkesbury Local Government Area (LGA), members of historical groups based in the Hawkesbury LGA, as well as Council's Cultural Services volunteers.

Participating judges and their immediate family and salaried staff of Council are ineligible.

All entries must be recent, original work and not previously published or exhibited.

SELECTION A panel of three judges will include two from Council's Cultural Services Branch and one external judge.

Scholarships will be awarded on the advice of the judges.

Judging will occur anonymously with scholarship winners notified prior to public announcement.

The judges decision is final and no correspondence will be entered into.

All entries will be listed on Council's website after the closing date.

Winning entries will be published or reproduced on Council's website after winners are announced.

SCHOLARSHIP RECIPIENTS will give a presentation at the Hawkesbury Regional Museum OR will provide a presentation suitable for offering to local historical groups for inclusion in their newsletters.

CARE & RESPONSIBILITY Council will take all reasonable care but will not be responsible for any loss or damage to any submitted entry in their custody.

Council does not insure entries whilst in transit, storage or on display.

Where relevant, entrants must arrange their own insurance to cover potential damage, loss or theft.

COPYRIGHT Council reserves the right to photograph and reproduce or publish entries submitted in any form for documentation, advertising and/or promotion purposes. Acknowledgements of authorship will be duly made.

PRIVACY All personal information collected by Council will be used solely for the purpose of the Dr Rex Stubbs OAM Memorial Annual Scholarship.

THE DR REX STUBBS OAM MEMORIAL SCHOLARSHIP

was established by Hawkesbury City Council in February 2011. It recognises Councillor Stubbs' abiding commitment to both the Hawkesbury community and the historical significance of the area.

The scholarship aims to develop interest in the history of the Hawkesbury, to support people who wish to pursue this interest and to showcase local talent in the field of historical research or interpretation.

It is available to residents of the Hawkesbury Local Government Area (LGA), members of historical groups from within the LGA as well as Council's Cultural Services (Museum, Gallery and Library) volunteers.

The scholarship funds the attendance of two people (one to be 16-26 years of age) at the annual Royal Australian Historical Society (RAHS) state conference. Scholarship recipients also receive a two year RAHS membership.

DR REX STUBBS OAM MEMORIAL SCHOLARSHIP

ANNUAL DIARY

1 JUNE Competition opens

31 AUGUST Competition closes

SEPTEMBER Winner announced during NSW History Week

HOW TO ENTER

Address **PARTS 1 & 2** in a presentation using any media. Entries can be, for example, written or pictorial, in a print or digital format, or be an audio visual presentation.

Entries must be accompanied by a completed entry form.

1 Why would you like to attend the RAHS conference and gain a two year membership?

2 **A** Why is the history of the Hawkesbury important to you?

OR

B Tell us about an aspect of the Hawkesbury's history which is of importance or interest to you.

MORE INFORMATION

contact Council's Manager Cultural Services on 02 4560 4460

DR REX STUBBS (1950-2010) was first elected to Hawkesbury City Council in 1983. He held office for nearly 27 years and was our longest serving Councillor.

Born in Pitt Town, Rex was a strong supporter of the area that he grew up in and was a member and patron of the Pitt Town Progress Association. He was a descendant of six generations of Hawkesbury families and had a keen interest in family history. Rex was determined that the history of the Hawkesbury, in particular Pitt Town, be recorded and he wrote many books on the subject.

Rex had an abiding and passionate interest in art, history and culture. He was a member of Hawkesbury Historical Society for nearly 30 years, holding the position of president 1992-2010. He was also chairman of the Friends of the Hawkesbury Art Collection until 2004 when he became patron of the organisation.

Councillor Stubbs was one of the champions of the development of the Hawkesbury Regional Gallery and Hawkesbury Regional Museum and we count the provision of these facilities as one of his many great achievements. With seemingly limitless capacity Rex also served his many patients as a local General Practitioner developing close ties as family doctor to many in our community.

In 2001 Councillor Stubbs was awarded an Order of Australia Medal for service to local government and the Hawkesbury community. He was awarded the honorary title of Emeritus Mayor, by the Local Government and Shires Association NSW in 2008 in recognition of his 10 terms as Mayor of Hawkesbury and one term as Deputy Mayor. He was also awarded the Outstanding Service Award for more than 20 years service to local government.

WINE HOUSE, PART OF HAWKESBURY REGIONAL MUSEUM



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2016

Item: 65 **SS - Council's Code of Meeting Practice - (95496, 96333)**

Previous Item: 174, Ordinary (27 August 2013)
 21, Ordinary (2 February 2016)

REPORT:

Executive Summary

This report addresses a decision taken at the Council Meeting on 2 February 2016, seeking a report regarding changes to Council's Code of Meeting Practice relating to public speakers that were made on 27 August 2013.

Consultation

At this stage, the issues raised in this report do not concern matters that require community consultation under Council's Community Engagement Policy. However, if Council proposes to make any substantial amendments to the current Code of Meeting Practice, the amended Code would be required to be placed on exhibition for a minimum period of 28 days, with submissions being received not less than 42 days after the date on which the Code is placed on public exhibition.

Background

Council, at its meeting on 2 February 2016, considered a rescission motion regarding amendments to Council's FFTF proposal, rating structure and Code of Meeting Practice. At that meeting, Council resolved, in part, as follows:

"That Council:

2. *Receive a report regarding the amendment of Council's Code of Meeting Practice to consider the changes made to clauses relating to public speakers at Council meetings as made on 27 August 2013 and as outlined in the Business Paper on 27 August 2013."*

The Council's decision on 27 August 2013 effectively amended the then Code of Meeting Practice that was adopted on 12 October 2010.

Those clauses relating to public speakers in the current Code of Meeting Practice that was adopted on 27 August 2013 are at Part 3.3.7. They are as follows:

"3.3.7 Mode of Addressing Council by the Public

Hawkesbury City Council actively encourages participation of residents in the decision making process and is happy to hear from people regarding matters raised in the Business Paper.

Members of the public may address Council on any items in the business paper other than the Confirmation of Minutes; Mayoral Minutes; Responses to Questions from Previous Meeting; Notices of Motion (including Rescission Motions); Mayoral Elections; Deputy Mayoral Elections; Committee Elections and Annual Committee Reports.

The procedure for addressing Council is as follows:

1. *All persons wishing to speak on an item in the business paper must make an application to do so. Each speaker is required to complete an application form indicating whether they are speaking 'for' or 'against' a recommendation in the business paper by 3.00pm on the day of the meeting.*

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The application form will include an undertaking, to be signed by the person wishing to speak, to comply with their stated intention, i.e. to speak for or against a recommendation in the business paper, and with the provision to: refrain from any insult, allegation or personal reflection against any person, present or not, during the course of their address to Council and any answers they give to questions from Councillors.

Persons intending to apply for approval to address Council must lodge an application form online/email, in person, or by facsimile, by 3.00pm on the day of the meeting to enable scheduling of items. Persons without access to online or facsimile facilities may contact Council by telephone to discuss their application to speak at the meeting.

Notwithstanding the above, the applicant/owner or nominated representative is entitled to speak if an application is made in accordance with this Code and will be granted permission as one of the three positions allocated for or against a recommendation.

- 2. A maximum of three speakers 'for' and three speakers 'against' a recommendation are given three minutes each to address Council to support their position. No extensions of time will be given.*
- 3. Speakers representing an organisation or group must provide written consent from the identified organisation or group (to speak on its behalf) when registering to speak, specifically by way of letter to the General Manager within the registration timeframe.*
- 4. All speakers must state their name, organisation if applicable (after producing written authorisation from that organisation) and their interest in the matter before speaking.*
- 5. Speakers who do not speak in accordance with their stated intentions, i.e. 'for' or 'against' shall forfeit the right to continue speaking. If the speaker fails to cease speaking or fails to resume their seat, the Mayor/Chairperson may adjourn the meeting.*
- 6. Items subject to public address will be heard in the order in which the Item is listed in the business paper.*
- 7. An applicant to a Planning Decision Item is given the right to respond to any new material raised only, for a period of two minutes.*
- 8. At meetings where applications for more than 20 addresses to Council have been received, a person should speak only on one item unless granted permission by the Chairperson who will have regard to the circumstances of each case taking into account such factors as the nature of the interest in the matter eg applicant, neighbour, and the number of speakers on the item or collectively on the agenda.*
- 9. At the conclusion of an address by a member or members of the public on an item on the agenda, the Council will then proceed to discuss and determine that item and this procedure shall be repeated for each of these items that are subject to an address by a member or members of the public, unless determined otherwise by Council.*
- 10. In the case of Extraordinary Meetings (but for the exceptions outlined previously in this Section), Council may resolve to increase the number of speakers permitted to address Council and to amend the normal three minute maximum speaking time, provided that the total amount of time allocated for speakers does not exceed 30 minutes for speakers in favour (for) and 30 minutes for speakers against, in addition to no more than 10 minutes provided for speakers on each side to answer questions from Councillors and no more than five minutes for a right of reply from each side.*
- 11. The Chairperson may deal with issues concerning the relevance in debate in accordance with 4.3.2.*

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12. *Councillors may ask questions of members of the public who address Council in order to clarify their understanding of the speaker's view or to seek specific additional information. All Councillor questions to, and answers from speakers, are limited to a total time of two minutes per speaker.*

Similar to 3.2.7, Councillors should have the same regard for members of the public and put all such questions to speakers directly, succinctly and without argument."

In the Code of Meeting Practice adopted on 12 October 2010, the relevant clauses relating to public speakers were at Part 3.3.8. These are reproduced below:

"3.3.8 Mode of Addressing Council by the Public

Hawkesbury City Council actively encourages participation of residents in the decision making process and is happy to hear from people regarding matters raised in the Business Paper subject to the provisions of Clause 3.3.7 in respect of Questions With Notice. The provisions of this clause shall apply to Ordinary and, subject to resolution of Council as referred to in (7) below, to Extraordinary Meetings of the Council.

The procedure for addressing Council is as follows:

1. *All proponents and respondents wishing to speak must make application on the relevant form indicating whether they are for or against the item prior to the commencement of the meeting. The application form will include a detailed explanation of the provisions of this code relating to maintaining order at meetings. The application form will include an undertaking, to be signed by the person wishing to speak, to comply with these provisions and to refrain from any insult, allegation or personal reflection against any person, present or not, during the course of their address to Council and any answers they give to questions from councillors. Persons intending to apply for approval to address Council must contact the Council by telephone, email, facsimile or in person to indicate their intention prior to 3pm on the day of the meeting to enable appropriate scheduling of items. Where possible persons wishing to address Council are requested to lodge their completed application form with the General Manager by this time. Notwithstanding the above, the applicant/owner or nominated representative is entitled to speak if an application is made in accordance with this Code and will be granted permission as one of the three positions allocated for proponents and supporters.*
2. *The proponent or applicant, supporters or other interested parties to a maximum of three are given five minutes to address Council to support their position. At meetings where applications for fewer than 20 addresses to Council have been received, the Chairperson may, with the consent of the members, grant a two minute extension.*
3. *Respondents are given the opportunity to address Council and are allowed a maximum of three speakers are given up to a maximum of five minutes speaking time each. At meetings where applications for fewer than 20 addresses to Council have been received, the Chairperson may, with the consent of the members, grant a two minute extension.*
4. *The proponent or applicant is given the right to respond to any new material raised only, for a period of two minutes.*
5. *At meetings where applications for more than 20 addresses to Council have been received, a person should speak only on one item unless granted permission by the Chairperson who will have regard to the circumstances of each case taking into account such factors as the nature of the interest in the matter eg applicant, neighbour, and the number of speakers on the item or collectively on the agenda.*

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6. *At the conclusion of an address by a member or members of the public on an item on the agenda, the Council will then proceed to discuss and determine that item and this procedure shall be repeated for each of these items that are subject to an address by a member or members of the public, unless determined otherwise by Council.*
7. *In the case of Extraordinary Meetings, Council may resolve to increase the number of speakers permitted to address Council and to amend the normal five minute maximum speaking time, provided that the total amount of time allocated for speakers does not exceed 30 minutes for speakers in favour and 30 minutes for speakers against, in addition to no more than 10 minutes provided for speakers on each side to answer questions from Councillors and no more than five minutes for a right of reply from each side.*
8. *The Chairperson may deal with issues concerning the relevance in debate in accordance with 4.3.2.*
9. *Councillors may ask questions of members of the public who address Council in order to clarify their understanding of the speaker's view or to seek specific additional information. Similar to 3.2.7, Councillors should have the same regard for members of the public and put all such questions to speakers directly, succinctly and without argument.*

Council may wish to deal with the matters that involve speakers prior to dealing with other matters on the agenda for the convenience of interested parties."

The changes to the Code of Meeting Practice relating to public speakers that were made as a consequence of Council's decision on 27 August 2013 were briefly as follows:

- No speakers on Confirmation of Minutes, Mayoral Minutes, Responses to Questions from Previous Meetings, Notices of Motions (including Rescission Motions), Mayoral Elections, Deputy Mayoral Elections, Committee Elections or Annual Committee Reports
- Speakers restricted to three minutes duration (reduced from five minutes)
- No extensions of time given for speakers
- Speakers representing organisations or groups must provide written authority from the organisation or group when requesting to speak
- Speakers who do not speak in accordance with their stated intention (either "for" or "against") shall forfeit the right to continue
- Items which have persons listed to speak will be dealt with in the order in which the item is listed in the Business Paper
- Councillors may ask questions of members of the public who address Council, with all Councillor questions to, and answers from speakers, being limited to a total time of two minutes per speaker.

The above details are provided as resolved by Council on 2 February 2016.

Conformance to the Hawkesbury Community Strategic Plan

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

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

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

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

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Financial Implications

There are no financial implications arising from this report.

RECOMMENDATION:

That the report regarding the clauses in Council's Code of Meeting Practice relating to public speakers be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 12 April 2016

Item: 66 **SS - Internal Reporting Policy (Public Interest Disclosures Act) - (95496, 96333)**

Previous Item: 230, Ordinary (12 November 2013)

REPORT:

Executive Summary

Council's Internal Reporting Policy (Public Interest Disclosures Act) establishes a system for the reporting of any serious wrongdoing and ensures public officials who make such a report, are protected from any detrimental action.

The Internal Reporting Policy (Public Interest Disclosures Act) was adopted at the Council meeting on 8 November 2011, following significant amendments to the Public Interest Disclosures Act, and the release of a Model Policy by the NSW Ombudsman. The Model Policy was revised in 2013 and Council at its meeting on 12 November 2013, adopted a revised Policy.

The NSW Ombudsman has made further amendments to the Model Policy and these have been incorporated in the amended Policy which is reported for adoption.

Consultation

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

The previous versions of the Internal Reporting Policy (Public Interest Disclosures Act) have been circulated to all staff and Councillors upon adoption. Should Council adopt this amended Policy, it will also be circulated to all staff and Councillors, and will be made available on Council's website and other internal communication channels.

Background

The purpose of Council's Internal Reporting Policy (Public Interest Disclosures Act) is to establish an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal. The Policy sets out who can report wrongdoing to in Council, what can be reported and how reports of wrongdoing will be dealt with by Council.

Council's Internal Reporting Policy (Public Interest Disclosures Act) was adopted at the Council meeting of 8 November 2011, following significant amendments to the Public Interest Disclosures Act, 1994 and the release of a Model Policy by the NSW Ombudsman.

Since that time, the NSW Ombudsman has produced updates to its Model Internal Reporting Policy, the first being in 2013, with a further update being made in 2014. Under Section 6D of the Public Interest Disclosures Act 1994, public authorities, including councils, are required to have a policy and documentation for receiving, assessing and dealing with public interest disclosures. The Policy developed by Council should be based on the NSW Ombudsman's Model Policy and Guidelines. Council's Policy was last updated in 2013, following consideration of a report by Council at its meeting on 12 November 2013.

As the Policy is currently scheduled for review, it is now considered appropriate to incorporate the amendments made by the NSW Ombudsman in its latest Model Policy.

Accordingly, the Policy has been reviewed and has now been updated. A copy of the draft amended Policy, is attached to the report as Attachment 1.

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Apart from a number of minor amendments to incorporate such things as where, for example, the references to the DLG and Division of Local Government have been substituted with OLG and Office of Local Government, the Policy contains recent changes from the Model Policy which:

- amplify to whom the Policy applies
- clarify the roles and responsibilities of Council staff and Councillors and the Council itself
- set out more clearly the specific roles of the General Manager, Mayor, Disclosures Coordinator and Disclosures Officers in dealing with public interest disclosures (PIDs)
- provide a stronger focus for managing the risks associated with possible reprisals against a person who reports a PID
- make it clearer what penalties that those persons who take reprisal action would face
- strengthen the level of support for persons who may be the subject of a report.

Council's Policy has gone further than the Model Policy in relation to examples of wrongdoing and provides shorter timeframes for responses to those making public interest reports compared to the Model Policy. This has been retained in the amended Policy.

It is recommended that Council adopt the amended Policy.

Conformance to the Hawkesbury Community Strategic Plan

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

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

Financial Implications

There are no financial implications arising from this report.

RECOMMENDATION:

That the Draft Internal Reporting Policy (Public Interest Disclosures Act), attached as Attachment 1 to the report, be adopted.

ATTACHMENTS:

AT - 1 Draft Internal Reporting Policy (Public Interest Disclosures Act)

AT - 1 Draft Internal Reporting Policy (Public Interest Disclosures Act)



Hawkesbury City Council

Policy

DRAFT

Internal
Reporting Policy
(Public Interest
Disclosures Act)

Hawkesbury City Council

ORDINARY MEETING

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HAWKESBURY CITY COUNCIL POLICY

DRAFT Internal Reporting Policy (Public Interest Disclosures Act)

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HAWKESBURY CITY COUNCIL POLICY

DRAFT Internal Reporting Policy (Public Interest Disclosures Act)

1. Purpose and context of the Policy

The purpose of this Policy is to establish an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal. The Policy sets out who you can report wrongdoing to within Council, what can be reported and how reports of wrongdoing will be dealt with by Council.

This Policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with the Policy and the Public Interest Disclosures Act 1994 (PID Act).

The system enables such internal disclosures to be made to the General Manager or the Mayor (as an alternative), the Disclosure Coordinator or a nominated Disclosure Officer/s.

Any individual who comes forward and reports wrongdoing is helping to promote integrity, accountability and good management within the Council.

This Policy:

- replaces Council's Internal Reporting Policy (adopted November 2013).
- is based on the following:
 - NSW Ombudsman: Changes to the Public Interest Guidelines System – Information for Public Authorities 2011
 - NSW Ombudsman: Model Internal Reporting Policy (Local Government) June 2014
 - NSW Ombudsman: Public Interest Disclosures Guidelines (March 2015)
 - PID Act.
- should be read in conjunction with the following documents:
 - Independent Commission Against Corruption and the Local Government Managers Association of NSW: Governance Health Check 2004
 - Council's Code of Conduct
 - Council's Access to Information Policy
 - Council's Conflict Management Policy
 - Council's Gifts and Benefits Policy
 - Council's Privacy Management Plan
 - Council's Policy for Payment of Expenses and Provision of Facilities to Councillors
 - Council's Procedure for Handling Competitive Neutrality Complaints
 - Council's Policies for Sale of Council Land by Public Auction
 - Council's Statement of Business Ethics.

The internal reporting system established under this Policy is not intended to be used for staff grievances, which should be raised through the Grievance Handling Operational Management Standard. If a staff member makes a report under this Policy which is substantially a grievance, the matter will be referred to the appropriate officer to be dealt with in accordance with the Grievance Handling Operational Management Standard.

2. Organisational commitment to Public Interest Disclosures

Council is committed to the aims and objectives of the PID Act. The PID Act recognises the value and importance of contributions of staff to enhance administrative and management practices.

Council does not tolerate corrupt conduct, maladministration, serious and substantial waste of public money, breach of the Government Information (Public Access) Act 2009 (GIPA Act) or local government pecuniary interest contravention. Council strongly encourages and facilitates disclosures being made by staff and councillors about corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act or local government pecuniary interest contravention.

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HAWKESBURY CITY COUNCIL POLICY

DRAFT Internal Reporting Policy (Public Interest Disclosures Act)

Council will:

- ensure managers and supervisors at all levels in Council understand the benefits of reporting wrongdoing, are familiar with this Policy, and aware of the needs of those who report wrongdoing
- provide adequate resources, to:
 - encourage reports of wrongdoing
 - protect and support those who make them
 - provide training about how to make reports and the benefits of internal reports to the Council and the public interest generally
 - properly assess and investigate, or otherwise deal with allegations
 - properly manage any workplace issues that the allegations identify or that result from a report
 - appropriately address any identified problems
- create a climate of trust, where Council staff are comfortable and confident about reporting wrongdoing
- take all reasonable steps to ensure the confidentiality and protection of the person who makes such disclosures
- ensure that the matters raised in the disclosure are properly and impartially investigated;
- keep the person who made the disclosure informed of the progress of the investigation and the outcome
- deal with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it
- protect the person who makes disclosures from any adverse action resulting from them making a report
- encourage the reporting of wrongdoing within Council, but respect any decision to disclose wrongdoing outside Council, that is made in accordance with the PID Act.
- review the Policy periodically to ensure it is relevant and effective.

3. Who does this Policy apply to?

This Policy will apply to:

- members of Council staff and Councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for Council
- employees of contractors providing services to Council
- other people who perform official Council functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

The policy also applies to public officials of another council or public authority who report wrongdoing relating to Council.

All persons listed above are encouraged to report known and suspected wrongdoing within Council. This Policy is one of Council's many complaint handling avenues.

Council staff and Councillors are encouraged to support those who have made reports of wrongdoing, as well as protect and maintain their confidentiality. They must not victimise or harass anyone who has made a report.



HAWKESBURY CITY COUNCIL POLICY

DRAFT Internal Reporting Policy (Public Interest Disclosures Act)

4. Roles and Responsibilities

a) The role of Council staff and Councillors

Staff and Councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All Council staff and Councillors are obliged to:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality
- treat any staff member or person dealing with a report of wrongdoing with courtesy and respect
- respect the rights of any person the subject of reports.

Staff and Councillors must not:

- make false or misleading reports of wrongdoing
- victimise or harass anyone who has made a report.

Additionally, the behaviour of all Council staff and Councillors involved in the internal reporting process must adhere to the Council's Code of Conduct. A breach of the Code could result in disciplinary action.

b) The role of the Council

The Council has a responsibility to establish and maintain a working environment that encourages staff and Councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.

The Council will assess all reports of wrongdoing it receives from staff and councillors and deal with them appropriately. Once wrongdoing has been reported, the Council takes 'ownership' of the matter. This means it is up to us to decide whether a report should be investigated, and if so, how it should be investigated and by whom. The Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.

The Council must report on our obligations under the PID Act and statistical information about public interest disclosures in our annual report and to the NSW Ombudsman every six months.

To ensure the Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and Councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

5. What should be reported

You should report any suspected wrongdoing within Council, or any activities or incidents you see within Council that you believe are wrong.

Reports about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and local government pecuniary interest contravention – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this Policy. See below for details about these types of conduct.

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with relevant Council policies. This might include:

- harassment or unlawful discrimination
- practices that endanger the health and safety of staff or the public.

Even if these reports are not dealt with as public interest disclosures, Council recognises such reports may raise important issues and will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

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HAWKESBURY CITY COUNCIL POLICY

DRAFT Internal Reporting Policy (Public Interest Disclosures Act)

a) Corrupt Conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others, i.e. blackmail or fraud
- acting dishonestly or unfairly, or breaching public trust, i.e. public officials dishonestly using influence
- a Council official using their position, or being influenced by a member of the public to use their position in a way that is dishonest, biased or breaches public trust, i.e. taking or offering bribes or election bribery.

For more information about corrupt conduct, see the NSW Ombudsman's Guideline on [what can be reported](#).

b) Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful, i.e.:
 - awarding contracts and tenders to private parties that are related by family, friendship or association
 - failing to make a decision in accordance with official policy for no appropriate reason
- refusing to grant an approval for reasons that are not related to the merits of their application.

For more information about maladministration, see the NSW Ombudsman's Guideline on [what can be reported](#).

c) Serious and Substantial Waste of public money

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money. This includes all revenue, loans and other money collected, received or held by, for or on account of the Council. For example, this could include:

- not following a competitive tendering process for a large scale contract
- poor project management practices leading to projects running over time
- having bad or no processes in place for a system involving large amounts of public funds
- misappropriation or misuse of public property
- the purchase of unnecessary or inadequate goods and services
- overstaffing in particular areas
- staff being remunerated for skills that they do not have, but are required to have under the terms or conditions of their employment
- programs not achieving their objectives and therefore the program's costs being clearly ineffective and inefficient.

For more information about serious and substantial waste, see the NSW Ombudsman's Guideline on [what can be reported](#).



HAWKESBURY CITY COUNCIL POLICY

DRAFT Internal Reporting Policy (Public Interest Disclosures Act)

d) Breach of the GIPA Act

A breach of the GIPA Act is a failure to properly fulfil functions under that Act. For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

For more information about a breach of the GIPA Act, see the NSW Ombudsman's Guideline on what can be reported.

e) Local Government Pecuniary Interest Contravention

A local government pecuniary interest contravention is a failure to fulfil certain functions under the Local Government Act 1993 (LG Act) relating to the management of pecuniary interests. These include obligations to lodge disclosure of interest's returns, lodge written declarations and disclose pecuniary interests at Council and Council committee meetings. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. For example, this could include:

- a senior Council staff member recommending a family member for a Council contract and not declaring the relationship
- a General Manager holding an undisclosed shareholding in a company competing for a Council contract.

For more information about local government pecuniary interest contravention, see the NSW Ombudsman's Guideline on what can be reported.

6. Assessment of reports

All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

The Disclosures Coordinator is responsible for assessing reports, in consultation with the General Manager where appropriate. All reports will be assessed in the information available to the Disclosures Coordinator at the time. It is up to the Disclosures Coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the Disclosures Coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

7. When will a report be treated as a public interest disclosure?

Council will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

- the report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention
- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing:
 - honestly believe – you genuinely believe something is happening, as opposed to having a 'suspicion' that it may be occurring
 - reasonable grounds – would someone with an objective viewpoint in the circumstances, also believe wrongdoing was occurring/had occurred
 - shows or tends to show – is there sufficient information to indicate wrongdoing. This may include:
 - a direct observation of the wrongdoing
 - corroborative observation by others
 - evidence such as unbalanced accounts, missing items of value or contradictory records
- The report has to be made to either the General Manager or, for reports about the General Manager the Mayor, a position nominated in this Policy (see Section 8) or an investigating authority (see Section 9a) or in limited circumstances an MP or journalist (see Section 9b).

ORDINARY MEETING

Meeting Date: 12 April 2016



HAWKESBURY CITY COUNCIL POLICY

DRAFT Internal Reporting Policy (Public Interest Disclosures Act)

Reports by staff and Councillors will not be considered to be public interest disclosures if they:

- mostly question the merits of the policy of the governing body of the Council
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

8. Who can receive a report within the Council

You are encouraged to report general wrongdoing to your supervisor. However the PID Act requires that for a report to be a public interest disclosure it must be made to a public official in accordance with this Policy.

Any supervisor who receives a report that they believe may be a public interest disclosure must refer the individual making the report to one of the positions listed below.

If your report involves a Councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Mayor.

The following positions are the only positions within Council who can receive a public interest disclosure.

a) General Manager

The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring the Council complies with the PID Act. The General Manager can receive reports from staff and Councillors and has a responsibility to:

- assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with
- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures
- ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- make decisions following any investigation or appoint an appropriate decision-maker
- take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC)
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

The General Manager can be contacted on (02) 4560 4410.

b) Mayor

The Mayor can receive reports from staff and Councillors about the General Manager. Where the Mayor receives such reports the Mayor has a responsibility to:

- assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with
- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures
- refer reports to an investigating authority, where appropriate
- liaise with the Disclosures Coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- refer actual or suspected corrupt conduct to the ICAC
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

Current contact information for the Mayor is available from the Mayor/General Manager's Personal Assistant on (02) 4560 4410.

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c) Disclosures Coordinator

The Disclosures Coordinator has a central role in the Council's internal reporting system. The Disclosures Coordinator can receive and assess reports, and is the primary point of contact in the Council for the reporter. The Disclosures Coordinator has a responsibility to:

- assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager)
- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures
- coordinate the Council's response to a report
- acknowledge reports and provide updates and feedback to the reporter
- assess whether it is possible and appropriate to keep the reporter's identity confidential
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified
- where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report
- ensure the Council complies with the PID Act
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

The Disclosures Coordinator is the Director Support Services, contactable on (02) 4560 4585.

d) Disclosures Officers

Disclosures Officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing and assist staff and councillors to make reports.

Disclosures Officers have a responsibility to:

- document in writing any reports received verbally, and have the document signed and dated by the reporter
- make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace
- discuss with the reporter any concerns they may have about reprisal or workplace conflict
- carry out preliminary assessment and forward reports to the Disclosures Coordinator or General Manager for full assessment.

The Disclosure Officer is the Manager Corporate Services and Governance, contactable on (02) 4560 4426.

e) Supervisors and Managers

Supervisors and managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and managers should be aware of the internal reporting policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing. They have a responsibility to:

- encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do
- identify reports made to them in the course of their work that could be public interest disclosures and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy
- implement local management strategies, in consultation with the disclosures coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report
- notify the Disclosures Coordinator or General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal action by the General Manager, notify the Mayor.

**HAWKESBURY CITY COUNCIL POLICY****DRAFT Internal Reporting Policy (Public Interest Disclosures Act)****9. Who can receive a report outside of Council**

Staff and Councillors are encouraged to report wrongdoing within Council, but internal reporting is not your only option. If you follow the guidance below, you can make a public interest disclosure to:

- an investigating authority. If your report is about the General Manager and the Mayor, you may wish to consider making it to an investigating authority.
- a Member of Parliament or a journalist, but only in limited circumstances outlined below.

a) Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff and Councillors can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to Council, these authorities are:

- the Independent Commission Against Corruption (ICAC) - for corrupt conduct
- the Ombudsman - for maladministration
- the Office of Local Government - for disclosures about local government agencies
- the Information Commissioner - for disclosures about a government information contravention.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this Policy.

You should be aware that it is very likely the investigating authority will discuss the case with Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to individuals who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

b) Members of Parliament or journalists

To have the protections of the PID Act, a person reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager
- a person nominated in this Policy
- an investigating authority in accordance with the PID Act.

Also, Council or the investigating authority that received the report must have either:

- decided not to investigate the matter;
- decided to investigate the matter, but not completed the investigation within six months of the original report;
- investigated the matter but not recommended any action as a result;
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

c) Other external reporting

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or Council's Code of Conduct by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside Council, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Contact details are provided at the end of this Policy.



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10. How to make a report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The individual making the report should keep a copy of this record.

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

11. Can a report be anonymous?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.

12. Feedback to staff who report wrongdoing

The individual who reported wrongdoing will be told what is happening in response to their report.

Within five working days of making your report you will be given:

- written acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening
- a copy of this Policy.

Within ten working days of making your report a decision will be made about how your report will be dealt with, and you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within Council to handle any concerns you may have
- information about external agencies and services you can access for support
- during any investigation, you will be given:
 - information on the ongoing nature of the investigation
 - information about the progress of the investigation and reasons for any delay
 - advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

Behaviour of all people involved in the PID process needs to adhere the Council's Code of Conduct. A breach of the Code of Conduct could result in disciplinary action.



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13. Maintaining confidentiality

Council realises many staff will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

Council is committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under the Council's Code of Conduct, as this may mean certain information will have to be tabled at a Council Meeting.

If you report wrongdoing, it is important that you only discuss your report with the staff of the Council responsible to deal with it. This will include the Disclosures Coordinator and the General Manager. In the case of a report about the General Manager, you should only discuss your report with the Disclosures Coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.

Any staff or Councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

Where your complaint is made under the Council's Code of Conduct and relates to the General Manager or a Councillor, you may be required to discuss it with a conduct reviewer.

14. Managing the risk of reprisal and workplace conflict

When a staff member or Councillor reports wrongdoing, the Council will undertake a thorough risk assessment to identify the risk to that person of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, the Council may:

- relocate the reporter or the staff member who is the subject of the allegation within the current workplace
- transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified
- grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

In relation to staff who make reports, such directions will only be made if the member of staff agrees to it. The Disclosures Coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

15. Protection against reprisals

The Council will not tolerate any reprisal against staff or Councillors who report wrongdoing or are believed to have reported wrongdoing.

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action, substantially in reprisal for them making the public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they have not.

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Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of the Council's Code of Conduct which may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the LG Act and may include suspension or disqualification from civic office.

It is important for staff and Councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where the Council has reasonable grounds to take such action.

a) Responding to reprisals

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately. In the case of an allegation of reprisal action by the General Manager, you can alternatively report this to the Mayor.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the Disclosures Coordinator or the General Manager, or in the case of an allegation of reprisal by the General Manager, to the Mayor.

If the Disclosures Coordinator becomes aware of, or reasonably suspects that reprisal action is or has been taken against a person who has made a disclosure, they will

- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
- refer any breach of Part 8 of the Council's Code of Conduct (reprisal action) by a Councillor or the General Manager to the Office of Local Government
- refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome of any investigation or other action taken in response to your allegation.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman, the ICAC or the Office of Local Government – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this Policy.

b) Protection against legal action

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations, and you will have the defence of absolute privilege in defamation.



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16. Support for those reporting wrongdoing

Council will make sure that staff who have reported wrongdoing, regardless of whether they have made a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management counselling services.

Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the Disclosures Coordinator.

Council provides an Employee Assistance Program (EAP) for all staff. Details of the EAP may be obtained from the Manager Human Resources, contactable on (02) 4560 4412 who is available to provide additional support to reporters and other staff. All supervisors must notify the Disclosures Coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

17. Sanctions for making false or misleading disclosures

It is important that all staff and Councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. The Council will not support staff or Councillors who wilfully make false or misleading reports. It may also be a breach of the Council's Code of Conduct and may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the LG Act and may include suspension or disqualification from civic office.

18. The rights of persons the subject of a report

The Council is committed to ensuring staff or Councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time you will be:

- advised of the details of the allegation
- advised of your rights and obligations under the relevant related policies and procedures
- kept informed about the progress of any investigation
- given a reasonable opportunity to respond to any allegation made against you
- told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.

Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

19. Review

This Policy will be reviewed by Council every two years and otherwise periodically to ensure that it is relevant and effective.

For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

20. More information

The supporting documentation regarding public interest disclosures is available on Council's Intranet.

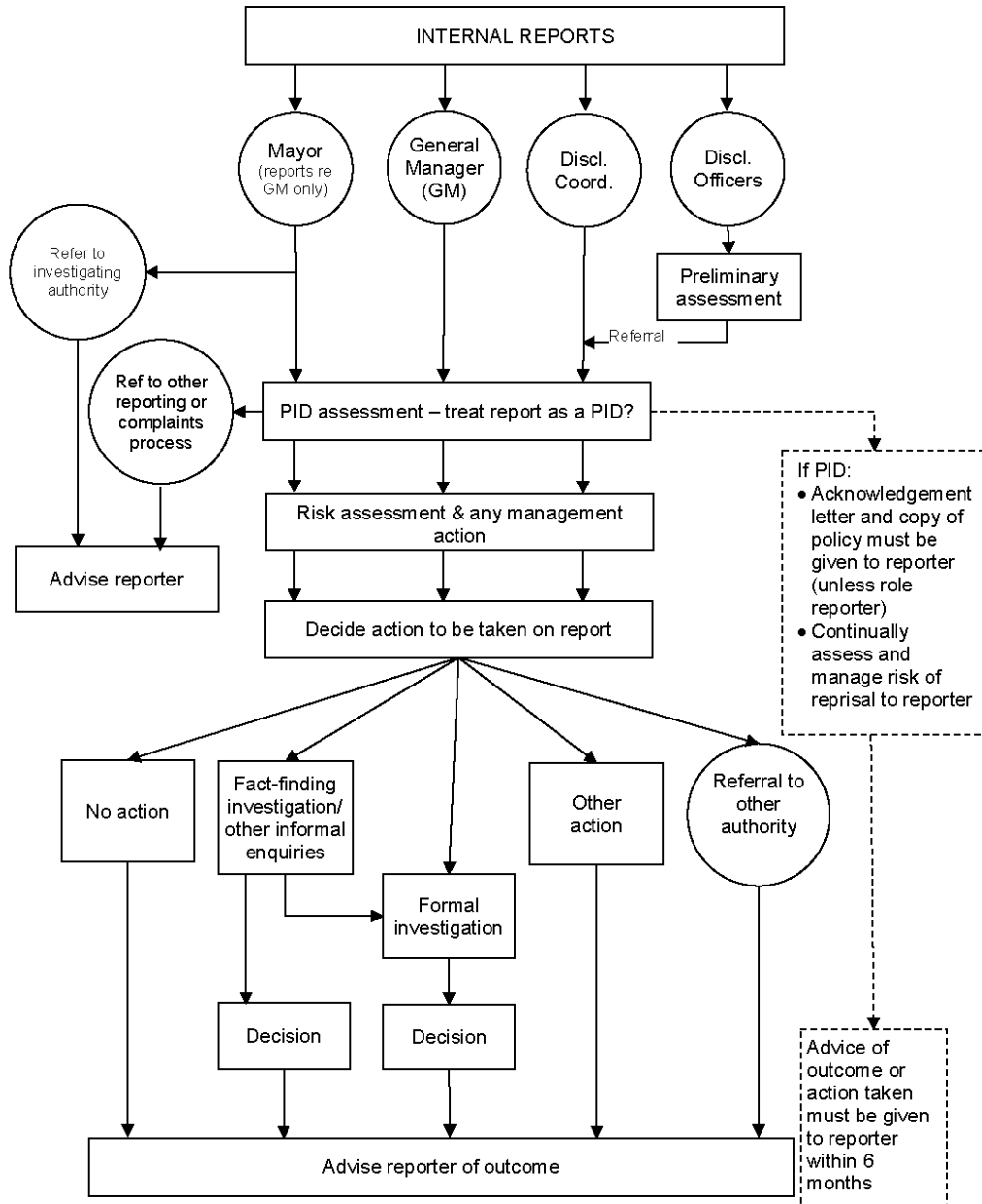
Staff and Councillors can also access advice and guidance from Council's Disclosures Coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au



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21. Flow chart of internal reporting process



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22. Resources

The contact details for external investigating authorities that staff and councillors can make a public interest disclosure to or seek advice from are listed below.

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)
Phone: (02) 8281 5999
Toll free: 1800 463 909
Tel. typewriter (TTY): (02) 8281 5773
Facsimile: (02) 9264 5364
Email: icac@icac.nsw.gov.au
Web: www.icac.nsw.gov.au
Address: Level 7, 255 Elizabeth Street,
SYDNEY NSW 2000

For disclosures about maladministration:

NSW Ombudsman
Phone: (02) 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Tel. typewriter (TTY): (02) 9264 8050
Facsimile: (02) 9283 2911
Email: nswombo@ombo.nsw.gov.au
Web: www.ombo.nsw.gov.au
Address: Level 24, 580 George Street,
SYDNEY NSW 2000

For disclosures about breaches of the GIPA Act:

Information Commissioner
Information and Privacy Commission
Toll free: 1800 463 626
Facsimile: (02) 8114 3756
Email: ipcinfo@ipc.nsw.gov.au
Web: www.ipc.nsw.gov.au
Address: Level 11, 1 Castlereagh Street,
SYDNEY NSW 2000

For disclosures about Council:

Office of Local Government
Phone: (02) 4428 4100
Tel. typewriter (TTY): (02) 4428 4209
Facsimile: (02) 4428 4199
Email: olg@olg.nsw.gov.au
Web: www.olg.nsw.gov.au
Address: 5 O'Keefe Avenue,
NOWRA NSW 2541

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SECTION 4 - Reports of Committees

ROC Local Traffic Committee - 14 March 2016 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on 14 March 2016, commencing at 3pm.

Present:	Mr James Suprain, Roads and Maritime Services Mr Steve Grady, Busways
Apologies:	Councillor Kim Ford (Chairman) Inspector Ian Woodward, NSW Police Force Snr Constable Rob Wright, NSW Police Force Ms Jill Lewis, NSW Taxi Council
In Attendance:	Mr Christopher Amit, (Acting Chairman), Manager, Design and Mapping Services Ms Judy Wong, Community Safety Coordinator Mr Ralph Harlander, Taxi Driver, Local Taxi Company Representative Ms Janette Sauterel, Roads and Maritime Services

Mr Christopher Amit advised the Committee that the Chair (Councillor Kim Ford) was unable to attend the meeting and had requested that Mr Amit be the Acting Chair. The Acting Chair position 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.

The Acting Chairman tendered an apology on behalf of Councillor Kim Ford and Senior Constable Rob Wright advising that both Councillor Kim Ford and Senior Constable Rob Wright concurred with the recommendations as contained in the formal agenda and had granted proxy to himself to cast votes on their behalf.

RESOLVED on the motion of Mr James Suprain, seconded by Mr Christopher Amit that the apologies be accepted.

SECTION 1 - Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the motion of Mr James Suprain, seconded by Mr Christopher Amit that the minutes from the previous meeting held on Monday, 8 February 2016 be confirmed.

Item 1.2 Business Arising

There was no Business Arising.

SECTION 2 - Reports for Determination

**Item: 2.1 LTC - Parramatta Cycling Club 2016 Road Racing Program - Oakville Events
(Hawkesbury) - (80245, 82935)**

REPORT:

Introduction:

An application has been received from the Parramatta Cycling Club seeking approval (in traffic management terms) to conduct the Parramatta Cycling Club 2016 Road Racing Program - Oakville Events.

The event organiser has advised;

- The event has been held annually, over the past 20 years.
- The cycling events will be held on 11 separate Saturdays, during the period of 16 April 2016 to 17 September 2016,
- The proposed dates are;
 - 16 April 2016
 - 30 April 2016
 - 21 May 2016
 - 11 June 2016
 - 25 June 2016
 - 02 July 2016
 - 23 July 2016
 - 06 August 2016
 - 20 August 2016
 - 03 September 2016
 - 17 September 2016
- Each event will be conducted between 1pm and 4pm, with racing commencing at 2pm.
- The event is a Race and there will be four to five races on the day,
- There will be approximately 60 participants,
- Approximately 1 to 15 spectators are expected,
- There will be four to five groups with each group not to exceed 20 riders,
- The event starts and finishes at Oakville Public School, located at No. 46 Ogden Road, Oakville,
- Utilising the School's parking facilities will eliminate traffic congestion in the start/finish area.
- Traffic control arrangements will be in place with no road closures required,
- The course follows an anti-clockwise direction which utilises left turns only at intersections to ensure the safety of participants and motorists,
- The course has been chosen because of its remote location and minimum impact on the local amenity,

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- Accredited traffic marshals are in constant two way radio communication between marshals and all escort vehicles and the start line,
- The Club will utilise a roaming Commissaires vehicle as an escort for public awareness and also for observing race and road infringements,
- The Bicycle Race will be conducted along the following route;
 - Commencing at Oakville Public School, Oakville, and entering Ogden Road,
 - Travel a short distance along Ogden Road and then into Hanckel Road,
 - Travel along Hanckel Road and turn left into Old Pitt Town Road,
 - Travel along Old Pitt Town Road and turn left into Saunders Road,
 - Travel along Saunders Road and turn left into Smith Road,
 - Travel along Smith Road and turn left into Ogden Road,
 - Travel along Ogden Road finishing at Oakville Public School,
 - The route distance is approximately 7.2 kilometres.

Refer to Attachment 1: Event Route Plan - Bicycle Racing Events 2016 – Oakville.

Discussion:

It would be appropriate to classify the event as a “**Class 2**” special event under the “Traffic and Transport Management for Special Events” guidelines issued by the Roads and Maritime Services - RMS (formerly RTA) as the event may disrupt minor traffic and transport systems along the specified route and there may be a low scale disruption to the non-event community. Speed limit, traffic volume and road width details are provided in the following table:

Oakville Route			
Road Name	Speed Limit (km/h)	ADT (Year)	Sealed Carriageway Width (m)
Hanckel Road	60 and 70	1498 (2002)	5.7
Ogden Road	60 and 70	190 (1999)	8.0
Old Pitt Town Road	70	1264 (2002)	6.0 to 8.0
Saunders Road	70	718 (2000)	5.4 to 5.8
Smith Road	70	342 (1999)	6.1

The event organiser should assess the risk and address the suitability of the route as part of the risk assessment considering the road width, number of bicycles, traffic volume and bicycles travelling close to the edge of the sealed travelling lane.

The event organiser has submitted the following items in relation to the event: Attachment 2 (ECM Document Set ID No: 5319367):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Transport Management Plan – referred to in the application as Traffic Management Plan (TMP),
5. Proposed Road Racing Schedule 2016,
6. Event Route Plan,
7. Copy of Insurance Policy which is valid to 30 November 2016,
8. Copy of the application to the NSW Police Force,
9. Copy of the correspondence to be forwarded to the Residents.

RECOMMENDATION TO COMMITTEE:

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Parramatta Cycling Club 2016 Road Racing Program - Oakville Events planned for;
 - 16 April 2016
 - 30 April 2016
 - 21 May 2016
 - 11 June 2016
 - 25 June 2016
 - 02 July 2016
 - 23 July 2016
 - 06 August 2016
 - 20 August 2016
 - 03 September 2016
 - 17 September 2016

by the Parramatta Cycling Club along the Oakville Route be classified as a "**Class 2**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).

3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

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

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- 4b. the event organiser is to assess the risk and address the suitability of the entire route 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 by the event organiser prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to **submit a Traffic Control Plan (TCP) for the entire route to Council and the Roads and Maritime Services - RMS (formerly RTA)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4e. as the event will traverse public roads and require traffic control, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4f. 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;**
- 4g. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4h. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4i. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures 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 the residents 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 or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4o. the cyclists are to be made aware of and are to follow all the general road user rules whilst cycling on public roads;

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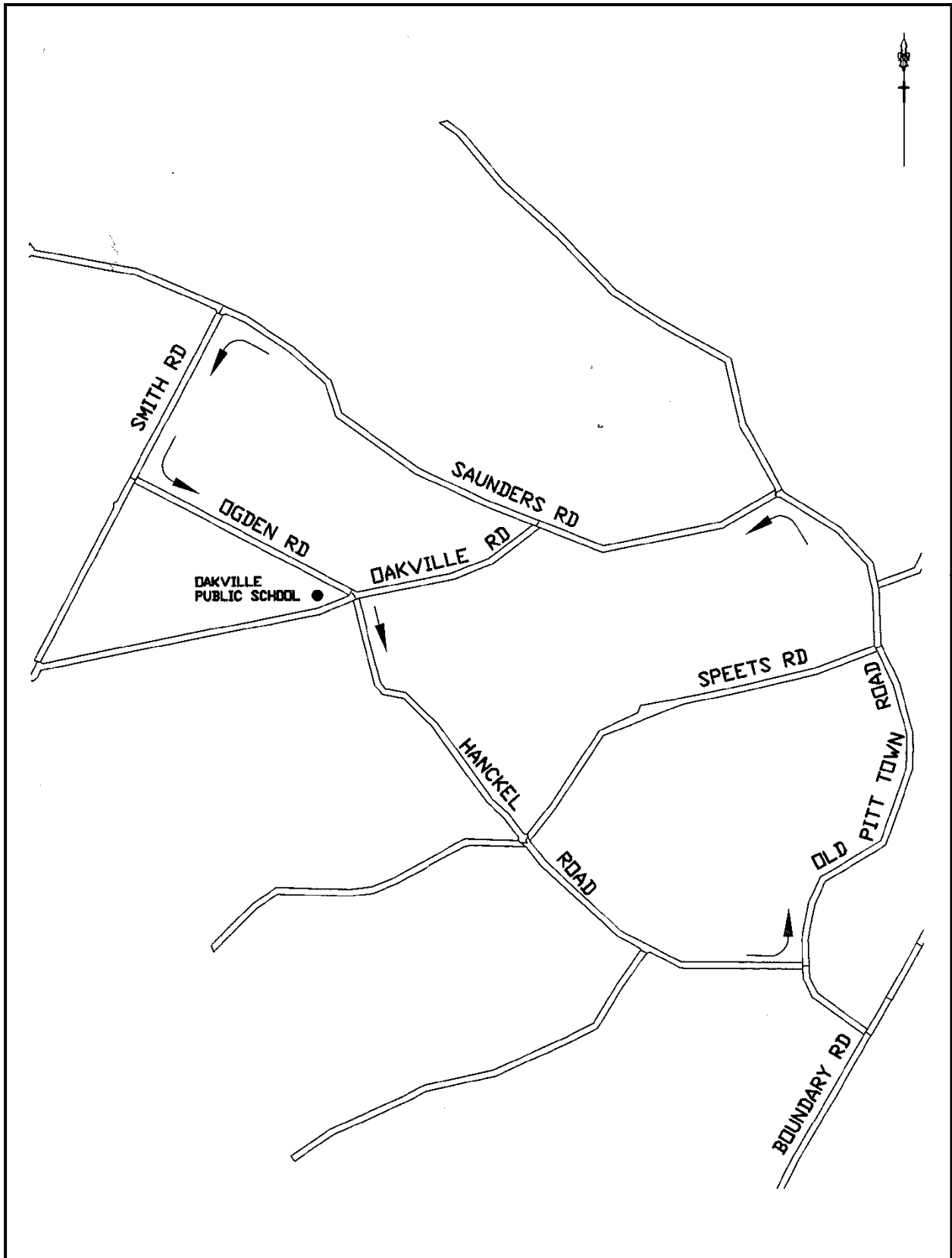
- 4p. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4q. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4r. 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 Event Route Plan - Bicycle Racing Events 2016 – Oakville

AT - 2 Special Event Application - (ECM Document Set ID No: 5319367) - *see attached.*

AT - 1 Event Route Plan - Bicycle Racing Events 2016 – Oakville



COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr James Suprain, seconded by Mr Christopher Amit.

Support for the Recommendation: Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Parramatta Cycling Club 2016 Road Racing Program - Oakville Events planned for;
 - 16 April 2016
 - 30 April 2016
 - 21 May 2016
 - 11 June 2016
 - 25 June 2016
 - 02 July 2016
 - 23 July 2016
 - 06 August 2016
 - 20 August 2016
 - 03 September 2016
 - 17 September 2016

by the Parramatta Cycling Club along the Oakville Route be classified as a "**Class 2**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route 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 by the event organiser prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to **submit a Traffic Control Plan (TCP) for the entire route to Council and the Roads and Maritime Services - RMS (formerly RTA)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4e. as the event will traverse public roads and require traffic control, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4f. 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;**
- 4g. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; **a copy of the proposed advertisement to be submitted to Council** (indicating the advertising medium);
- 4h. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 4i. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures 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 the residents has been submitted to Council;**

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- 4k. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" to Council;

During the event:

- 4l. access is to be maintained for businesses, residents and their visitors;
- 4m. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4n. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4o. the cyclists are to be made aware of and are to follow all the general road user rules whilst cycling on public roads;
- 4p. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4q. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4r. 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 - Bilpin Bush Run 2016 - Bilpin (Hawkesbury) - (80245, 73582)

REPORT:

Introduction

An application has been received from the Bilpin Rural Fire Service seeking approval (in traffic management terms) to conduct the Bilpin Bush Run on Saturday, 20 August 2016.

The event organiser has advised:

- This is an annual event which has been held for over 15 year and previously undertaken along a different course.
- The 2014 and 2015 event was undertaken along a new course which is to be utilised for the 2016 event.
- The event is a fun/fitness run organised by the Bilpin RFS as a fundraising event that also promotes and develops training for personnel.
- The event will be conducted between 7am and 3pm. The event set up will commence from 5am with progressive shutdown of each site as the last participants pass each checkpoint.
- The start and finish of the event will be at Bilpin District Hall located at No. 2596 Bells Line of Road, Bilpin.

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- The route of the Bush Run is within the Hawkesbury Local Government area and will be predominantly along fire trails, national park trails, Telstra trails, power line trails and easements, private property tracks and paddocks, along short sections of Mt Tootie Road and Bells Line of Road and cross Mt Tootie Road at several locations.
- The 34 kilometre Bush Run will be undertaken along the following route;
 - Commence at the Bilpin District Hall and proceed in a westerly direction along the road verge area on Bells Line of Road for an approximate distance of 600 metres.
 - Turn right into the fire trail (Crown Road Reserve) and proceed along the fire trail into the National Park and follow the trail until it crosses Mt Tootie Road (race distance 1.8 kilometres). The crossing point in Mt Tootie Road is in the vicinity of No. 66 Mt Tootie Road (approximately 800 metres from Bells Line of Road).
 - After crossing Mt Tootie Road, proceed along a Telstra trail that runs parallel to and west of the road 20 to 30 metres off the Mt Tootie Road.
 - After 3.5 kilometres of existing trails, the runners cross Mt Tootie Road on two occasions 100 metres apart below the loop in the road.
 - The runners will then enter a series of trails and power line tracks before emerging for a short distance along Mt Tootie Road (approximately 200 metres), before entering a Telstra trail that runs parallel to Mt Tootie Road.
 - At this point the runners will enter private property and follow a course over paddocks, property tracks and fire trails which will bring them back to Mt Tootie Road.
 - The return course follows the same tracks as the outbound course until approximately three kilometres from the finish.
 - At this point the runners will cross Mt Tootie Road and follow a power line easement until they enter the fire trail 1.8 kilometres from the start.
 - On entry to the fire trail, runners return along the same out bound course, finishing at the Bilpin District Hall.
- Traffic Controllers will be positioned at all Mt Tootie Road crossing points.
- Mt Tootie Road is a very low traffic gravel road (ADT < 50).
- Some disruption will occur to a small number of residents along Bells Line of Road and Mt Tootie Road.
- The runners will utilise a 600 metre section along the northern verge of Bells Line of Road, which is a State Road. Vehicular traffic and participants are separated by a verge of approximately 10 metres wide along this section of Bells Line of Road. The shoulder of Bells Line of Road (on the section between Mt Tootie Road and Bilpin District Hall) will not be used at all by any runners.
- There will be approximately 250 runners participating in the run.
- Approximately 100 spectators are expected to attend.
- Off street parking is available at Bilpin District Hall for over 200 cars. If the car park area becomes full, additional car parking is available on adjoining properties.

Details of the Event Course for the Bilpin Bush Run 2016, is contained in Attachment 1.

Discussion

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

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Mt Tootie Road is a dead end road which extends from Bells Line of Road for a distance of 8.75 kilometres. The road is sealed for an approximate distance of 230 metres from Bells Line of Road with the remaining length being unsealed. The traffic volume recorded in 1999 in the vicinity of No. 66 Mt Tootie Road was 31 vehicles per day. It has an entering speed limit of 50km/h.

The event organiser has submitted the following items in relation to the event: Attachment 2 (ECM Document Set ID No: 5333124):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Transport Management Plan – referred to in the application as Traffic Management Plan (TMP) and Traffic Control Plans (TCP),
5. Event Course Map,
6. Copy of the correspondence to be forwarded to the Residents,
7. Copy of Insurance Policy which is valid to 14 July 2015,
8. Copies of correspondence forwarded to the NSW Police Force, NSW Ambulance Service, Fire and Rescue NSW, Hawkesbury NSWPW, NSW Department of Primary Industries – Crown Lands Office and SES.

RECOMMENDATION TO COMMITTEE:

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Bilpin Bush Run 2016 event planned for Saturday, 20 August 2016, be classified as a "**Class 2**" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; **a copy of the Police Force approval to be submitted to Council;**
- 4d. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4e. as the event will traverse public roads and require traffic control, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road.
- 4f. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of is to be addressed and outlined in writing and added to the TMP;
- 4g. the event organiser is to obtain approval from the National Parks and Wildlife Service (Office of Environment and Heritage) for the use of the Wollemi National Park; **a copy of this approval to be submitted to Council;**
- 4h. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of a Council Park/Reserve;
- 4i. the event organiser is to obtain approval from the NSW Department of Primary Industries for the use of any Crown Road or Crown Land; **a copy of this approval to be submitted to Council;**
- 4j. the event organiser is to obtain approval from the respective Land Owners for the use of their land as part of the route 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** (indicating the advertising medium);

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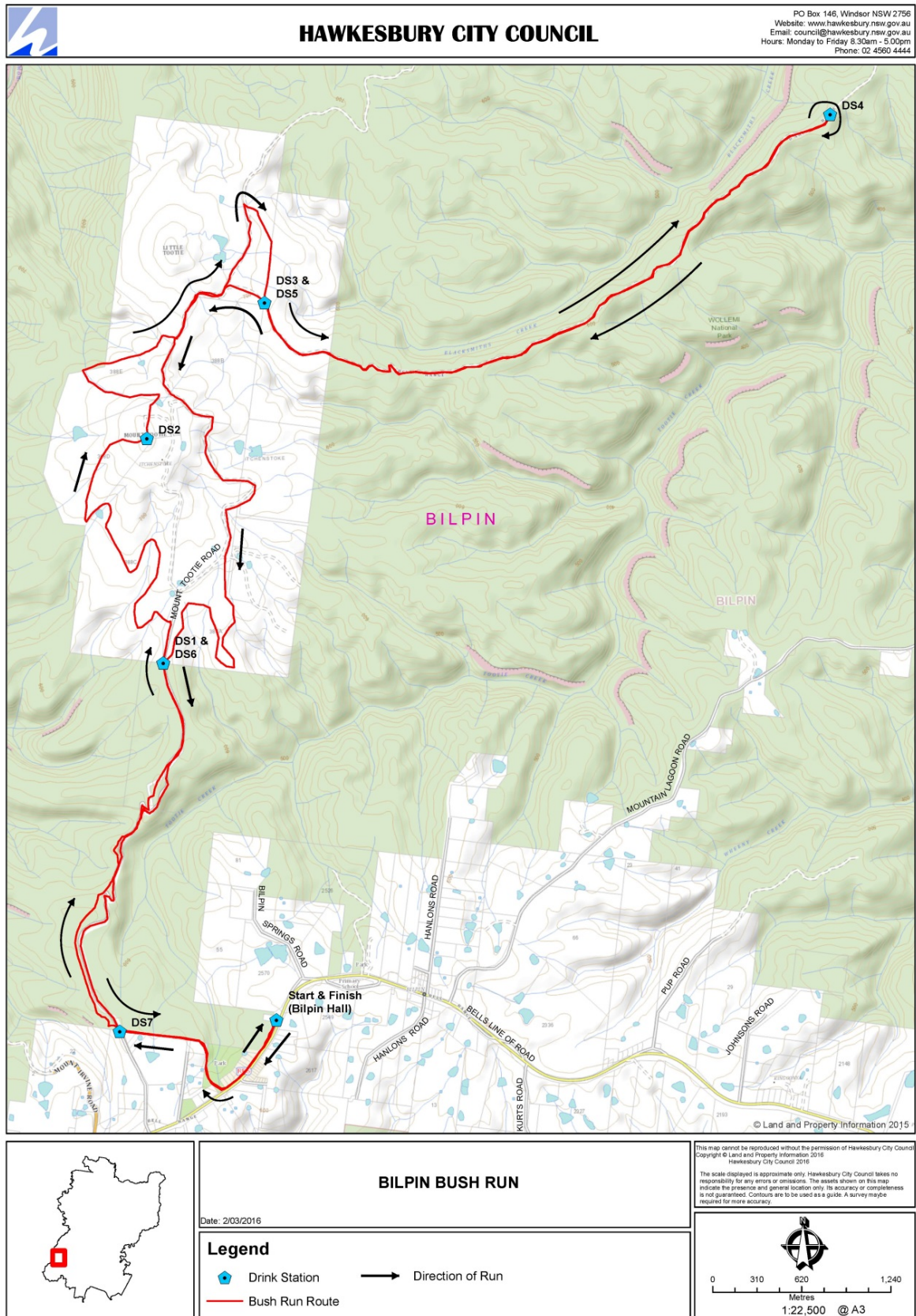
- 4p. access is to be maintained for businesses, residents and their visitors;
- 4q. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4r. all traffic controllers / marshals operating within the public road network or road related area, are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

APPENDICES:

AT - 1 Event Course Map for the Bilpin Bush Run 2016.

AT - 2 Special Event Application - (ECM Document Set ID No: 5333124) - *see attached*.

AT - 1 Event Course Map for the Bilpin Bush Run 2016



COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr James Suprain, seconded by Mr Christopher Amit.

Support for the Recommendation: Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
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- 4d. the event organiser is to **submit to Council a copy of its Public Liability Policy** in an amount not less than **\$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**

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- 4e. as the event will traverse public roads and require traffic control, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road.
- 4f. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of is to be addressed and outlined in writing and added to the TMP;
- 4g. the event organiser is to obtain approval from the National Parks and Wildlife Service (Office of Environment and Heritage) for the use of the Wollemi National Park; **a copy of this approval to be submitted to Council;**
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- 4j. the event organiser is to obtain approval from the respective Land Owners for the use of their land as part of the route 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** (indicating the advertising medium);
- 4l. the event organiser is to notify the details of the event to the NSW Rural Fire Service 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;**
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- 4o. the event organiser is to **submit** the completed "Traffic and Transport Management for Special Events – **Final Approval Application Form (Form C)**" to Council;

During the event:

- 4p. access is to be maintained for businesses, residents and their visitors;
- 4q. a clear passageway of at least 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 the Roads and Maritime Services - RMS (formerly RTA);
- 4s. the runners are to be made aware of and are to follow all the general road user rules whilst running on public roads;

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- 4t. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4u. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4v. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity, and,
- 4w. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be undertaken as outlined in the TMP.

SECTION 3 - Reports for Information

There are no Reports for Information.

SECTION 4 - General Business

Item: 4.1 LTC - Local Traffic Committee Meeting Attendance Register - (80245, 79353, 73621)

REPORT:

Mr C Amit on behalf of Councillor Ford advised the Committee that at a recent Ordinary Council meeting a question without notice was raised in regard to the possibility of including an LTC Meeting Attendance Register within the minutes of each LTC meeting.

The response to this question which has been submitted for the Ordinary Council meeting on Tuesday, 8 March 2016 is:

"The Director Infrastructure Services advised that as this Committee operates under a delegation from RMS, the issue of an attendance register is a matter for the Committee's determination. It should be noted that voting and commentary can be done by correspondence for this Committee. The issue will however be raised for the Committee's consideration".

Mr James Suprain advised the Committee that there is no issue with including the attendance meeting register however pointed out it may not be necessary as the minutes of each meeting reflect those in attendance at LTC meetings. It is not common practice to keep a Meeting Attendance Register.

Mr C Amit advised the Committee that other Committees of Council do have requirements on attendance as part of their respective guidelines/constitution and the Attendance Register provided for those Committees serve the purpose of keeping track of the overall attendance of their members.

Mr C Amit further advised that the LTC Committee functions under the Guidelines provided by RTA/RMS. Meeting formats can include but not limited to; face to face, electronic or a combination of these formats. There is no need for a specific quorum to allow an LTC meeting to proceed, although any advice can only be forwarded onto the Council if the views of the RTA/RMS and the NSW Police have been obtained. On this basis the keeping of an Attendance Register serves no purpose.

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The Committee discussed the matter and agreed that the provision of the Attendance Register is not required, although the participation and/or attendance by the four voting members at all meetings is encouraged.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr Christopher Amit, seconded by Mr James Suprain.

Support for Recommendation: Unanimous Support

That a Meeting Attendance Register is not required for the Local Traffic Committee although the participation and or attendance by the four voting members at all meetings is encouraged.

APPENDICES:

There are no supporting documents for this report.

Item: 4.2 LTC - Richmond Marketplace - Request for a Loading Zone in March Street, Richmond - (80245, 79353, 73621, 74440)

REPORT:

Mr C Amit on behalf of Councillor Ford raised the matter of changing the 'No Parking' zone in the vicinity of No. 66 March Street, Richmond adjacent to the Richmond Marketplace to a Loading zone. This matter has been previously discussed informally by the Committee with no change proposed. One of the issues for the Furniture store is for customers to be able to load their vehicles with a large purchase in front of the furniture store.

Mr C Amit advised the Committee that the existing parking restrictions along March Street, Richmond are based on conditions set by the Regional Traffic Committee in approving the original Development of the Richmond Marketplace. These restrictions serve two crucial purposes;

- In the event of a held westbound vehicle attempting to enter businesses on the northern side of March Street, a passing lane is available for westbound through traffic, and,
- Westbound traffic entering Richmond Marketplace is able to move against the kerbside lane freeing the median lane for through westbound traffic.

There are three historic buildings along the March Street frontage of the Richmond Marketplace. There is a loading ramp connecting the three buildings to the Marketplace car park. Furthermore there are access ramps from March Street to the car park for pedestrians to access. The Marketplace was designed to provide loading facilities for these three buildings from within the car park and not the street frontage.

March Street between Bourke Street and East Market Street is a Regional Road and the provision of a Loading Zone along this section of road could lead to safety issues given the level of traffic on this road.

The parking restrictions along March Street were investigated in 2000 at the request of the Centre Manager, at which time this matter was reported to Council's Local Traffic Committee and resolved by Council that the existing parking restrictions remain.

There has been no change to the site since 2000 in relation to the access points to the Richmond Marketplace and the businesses on the northern side (opposite side of the road).

ORDINARY MEETING
Reports of Committees

Mr C Amit further advised the Committee that the existing 'No Parking' zone does allow for a vehicle adjacent to the shop frontage to drop off and pick up passengers and goods as long as the vehicle is there for no longer than two minutes and the driver needs to be within three metres of the vehicle. This rule is in accordance with Australian Road Rule No. 168.

Mr C Amit indicated that due to the absence of Police at this meeting discussion was held with Senior Constable Rob Wright from Windsor Police in relation to this matter. The Police do not support any change to the existing No Parking zone as this may cause issues with the free flow of traffic along this section of March Street. Police also acknowledged that the No Parking zone did allow a vehicle to stand in the No Parking zone for no longer than two minutes and the driver be within three metres of the vehicle.

Mr James Suprain indicated that there could be safety issues along this section of road for passing traffic and did not support the introduction of a Loading zone to replace the existing No Parking zone.

The Committee felt that the available kerb space for a truck was limited and could lead to Work Health and Safety implications. This could also lead to safety issues for passing traffic.

In view of the matters discussed by the Committee and taking into account the matter of road safety and ensuring traffic movements in this area, the proposal to change the 'No Parking' zone to a 'Loading zone' along the March Street frontage of the Richmond Marketplace was not supported.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr Christopher Amit, seconded by Mr James Suprain.

Support for Recommendation: Unanimous Support

The request to change the existing 'No Parking' zone to a 'Loading zone' along the March Street frontage of the Richmond Marketplace, Richmond, is not supported.

APPENDICES:

There are no supporting documents for this report.

Item: 4.3 LTC - RMS - Local Government Road Safety Program - (80245, 73621)

REPORT:

Council's Community Safety Co-ordinator Ms Judy Wong invited the RMS Road User Safety Officer Ms Janette Sauterel to co-present the summary results of the annual Hawkesbury LGA Crash Data Analysis. The analysis is based on the newly released 2010-2014 crash dataset which now includes the results of hospital and health records from crashes not directly reported to police. RMS provides an annual grant of approximately \$11,000 to help address local road safety issues through their Local Government Road Safety Program (LGRSP). Council's Community Services implements this LGRSP grant with Hawkesbury events and road safety campaigns under the guidance of the RMS Road User Safety Officer.

Details of the 2010 - 2014 Crash dataset is included in Attachment 1.

ORDINARY MEETING
Reports of Committees

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr Christopher Amit, seconded by Mr James Suprain.

Support for Recommendation: Unanimous Support

That the information be received.

APPENDICES:

AT - 1 2014 RMS Statistical Overview

AT - 1 2014 RMS Statistical Overview

2014 STATISTICAL OVERVIEW for LTC - pg1

Council: Hawkesbury

Identified Issues	Rank
Speed	1
Drivers	2
Motorcyclist	3

Demographic Data

Population	62,353
Male	31,056
Female	31,297

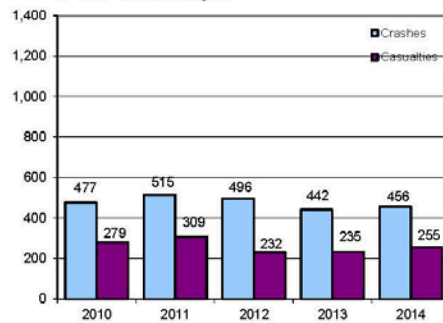
Source: 2011 Census

Crash Data

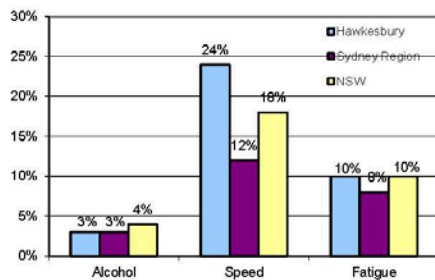
Crashes	456
Fatalities	5
Injures	250
Casualties	255

Source: RMS Crash Data 2014

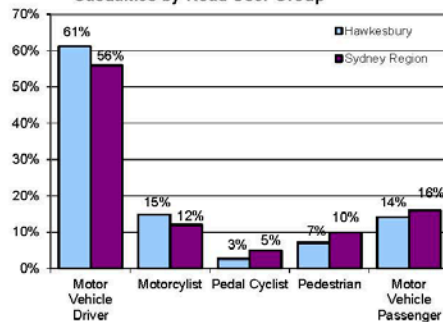
5-Year Trend Analysis



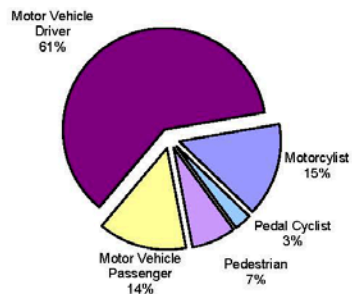
Crashes by Contributing Factor



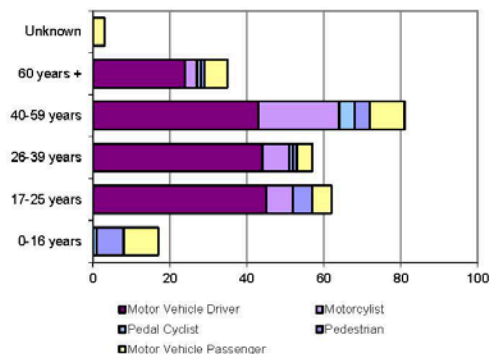
Casualties by Road User Group



Casualties by Road User Group



Casualties by Age Group



ORDINARY MEETING

Reports of Committees

2014 STATISTICAL OVERVIEW for LTC - pg2

Council: Hawkesbury

Identified Issues	Rank
Speed	1
Drivers	2
Motorcyclist	3

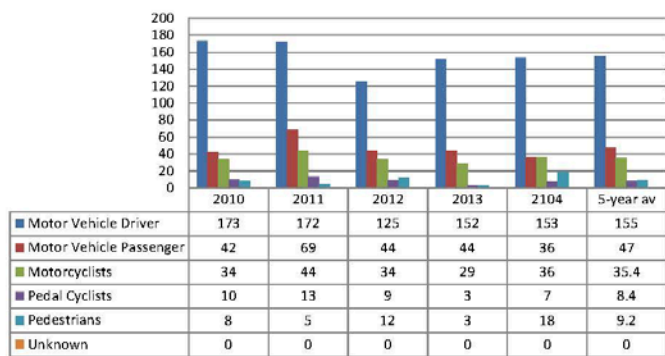
RMS LGRSP \$11,700 Grant	
Speed	\$2,139
Child Restraint	\$817
Breaking Bad Habits	\$1,497
GLS Learner Driver	\$1,500
YTD Allocated	\$5,953
Total Unspent	\$5,747

Source: Mar 2016 HCC RS Budget

Crash Data	
Crashes	456
Fatalities	5
Injuries	250
Casualties	255

Source: RMS Crash Data 2014

Graph 4a: Number of casualties by road user class, Hawkesbury LGA, 2010-2014



Hawkesbury Show 15-17 April 2016:

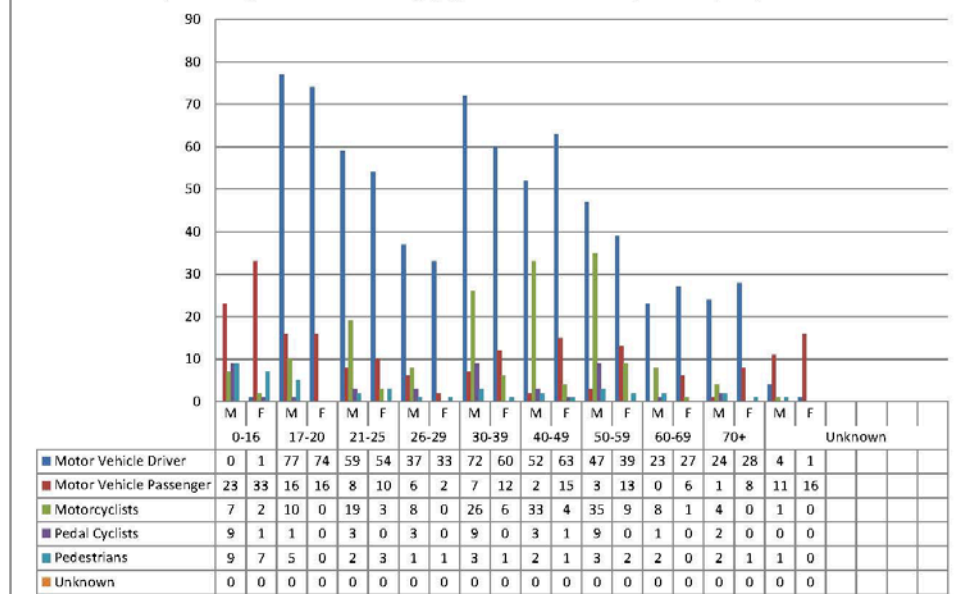
HCC will focus on Pedestrian Safety with a crossing & traffic sign display, plus hand out RMS road safety stickers/materials

Requesting LAC focus on speeding by handing out 1500 Car Air Fresheners (funded by HCC Road Safety budget)

Requesting LAC answer queries on new rules for cycling and the Go Together campaign

<http://roadsafety.transport.nsw.gov.au/campaigns/go-together/index.html>

Graph 6 - Average number of casualties by age, gender and road user class, Hawkesbury LGA, 2010-2014



Over-represented in 5 year trend:

Motor Vehicle Drivers - Young drivers 17-25yrs, mid-age males 30-59yrs, mid-age females 30-49yrs

Motor Vehicle Passengers - Young children 0-16yrs, young adults 17-20yrs, mid-age females 40-59yrs

Motorcyclists - Young males 21-25yrs, prime to mid-age males 30-59yrs

Pedal Cyclists - Young males 0-16yrs, prime males 30-39 yrs, mid-age males 50-59yrs

Pedestrians - Young children 0-16yrs

ORDINARY MEETING
Reports of Committees

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Monday, 11 April 2016 at 3pm in the Large Committee Room.

The meeting terminated at 4:15pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meetings and Responses - (79351)

REPORT:

Questions - 8 March 2016

#	Councillor	Question	Response
1	Rasmussen	Requested a map indicating the number of trees and their locations for Redbank, North Richmond development applications that are currently submitted to Council.	Director City Planning advised plans showing trees to be removed and those to be protected are available on Council's DA Tracker and will be also displayed in the Council Chamber at the Ordinary Meeting on 12 April 2016.
2	Rasmussen	Enquired if it is possible for all development applications for the Redbank, North Richmond development be brought to Council for determination.	Director City Planning advised the subdivision applications for Redbank generally have a Capital Investment Value of more than \$20 million which require them to be decided by the JRPP. The only applications that Council could therefore determine will be for the individual dwellings on the subdivided lots. There could potentially be a total of 1,400 individual applications for dwellings on the individual sites. In this regard it is not intended to send these applications to Council for determination unless specifically requested.
3	Rasmussen	Enquired if the JRPP decision regarding the Redbank, North Richmond development was unanimous.	Director City Planning advised the panel members all agreed that the application should be approved subject to further clarification of certain matters raised.
4	Rasmussen	Enquired if Council has a biodiversity offset plan in place.	Director City Planning advised Council does not have a biodiversity offset plan in place. These offsets are normally development specific and negotiations are currently underway for such an arrangement for a development in Glossodia.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
5	Paine	Enquired if a clean-up program for South Windsor could be instigated.	The Director Infrastructure Services advised that instructions have been issued for clean-up to be carried out where required.
6	Reardon	Enquired if Council could install row markers for Wilberforce Cemetery as part of the Plan of Management.	The Director Infrastructure Services advised that although the installation of row markers is in the plan of management there are currently no plans to install these with available funding committed to other cemetery works.

oooO END OF REPORT Oooo

ORDINARY MEETING
CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

Item: 67 **GM - Establishment of a Tourism Working Group - Nominations and Councillor Positions - (79351, 111215) CONFIDENTIAL**

Previous Item: Item 200, Ordinary (24 November, 2015)
 Item 36, Ordinary (26 August, 2015)

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

Item: 68 **SS - Property Matter - 139 Colonial Drive and 85 Rifle Range Road, Bligh Park - (95496, 112106) CONFIDENTIAL**

Previous Item: 85, Ordinary (13 July 2004)
 26, Ordinary (26 February 2008)
 240, Ordinary (12 October 2010)
 63, Ordinary (29 March 2011)
 64, Ordinary (8 May 2012)
 45, Ordinary (12 March 2013)
 187, Ordinary (10 September 2013)
 133, Ordinary (11 August 2015)

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to the potential sale of a Council property and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 69 **SS - Property Matter - Lease to Amos Leighton - Deerubbin Centre Cafe, 300 George Street, Windsor - (95496, 112106, 120258, 111401) CONFIDENTIAL**

Reason for Confidentiality

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

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

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 70 **SS - Property Matter - Lease to McDonald's Australia Limited - 242 Windsor Road, Vineyard - (95496, 112106, 82572, 74263) CONFIDENTIAL**

Reason for Confidentiality

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

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

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 71 **SS - Property Matter - License to Western Sydney Business Centre - Suite 1, Deerubbin Centre - (95496, 112106, 79785) CONFIDENTIAL**

Reason for Confidentiality

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

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

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



ordinary
meeting

end of
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