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sbury City Counci

ordinary meeting business paper

date of meeting: 29 August 2017 location: council chambers

time: 6:30 p.m.



mission statement

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

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 may address Council on any items in the business paper other than the Confirmation of Minutes; Responses to Questions from Previous Meeting; Mayoral Elections; Deputy Mayoral Elections and Committee Elections.

To register, please 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 Branch or by contacting the Corporate Services and Governance Manager on (02) 4560 4444 or by email at council@hawkesbury.nsw.gov.au

The Chairperson will invite registered persons to address Council when the relevant item is being considered. Speakers have a maximum of five 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).

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 Chairperson 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 Secretary.

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.

Business Papers

Business papers can be viewed online from 12pm on the Friday before the meeting on Council's website http://www.hawkesbury.nsw.gov.au

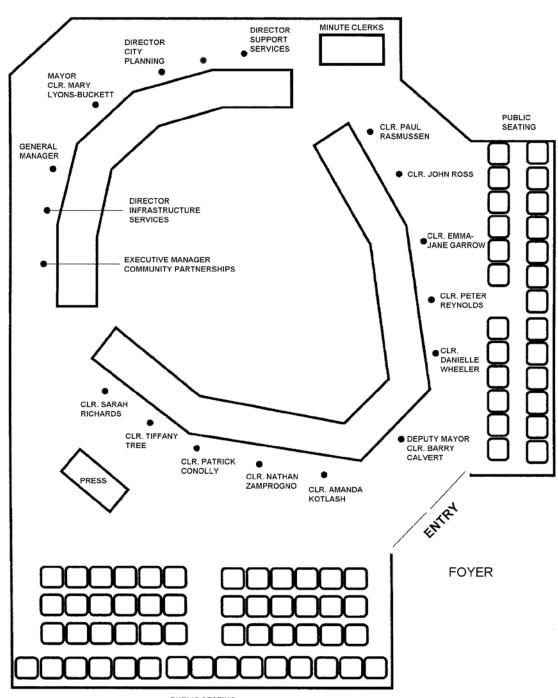
Hard copies of the business paper can be viewed at Council's Administration Building and Libraries after 12pm on the Friday before the meeting. The business paper can also be viewed on the public computers in the foyer of Council's Administration Building.

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 Corporate Services and Governance Manager on (02) 4560 4444.

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SECTION 1 - Confirmation of Minutes

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SECTION 2 - Mayoral Minutes

MM

Enhancement of the Model Code of Conduct - (79351, 79353, 125612)

REPORT:

Background

In November 2016, the Office of Local Government contacted all Councils in NSW to advise them that it had initiated a review of the 'Model Code of Conduct' and the associated 'Procedures for the Administration of the Model Code of Conduct for Local Councils' in NSW. In doing so, the Office of Local Government sought "suggestions for improvement" from Councils. Hawkesbury City Council did not make a submission.

The results of the review have not yet been released.

Current Position

As flagged at a recent Council Meeting, as a result of discussions with fellow Councillors and community representatives, I have become increasingly aware of some opportunities to refine and enhance the Model Code of Conduct and the associated Procedures for the Administration of the Model Code of Conduct, the details of which can be summarised as follows:

"Part 8 - Maintaining the Integrity of the Code of Conduct (the Code)

Whereas this Part covers provisions for ensuring complaints are not made for improper purposes, it fails to provide an express mechanism for deterring repeat submissions of complaints from members of the public who may use the Code for these purposes. For example what mechanism exists to prevent a member of the public, disgruntled by a decision to use the Code against Councillors or staff?

This provision could be tightened to specify circumstances whereby this is not the instrument to use particularly when other avenues of review for council decisions generally exist.

Procedures for the Administration of the Model Code of Conduct (the Procedures)

Clause 8.40 states once a finding by an investigator that no breach has occurred and the final report is given to the GM (or Mayor in case of a complaint against the GM) that this finalises the matter. This in effect allows an allegation to be made against a Councillor or officer which is found not to been considered a breach of the Code. However such a person (subject to the complaint) is bound by confidentiality and as such has no opportunity to publicly refer to such an allegation being found not to be something which impeded their role or duty. A complainant may then publicly repeat the allegation leaving the subject Councillor without capacity to reject it by referring to the investigation which did not find any breach of the Code.

To uphold the principles of natural justice the Code should allow for any alleged breach which is found to be unfounded, to be publicly acknowledged as being so. A Councillor or member of staff should at the least be able to disclose at a public council meeting that an allegation made (and state the allegation) was found not to be a breach of the Code. This would enable an individual to inhibit perpetuation of rumours and allegations within the community if they have been investigated and found to be baseless. Currently the Code does not enable this to occur."

As the Office of Local Government is yet to release the results of its review, I am proposing that I write to the Office of Local Government and advise them of the abovementioned opportunities to further refine and enhance the Model Code and associated procedures.

Mayoral Minutes

RECOMMENDATION:

That Council write to the Office of Local Government and advise them of the opportunities to further refine and enhance the 'Model Code of Conduct' and the associated 'Procedures for the Administration of the Model Code of Conduct for Local Councils' in NSW as detailed in the Minute above.

ATTACHMENTS:

There are no supporting documents for this report.

0000 END OF MAYORAL MINUTE O000

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 143 CP - DA0107/17 - Lot 7 DP 532334 - 7 Smith Road, Oakville - Construction and

Operation of a childcare centre - (95498, 140352, 78471, 78472)

Development Information

File Number: DA0107/17

Property Address: 7 Smith Road, Oakville
Applicant: Damour Design Pty Ltd
Owner: Mr J Azzi and Mr W Azzi

Proposal Details: Child Care Centre - Construction and operation of a child care centre

Estimated Cost: \$1,532,500

Zone: RU4 Primary Production Small Lots

Date Received: 2 March 2017 Advertising: 13 to 27 March 2017

Key Issues: ♦ Parking

Amenity Impacts

Recommendation: Approval subject to conditions

REPORT:

Executive Summary

This application seeks Council's approval for the construction and operation of a child care centre at 7 Smith Road, Oakville. The proposed child care centre is to operate between the hours of 7am and 6pm Monday to Friday and will accommodate a maximum of 101 children. The application includes a car park comprising of 25 spaces to service the child care centre. The car park complies with the relevant numerical parking controls.

A condition is proposed requiring the upgrading of the road and the construction of kerb and gutter to create a safe area for vehicles to park within the road reserve of Smith Road.

Child care centres represent a permissible form of development within the RU4 Primary Production Small Lots zone.

Having assessed the application against the relevant requirements and considered the issues raised as part of the submissions received, the proposal is recommended for conditional approval.

The application is being reported to Council at the request of Councillors Reynolds and Conolly.

Description of Proposal

Pursuant to Section 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's approval for the construction and operation of a child care centre at 7 Smith Road, Oakville.

The construction of a single-storey child care centre accommodating a maximum of 101 children is proposed with the application.

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The proposed child care centre is to be located on the south-eastern corner of the site, south of the existing dwelling house. The building is to consist of an office, staff room, two rooms for babies, two rooms for toddlers, two rooms for pre-schoolers, two cot rooms, a kitchen, two bottle preparation rooms, two nappy change rooms, toilets, storeroom and rear covered deck. The child care centre building is to be constructed of brickwork, with a rendered front façade.

The application indicates the following break-down of child numbers:

0-2 Years (Babies): 36 children
2-3 Years (Toddlers): 25 children
3-6 Years (Pre-Schoolers): 40 children.

The application also indicates that a total of 19 staff may be employed by the child care centre although 16 staff would be required under the applicable children to staff ratios. Should the child care centre operate at full capacity the break-down of required children to staff ratios would be as follows:

0-2 Years (Babies): 36 children – nine employees
 2-3 Years (Toddlers): 25 children – three employees
 3-6 Years (Pre-Schoolers): 40 children – four employees.

Operating hours of 7am to 6pm Monday to Friday are nominated for the child care centre. The business will not operate on weekends.

The car park is to be located forward of the child care centre building adjacent to Smith Road. Two driveways are proposed to provide separate entry and exit points for the car park. A total of 25 spaces, including one disabled space, are to be provided within the car park. The plans indicate that nine of these spaces are to be reserved for staff parking. The supplied documentation further details that a 15 minute temporary pick-up/drop off space will be provided amongst the remaining spaces.

Signage for the child care centre is to consist of a freestanding pylon sign located to the south-eastern corner of the site and a façade sign.

The rear outdoor play area servicing the child care centre is to consist of a playground, sandpit and two shade sails. The Acoustic Report prepared in support of the application outlines that the outdoor play area will be utilised for two hours in total per day; typically between 9am to 10am and 4pm and 5pm.

Plans of the proposal are included as Attachment 1.

Background

Site and Locality Description

The subject site is located on the western side of Smith Road, approximately 60m north of the roundabout with Oakville Road, Broos Road and Stahls Road. Legally described as Lot 7 in DP 532334, the site has an area of 2.0230Ha.

Surrounding development generally comprises of rural, rural residential and agricultural land. The neighbouring properties at 1 Smith Road and 69 Oakville Road consist of smaller properties within the context of the locality and are used for residential purposes. The dwelling house at 1 Smith Road fronts Smith Road and is located approximately 10m from the shared boundary with the subject site. The dwelling house at 69 Oakville Road fronts Oakville Road and the rear of this building is located between 20m and 30m from the shared boundary. The neighbouring property at 15 Smith Road is of a comparable size to be subject property and is used for agricultural and residential purposes. It contains a dwelling house and greenhouses.

A locality map and aerial plan are included as Attachment 2, whilst site photographs are included as Attachment 3.

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The subject site currently contains a dwelling house, swimming pool, outbuilding, two greenhouses and a dam. The construction of the dam, the installation of the greenhouses and the use of the land for intensive agriculture was approved with Development Consent No. DA0885/02. The greenhouses are used for the growing of vegetables including tomatoes and cucumbers.

A shared central crossing provides access to the dwelling house and market garden from Smith Road.

The land falls to the rear, with levels ranging from approximately 18m to 24m AHD.

The property is not located within the Vineyard Precinct of the North West Growth Centre.

Legislation, Council Policies, Procedures and Codes to which the matter relates

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 Remediation of Land (SEPP No. 55)
- State Environmental Planning Policy No. 64 Advertising and Signage (SEPP No. 64)
- Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan (LEP) 2012
- Hawkesbury Development Control Plan (DCP) 2002

Matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the EP&A Act:

(a)(i) Environmental Planning Instruments

State Environmental Planning Policy (Infrastructure) 2007

Based on the number of children to be serviced by the proposed child care centre the application was referred to the Roads and Maritime Services (RMS) as 'traffic generating development' under Clause 104 and Schedule 3 of the Infrastructure SEPP. In response the RMS have advised that they raise no objection to the proposal.

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".

In addition to the existing dwelling house, the subject site contains greenhouses and operates as an approved market garden. On account of the sensitive nature of the proposed development, as well as the potential use of chemicals within market gardens, an assessment of the suitability of the land with respect to the provisions of SEPP No. 55 was requested.

In response to this request a Phase 1 Preliminary Site Investigation Report, including sampling and testing, was provided. Based on the data and evidence collected the report outlines that the potential of contamination was 'very low'.

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Targeted soil samples collected within the site were below the adopted assessment criteria in terms of heavy metals, organochlorine pesticides (OCP) and organophosphorus pesticides (OPP). No asbestos was detected from a fibro cement sample collected during the site inspection undertaken to prepare the Contamination Report. The report outlines that a Phase 2 Detailed Site Investigation Report is not required and that the site is suitable for use as a child care centre.

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed business identification signage consists of a pylon sign and a sign on the front façade of the building. The location and design of this signage is seen to be compatible with the desired amenity and visual character of the area and to satisfy the provisions of Clause 8 and Schedule 1 of SEPP No. 55.

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River

The subject site 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 an assessment of development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

The site is located within a rural area and the development is not expected to significantly impact on the environment of the Hawkesbury-Nepean River in either a local or regional context. The property is not located within a scenic corridor and SREP No. 20 does not outline specific controls for child care centres.

Hawkesbury Local Environmental Plan 2012

The proposed child care centre offers long day care for a maximum of 101 children and satisfies the Hawkesbury LEP 2012's definition of a 'child care centre'. Child care centres are a permissible form of development within the RU4 Primary Production Small Lots zone.

The objectives of the RU4 Primary Production Small Lots zone primarily seek to encourage primary industry and minimise environmental impacts. However, an objective of this zone also seeks to "minimise conflict between land uses within this zone and land uses within adjoining zones". The proposed child care centre is to be located on a rural residential allotment that currently contains a dwelling house and is also used as a market garden. Neighbouring properties at 1 Smith Road and 69 Oakville Road are currently used for residential purposes whilst 15 Smith Road is used for agricultural and residential purposes. The dwelling house at 1 Smith Road is located approximately 10m from the shared boundary with the subject site whilst the dwelling house at 69 Oakville Road is located between 20m and 30m from the shared boundary. The proposed child care centre is to be located 5m from the shared boundary with 1 Smith Road and 69 Oakville Road.

A Plan of Management, Acoustic Report, Traffic and Parking Report and Contamination Report have been prepared in support of the application. These reports demonstrate that the operation of the development is unlikely to result in unacceptable amenity impacts, environmental impacts or conflict with or between land uses. The development is permissible and is seen to be generally consistent with the provisions of the Hawkesbury LEP 2012.

An Acoustic Report has been prepared demonstrating that the operation of the child care centre is unlikely to result in unacceptable amenity impacts for neighbours. This report indicates that the development can operate in compliance with the relevant noise criteria provided a number of construction and operational measures are employed. Nominated measures to mitigate and minimise amenity impacts include:

• the installation of acoustic barriers on the southern, western and northern sides of the child care centre. The acoustic barriers are to range in height from 1.8m to 2.4m. Where the

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barriers are to have a height in excess of 1.8m the raised portion of the barrier is to be constructed of Perspex and angled within the property

- the childcare centre building is be constructed of brickwork and insulated
- minimum glazing requirements are nominated for the windows of the child care centre
- minimum ceiling and insulation requirements are nominated for the roof of the child care centre
- any air conditioning units are to be located on the northern side of the child care centre, near the existing dwelling house onsite and away from southern neighbours
- the sandpit is to be setback a minimum of 15m from the southern boundary
- a Noise Management Plan is to be developed for the child care centre
- all windows along the southern, western and northern sides of the child care centre are to be closed when children are playing within the indoor play areas
- the outdoor play area will be utilised for a maximum of two hours per day
- music should not be played outside above specified levels
- staff are to be directed to control and minimise noise.

Council's Environmental Health Officer has reviewed the supplied Acoustic Report and generally supports its conclusions and recommendations. Compliance with the recommendations of this report is to be conditioned.

As discussed later in this report, the effluent disposal requirements for the child care centre will likely necessitate the removal of one or more of the existing greenhouses onsite. It is acknowledged that this will impact on the operation of the existing market garden, however this is a personal and financial decision for the owners.

The child care centre is unlikely to be significantly impacted upon by agricultural pursuits as both the subject site and the neighbouring property at 15 Smith Road use greenhouses. The use of greenhouses for the growing of vegetables will manage the risk of spray drift and chemical runoff.

With a building height of approximately 6.6m at its highest point the building complies with the maximum height limit imposed by Clause 4.6(2) of the Hawkesbury LEP 2012. Whilst the façade signs and colour will identify the building as a child care centre, the bulk, scale and height of the building is compatible to that of a large dwelling house.

(a)(ii) Draft Environmental Planning Instruments

Not applicable.

(a)(iii) Development Control Plans

Hawkesbury Development Control Plan 2002

The proposal has been considered against the provisions of the Hawkesbury DCP 2002:

Part A Chapter 3: Notification:

The proposal was notified from 13 to 27 March 2017 in accordance with Part A Chapter 3 of the Hawkesbury DCP 2002. Two submissions were received and are discussed later in this report.

Part C Chapter 1: Landscaping:

A landscaping plan has been submitted to satisfy the requirements of Part C Chapter 1 of the Hawkesbury DCP 2002.

A 4m wide landscaping strip, including the use of Water Gums (*Tristaniopsis laurina*), will be provided to the front of the property to soften and screen the proposed car park. The use of Lily Pillies (*Syzygium smithii*) are also proposed along the boundaries to screen the required acoustic barriers.

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Part C Chapter 2: Car Parking

Part C Chapter 4 of the Hawkesbury DCP 2002 does not outline specific parking controls for child care centres.

The RMS 'Guide to Traffic Generating Development' recommends that off-street parking is provided at the rate of one space for every four children in attendance. Based on a maximum of 101 children, the Guide to Traffic Generating Development would require 25 onsite spaces.

The proposed childcare centre is to provide a total of 25 onsite spaces and therefore satisfies the numerical parking controls of the Guide to Traffic Generating Development.

The plans indicate that nine of these spaces are to be reserved for staff parking. The application also indicates that a 15 minute temporary pick-up/drop off space will be provided amongst the remaining 16 spaces.

The proposed car park has been designed to have separate entry and exit points, with traffic within the car park travelling in a single direction only. This aspect of the design is supported by Council's Development Engineer.

Smith Road is a Council owned and controlled road. The area within Smith Road immediately in front of the subject site comprises of a raised grass verge and drainage swale. The current condition of the road verge and swale would prevent a vehicle from parking safely on the western side of Smith Road within the immediate vicinity of the proposed child care centre. Regardless of parking numbers and the design of the car park it is recognised that parents often use the road to drop-off and pick-up children. Indeed the submitted design proposes the construction of a footpath leading from Council's grass verge in anticipation that vehicles will park within Smith Road.

The current inability to park vehicles on the western side of Smith Road without protruding onto the road is a safety concern. It is considered that the land is not suitable for use as a child care centre without undertaking works to improve the current condition of Smith Road.

To address this safety issue, it is proposed to include a condition requiring the upgrading of the western side of Smith Road. This would necessitate road widening to create a road shoulder, as well as the construction of kerb and gutter along the length of the child care centre and a portion of the verge in front of 1 Smith Road. Compliance with the recommended condition will result in a minimum half road pavement width of 5.8m from the road centreline to the face of kerb and allow vehicles to safely park on the side of the road.

Part C Chapter 3: Signage:

Section 3.4 of Part C Chapter 3 of the Hawkesbury DCP 2002 outlines a maximum height of 2.5m and area of 0.75m² for signs in rural areas. A limit of one sign per property also applies.

The proposal involves the installation of a pylon sign and a sign on the front façade of the building. The signage exceeds the maximum area allowed under the Hawkesbury DCP 2002 however the signage is seen to be appropriate for a commercial premises such as a child care centre. The provision of two signs is also considered acceptable given that the façade sign is integrated with the building and visual clutter would be minimised.

The location and design of the signage is seen to be compatible with the desired amenity and visual character of the area. For these reasons it is considered that the proposal satisfies the objectives of Section 3.4 of Part C Chapter 3 of the Hawkesbury DCP 2002.

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Part C Chapter 7: Effluent Disposal:

An Effluent Disposal Report submitted in support of the application indicates that insufficient space is available onsite to treat effluent generated by the child care centre and that a pump-out system would need to be employed. The use of a pump-out system would be contrary to Council's resolution of 10 August 1999 and Clause 7.4(b) of Part C Chapter 7 of the Hawkesbury DCP 2002 which states:

"The only developments to be approved in respect of unsewered land that will rely on tanker removal of septic tank effluent are as follows:

- a) single dwelling houses
- b) light industry and single shops which do not require a water supply greater than that which can be delivered via a normal domestic connection without on-site storage or which are not connected to a reticulated water supply."

The inability of the property to treat and dispose of effluent onsite relates to the size and location of the existing greenhouses. The development's non-compliance with the effluent disposal requirements of Part C Chapter 7 of the Hawkesbury DCP 2002 have been discussed with the Applicant. The Applicant has since agreed to the removal of the existing greenhouses to provide sufficient area for the effluent from the child care centre to be managed and treated onsite.

The submission of a further Effluent Disposal Report will be required with the submission of the Sewerage Management Facility (SMF) Application to determine the disposal area required.

(a)(iv) Regulations

These matters have been considered in the assessment of this application. Should the application be supported, the *EP&A Regulation 2000* outlines that the development is to comply with the National Construction Code/Building Code of Australia (BCA) and Disability (Access to Premises – Building) Standards 2010. Compliance with these requirements would need to be demonstrated at Construction Certificate stage.

(b) Likely Impacts of the Development

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

Documentation has been supplied indicating that the proposal satisfies the facility, equipment, landscaping, play area, staff and child number requirements of the 'Children (Education and Care Services) Supplementary Provisions Regulation 2012'.

The childcare centre will generally operate between the hours of 7am to 6pm Monday to Friday. The documentation further outlines that the outdoor play area will be utilised for a maximum of two hours per day; generally between 9am to 10am and between 4pm and 5pm. The submitted Acoustic Report indicates that the development can operate in compliance with the relevant noise criteria and that the operation of the child care centre is unlikely to result in unacceptable amenity impacts for neighbours.

With the imposition of conditions and appropriate management it is considered unlikely that the proposed development will generate significant adverse environmental or social impacts for the locality.

(c) The Suitability of the Site for Development

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

The property has levels ranging from approximately 18m to 24m AHD. The adopted 100 year Average Recurrence Interval (ARI) flood planning level for the area is 17.3m AHD and accordingly the proposal is not subject to Council's flood planning controls. It is further noted that 'flood free' access to Boundary Road and Windsor Road would also be available during a 100 year ARI flood event.

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The property is identified as bushfire prone land and child care centres are classified as 'special fire protection purposes' in such circumstances. On this basis the application was referred to the Rural Fire Services (RFS) as 'integrated development'.

The Bushfire Report prepared in support of the application indicates that the development will not be exposed to bush fire risk as the surrounding land is managed. The preparation of an Evacuation Plan is recommended for the management of potential emergency events. Upon review the RFS have raised no objection to the proposal and have issued their General Terms of Approval.

The proposed development is considered suitable within the context of the locality.

(d) Submissions

The proposal was notified from 13 to 27 March 2017 in accordance with Part A Chapter 3 of the Hawkesbury DCP 2002. Two submissions were received in response to the notification of the application. These submissions were prepared by the owners of 1 Smith Road and a consultant that they engaged.

The matters raised in these submissions are detailed below in italics, followed by a response by the assessing officer:

The proposed child care centre is incompatible with the zoning objectives of the RU4 Primary Production Small Lots zone.

Officer's comment:

The submissions argue that the proposal is incompatible with the objectives of the zone in that the proposed child care centre use is in conflict with the existing agricultural use that operates from the property. It is noted that the submissions do not refer to agricultural uses on adjoining properties.

Child care centres are permissible within the RU4 Primary Production Small Lots zone and sufficient documentation has been provided to demonstrate that the operation of the development is unlikely to result in landuse conflict.

The property is not suitable for use as a child care centre.

Officer's comment:

The submissions suggest that the subject site is not suitable for use as a child care centre on the basis that the property is bushfire prone and would be isolated during major flood events. However as previously discussed the RFS have issued their General Terms of Approval and the land is not subject to Council's flood planning controls. Flood free access to Boundary Road and Windsor Road is also available during a 100 year ARI flood event.

The addition of another child care centre will impact on the financial viability of existing centres.

Officer's comment:

The proposal is permissible within the zone and competition is not a matter of consideration under the EP&A Act.

The child care centre will generate unacceptable traffic impacts for the locality.

Officer's comment:

Council's Development Engineer has not objected to the proposal on traffic generation grounds or its proximity to the roundabout with Oakville Road, Broos Road and Stahls Road. The proposal also provides onsite parking to satisfy RMS guidelines.

It is acknowledged that the road shoulders on either side of Smith Road are unformed and that parents often use road reserves to drop-off and pick-up children, in particular during peak times. To facilitate the safe use of the western side of Smith Road, which unlike the eastern side cannot accommodate a parked vehicle, the imposition of a condition requiring the upgrading of the Smith Road pavement and the provision of kerb and gutter has been recommended.

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The child care centre will generate unacceptable noise impacts and will adversely impact upon the amenity of the area.

Officer's comment:

As detailed previously the dwelling house at 1 Smith Road is located approximately 10m from the shared boundary with the subject site while the dwelling house at 69 Oakville Road is located between 20m and 30m from the shared boundary. An Acoustic Report has been prepared in support of the application which nominates a series of construction and operational measures to mitigate and minimise noise impacts. Measures nominated in the report to address noise impacts include the installation of acoustic barriers, glazing and insulation, the closing of windows, the location of air conditioning units and limitations on the length of outdoor play. Compliance with the Acoustic Report has been conditioned.

The submissions suggest that insufficient details have been provided relating to the acoustic barriers and the location of air conditioning units. However, the submitted Acoustic Report does provide location, height and design details for the acoustic barriers and also outlines that any air conditioning units must be located on the northern side of the child care centre, away from the neighbours at 1 Smith Road and 69 Oakville Road.

The proposed acoustic barriers will range in height between 1.8m and 2.4m. Where the barriers are to have a height in excess of 1.8m the raised portion of the barrier is to be constructed of perspex or similar and angled within the subject property. The provisions of the Dividing Fences Act 1991 will apply to the location of these barriers and the potential removal of existing fences, however it is likely that the barriers will be located wholly within the subject site.

The acoustic barriers located forward of the child care centre and within 2.5m of the front boundary (adjacent to the shared southern boundary with 1 Smith Road) will have a height of 2.1m to treat noise generated by the car park. To minimise their visual impact the raised portion of the barriers will be constructed of perspex and landscaping will be used to soften and screen their appearance.

The child care centre is of an architectural form and style that is visually incompatible with the built forms that characterise a rural area.

Officer's comment:

The front façade of the proposed child care centre is to be rendered and a combination of colours will be employed to highlight the intended use of the building. Whilst it is acknowledged the building will clearly identify as a commercial use, the overall bulk, scale and height of the building would be comparable to that of a large dwelling house.

The child care centre building is to be setback 5m from the boundary with 1 Smith Road and 69 Oakville Road.

The bin storage area proposed to service the development is inappropriately located and may generate odour impacts for neighbours.

Officer's comment:

The proposed bin storage area is nominated for the southern side of the site, which is adjacent to the neighbouring property at 1 Smith Road. It is agreed that this location is inappropriate and that such a facility would be more appropriately located between the child care centre and the dwelling house onsite. The imposition of a condition requiring the relocation of the bin storage area is recommended should the application be approved.

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(e) Public Interest

The proposed development is permissible within the zone and is not expected to unreasonably impact on the amenity of the locality or the surrounding environment. The approval of the application is therefore seen to be in the public interest.

Financial Implications

Child care centres are exempt from the payment of developer contributions under Section 2.7 of Council's Section 94A Development Contributions Plan 2015.

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 proposal satisfies the numerical parking requirements of the RMS and acoustic measures have been nominated to minimise noise impacts.

The proposed development is permissible 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. DA0107/17 for the construction and operation of a child care centre on Lot 7 in DP 532334, known as 7 Smith Road, Oakville, subject to the conditions detailed in this report:

General Conditions

1. Integrated Development - General Terms of Approval

The General Terms of Approval (GTA) from the following Authority, as referred to under Section 93 of the Environmental Planning and Assessment Act 1979 and referenced below, are attached and form part of the consent conditions for this approval:

a) NSW Rural Fire Service - The General Terms of Approval (Reference No. D17/728 DA17031406417 GB) dated 3 April 2017 are attached and form part of this consent.

2. Approved Plans and Supporting Documentation

The development must be carried out generally in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended by other conditions of the consent:

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a) Plans Reference:

Drawing Number/Name	Prepared by	Issue No.	Date
Drawing No. DA101 'Site	Damour Design	Α	January 2017
Plan'			
Drawing No. DA102 'Ground	Damour Design	Α	January 2017
Floor Plan'			
Drawing No. DA103 'Roof	Damour Design	Α	January 2017
Plan'			
Drawing No. DA104	Damour Design	Α	January 2017
'Elevations and Section Plan'			
Drawing No. DA105 'Colour	Damour Design	Α	January 2017
and Material Schedule'			
Drawing No. 2016.1108DA1-	TGS Landscape	Α	22 November 2016
1 'Landscape Plan'	Architects		
Drawing No. 2016.1108DA1-	TGS Landscape	Α	22 November 2016
1 'Landscape Plan'	Architects		
Drawing No. 16MB7191/D01	United Consulting	Α	14 September 2016
'Site and Roof Drainage Plan'	Engineers Pty Ltd		

b) Document Reference:

Document/Reference	Prepared By	Date
'Plan of Management'		15 December 2016
'Acoustical Assessment' Report	Sound Acoustic	22 September 2016
(Reference No. CC003-01)	Consultants	
'Bushfire Protection Assessment' Report	Australian Bushfire	17 October 2016
(Reference No. B162796)	Protection Planner	
	Pty Limited	

No works other than those approved (including raising or lowering of ground levels on the site or the construction of retaining walls on any property boundary) are permitted by this consent.

3. Design Amendments Required - Demolition of Greenhouse Structure

The existing greenhouse structure located to the rear of the existing dwelling house shall be demolished as required to provide sufficient area for the onsite disposal of effluent.

Compliance with this requirement is to be demonstrated in any plans and documentation prepared for a Design Compliance Certificate, Construction Certificate or Sewerage Management Facility (SMF) Application.

Note: The submission of an Effluent Disposal Report will be required in support of the application to install an onsite sewage management system for the child care centre. This report must demonstrate that the land is suitable for the onsite disposal of the effluent generated by the development. The use of a pump-out system is not permitted.

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4. Appointment of a Principal Certifying Authority

No work shall commence until:

- a) A Building Construction Certificate is issued by:
 - (i) Council: or
 - (ii) An Accredited Certifier:
- b) A Principal Certifying Authority is appointed for the building/engineering works and the following details relating to the carrying out of the works have been provided:
 - (i) name and licence number of the builder undertaking the construction works; or
 - (ii) name and permit number of the owner-builder (if relevant);
- c) The Principal Certifying Authority has:
 - (i) provided a copy of the notice of its determination to the consent authority, and to Council (within two days after the date of the determination);
 - (ii) notified the person having benefit of the consent of any critical stage inspections and other inspections that it requires to be carried out in relation to the approved work;
 - (iii) notified Council of its appointment (not less than two days before commencement of building work);
- d) The person having benefit of the consent (if not carrying out work as an owner-builder) has:
 - appointed a principal contractor who must hold a 'contractor licence' if any residential building work is involved:
 - (ii) notified the Principal Certifying Authority of the appointment of the principal contractor;
 - (iii) notified the principal contractor of any critical stage inspections or any other inspections that are required to be carried out in relation to the approved work;
- e) At least two days notice are to be provided to Council of the date on which it is proposed to commence work associated with this development consent.

5. Part 4A Certificates Required

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 Council within seven days of issuing the certificate.

Note: A registration fee applies.

6. Design Compliance Certificate Required

A Part 4A Design Compliance Certificate must be obtained for this development covering the following:

- a) civil drainage (Issued by Council or a C1 Accredited Certifier);
- b) car park and pavement design (Issued by Council or a C1 Accredited Certifier); and
- c) Smith Road works (Issued by Council only)

Plans showing finished levels, any associated drainage, any structural details, batter grades and finished surfaces must be submitted to the Certifying Authority prior to the issue of a Part 4A Design Compliance Certificate.

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Note: Should Council be nominated as the Certifying Authority for the Design Compliance Certificate, the Applicant shall pay a Design Compliance Certificate Fee and a Construction Compliance Certificate Fee in accordance with Council's adopted fees and charges when submitting Civil Engineering Plans for approval.

7. Construction Certificate or Design Compliance Certificate Required Prior to Commencement of Works

No approved civil or building works shall commence until:

- a) a Design Compliance Certificate or Construction Certificate as relevant from either Council or an Accredited Certifier has been obtained (a fee is payable for this service);
- b) a Principal Certifying Authority has been appointed; and
- c) a Notice of Commencement has been lodged with Council.

Note: If the Design Compliance Certificate or Construction Certificate is issued by an Accredited Certifier that is not Council it will be necessary to lodge the certificate and other approved documents with Council within two days of such approval (a registration fee is payable upon lodgement).

8. Occupation Certificate Required Prior to The Use Of The Building

The child care centre and associated structures shall not be occupied or used prior to the issuing of an Interim or Final Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of the Occupation Certificate shall be submitted to Council within two days of its issue.

9. Sewer Authority - Hawkesbury City Council

This development falls within the Sewerage Scheme controlled by Council. Therefore Council is the approving authority for all sewer works.

Note: The submission of an Effluent Disposal Report will be required in support of the application to install an onsite sewage management system for the child care centre. This report must demonstrate that the land is suitable for the onsite disposal of the effluent generated by the development. The use of a pump-out system is not permitted.

10. Prescribed Conditions - Compliance with National Construction Code

All building works must be carried out in accordance with the requirements of the National Construction Code (Building Code of Australia).

11. Disposal of Cleared Vegetation

Vegetation waste resulting from the approved clearing of the site shall be salvaged for re-use, either in log form, or as a woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots, stumps or declared weed species shall be disposed of in an approved manner.

No vegetative material is to be disposed of by burning onsite, other than in an approved heating or cooking device.

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Prior to the 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.

12. Car Parking Design

Car parking spaces shall be provided in accordance with Australian Standards AS2890.1:2004 'Parking facilities: Off-street car parking' and AS2890.6 'Parking facilities: Off-street parking for people with disabilities'. A minimum number of 25 spaces (including one disabled space) shall be provided within the car park.

All car parking areas, manoeuvring areas and the access aisles must be paved, drained and marked. All car parking spaces are to be identified by line-marking and appropriate signposting.

The pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings. AUSTROADS 'Guide to Pavement Technology' can be used as the design guideline for the pavement design.

Details demonstrating compliance with the above requirements must be submitted to the Certifying Authority prior to issue of the Design Compliance Certificate.

13. Detailed Drainage Design

A detailed drainage design of the site must be submitted and approved prior to the release of the Design Compliance Certificate. The detailed plan must:

- indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines;
- b) be to the satisfaction of the Certifying Authority;
- c) be designed to cater for a 1 in 20 year Average Recurrence Interval (ARI) storm event;
- d) show details of any overflow drainage paths and that they be designed to cater for 1 in 100 year ARI storm event;
- e) comply with Council's Hawkesbury Development Control Plan 2002 Appendix E Civil Works Specification Part I Chapter 8 and Australian Standard AS3500 'Plumbing and Drainage' unless variation is specifically noted and approved in the Development Application concept drainage plan.

14. Structural Design of Deep Pits

All pits deeper than three metres must be designed by a certified structural engineer and be in accordance with AS3600:2009. Pits deeper than 1.2m must have step irons and pits deeper than 1.8m are to be reinforced concrete.

Details to this effect shall be incorporated on the detailed drainage design that is submitted to the Certifying Authority prior to issue of the Design Compliance Certificate.

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15. Pit Grates

All pits must have flush fitting grates. All pits larger than 600mm by 600mm are to be grated galvanised steel grid hinged and to be heavy duty-type where traffic loading is expected. Details to this effect are to be included on the plans submitted to the Certifying Authority prior to issue of the Design Compliance Certificate.

16. Overland Flow

The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:

- a) water flowing from the property must not be redirected or concentrated to adjoining properties;
- b) water flowing into the property from adjoining lots shall not be impeded or diverted; and
- c) water flow shall follow the natural flow directions without increasing velocity.

Details demonstrating compliance with these requirements are to be shown on the plans to be submitted to the Certifying Authority prior to issue of the Design Compliance Certificate.

17. Erosion and Sediment Control Plan

Prior to the issue of the Part 4A Design Compliance Certificate, the applicant must submit to and obtain the Certifying Authority approval of an Erosion and Sediment Control Plan (ESCP). The ESCP must show the location of site boundaries, adjoining roads, approximate grades, vegetation, site access, impervious areas, existing and proposed site drainage and a north point.

The ESCP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)'. The plan should show the following:

- a) timing of works;
- b) where applicable the diversion of runoff from upslope lands around the disturbed areas;
- c) location of all soil and other material stockpiles including topsoil storage;
- d) location and type of proposed erosion and sediment control measures;
- e) site rehabilitation proposals; and
- f) frequency and nature of the maintenance program.

18. Smith Street Road Formalisation and Safety Works

The western side of Smith Road shall be constructed for a length of approximately 90m to have kerb and gutter, laybacks and road widening from the existing kerb and gutter within the vicinity of the roundabout to a location two metres north of the existing driveway for the dwelling house at 7 Smith Road (Lot 7 DP 532334). The road widening is to be constructed to facilitate vehicle parking, turning movements into the site and pedestrian safety. In this respect the road must have a final minimum half road pavement width of 5.8m from the road centreline to the face of kerb. The existing kerb must reach this width and be maintained for the length of works fronting the subject site (Lot 7 DP 532334).

Works must incorporate adequate drainage infrastructure to prevent ponding or impact on adjoining properties.

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Road verge regrading and layback construction in front of 1 Smith Road (Lot 11 DP 803218), road line marking, any works to utilities and the relocation of any affected road signs must be undertaken by the developer at no cost to Council.

Plans and details demonstrating compliance with the above requirements must be submitted to and approved by Council prior the issue of a Design Compliance Certificate.

19. Earthworks Cut, Fill and Grading

All earthworks on 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;
- all disturbed areas are to be stabilised/revegetated using a minimum 300mm surface layer of topsoil as soon as practicable after the completion of filling works;
- c) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS1289 'Methods of testing soils for engineering purposes' unless otherwise specified.
- d) filling shall comprise only uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material shall be provided to the Certifying Authority prior to placing any fill on site.

Details satisfying the above requirements are to be included on plans submitted to the Certifying Authority prior to issue of a Design Compliance Certificate.

20. Retaining Walls - Structural Engineer's Design

Any retaining walls having a height exceeding 600mm proposed in conjunction with the development are required to be designed by a practicing structural engineer. The design must be included on the plans submitted to the Certifying Authority prior to issue of the Design Compliance Certificate.

Prior to the 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.

21. Long Service Levy Payment

The payment of a long service levy as required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 is required. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Note: All building works valued at \$25,000 or above are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Payments Corporation offices or most councils.

22. Design Compliance Certificate - Required prior to Construction Certificate

A Part 4A Design Compliance Certificate as specified in this consent is to be provided to the Certifying Authority prior to the issue of a Construction Certificate.

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23. Access and facilities for Persons with a Disability

Access and facilities for the child care centre must be designed to satisfy the requirements of the Disability (Access to Premises - Buildings) Standards 2010, Building Code of Australia (BCA) and Australian Standard AS1428.1 'Design for Access and Mobility'. Details demonstrating compliance with this requirement are to be submitted to the Certifying Authority prior to issue of a Construction Certificate.

24. Vehicular Crossing

An 'Agreement Form for Driveways' must be submitted to Council prior to the issue of a Construction Certificate. Evidence of the lodgement and payment of fees for this application shall be provided to the Certifying Authority.

The vehicular crossings must:

- a) have a minimum width of 3.5m at the property boundary and 4.5m at the pavement edge;
- b) have a sealed concrete finish; and
- d) the table drain is to be piped.

Note: The Agreement Form for Driveways and the Driveway Specification are available from Council's website:

http://www.hawkesbury.nsw.gov.au/roads/roads/forms-and-publications

25. Traffic Management Plan

A Traffic Management Plan for construction shall be prepared in accordance with AS1742.3:2002 by an appropriately qualified person and be submitted to Council for approval prior to the release of the Construction Certificate.

26. Noise Generating Premises - Acoustic Measures

The recommendations detailed in Section 6 of the 'Acoustical Assessment' Report (Reference CC003-01 - Version 1) prepared by Sound Acoustic Consultants and dated 22 September 2016 shall be incorporated into the design and construction of the development.

Any required air conditioning units or plant equipment must be located on the northern side of the child care centre whilst any acoustic barriers must be located wholly within the subject property. Where acoustic barriers are to have a height in excess of 1.8m adjoining a neighbouring property, the portion of the barrier in excess of 1.8m shall be cantilevered at a 45° angle and constructed of a transparent material such as Perspex.

A suitably qualified acoustic consultant shall be engaged to assist with the preparation of the final building plans and specifications to ensure compliance with the recommendations of the Acoustic Report.

Details demonstrating compliance with these requirements must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

27. Noise Generating Premises - Noise Management Plan

A Noise Management Plan shall be prepared and incorporated into the Plan of Management for the child care centre. The Noise Management Plan must include all the recommendations detailed in Section 6.1.7 of the 'Acoustical Assessment' Report (Reference CC003-01 - Version 1) prepared by Sound Acoustic Consultants and dated 22 September 2016.

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The updated Plan of Management, incorporating the Noise Management Plan, must be submitted to Council prior to the issue of the Construction Certificate.

28. Evacuation Plan

An Evacuation Plan shall be prepared in accordance with Section 5.6 of the 'Bushfire Protection Assessment' Report (Reference No. B162796) prepared by Australian Bushfire Protection Planners Pty Ltd and dated 17 October 2016 and Australian Standard AS3745:2002 'Emergency control organisation and procedures for buildings, structures and workplaces'. A copy of the Evacuation Plan shall be submitted to Council prior to the release of the Construction Certificate.

29. Structural Engineer's Design - Concrete and Structural Steel

A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Certifying Authority prior to issue of the Construction Certificate.

30. Council Sewer Authority - Inspection Fees

Council is the sewer authority for this development. As this development requires the installation and connection to a new onsite waste management facility, the payment of the prescribed inspection fees is required to be made prior to the issue of a Construction Certificate. Evidence of this payment must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

31. Onsite Sewage Management - Approval Required

Prior to the issue of the Construction Certificate, approval shall be obtained for the installation of an onsite sewage management system. The Sewerage Management Facility (SMF) Application shall be submitted to Council together with design details, Effluent Disposal Report demonstrating that the land is suitable for onsite disposal and the payment of the prescribed fees.

The demolition of the existing greenhouse(s) as appropriate is required to allow for the installation of an onsite management system that will dispose of effluent onsite. The use of a pump-out system will not be considered for the development.

32. Sydney Water - Section 73 Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. An application must be made through an authorised Water Servicing Coordinator. For details refer to Sydney Water's website:

www.sydneywater.com.au http://www.sydneywater.com.au

Following application a 'Notice of requirements' will be forwarded detailing any water extensions required or fees to be paid. It is recommended that early contact with the Coordinator is made since the building or water extensions can be time consuming and may impact on other services as well as the building, driveway and landscaping design.

The Notice of Requirements must be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

33. Relocation of Garbage Storage Area

The garbage (bin) storage area shall be relocated from the southern boundary to the northern side of the child care centre. The relocated garbage area shall be enclosed to minimise odour and pest nuisance and also suitably screened from Smith Road.

Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

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34. Food Premises Requirements

All works associated with food preparation facilities shall be designed and constructed in accordance with the requirements of:

- Food Act 2003, Food Regulation 2015 and food safety standards adopted thereunder; and
- Australian Standard AS4674:2004 'Design, construction and fit-out of food premises'.

Adequate spatial provision and equipment for all aspects of food handling activities, including storage, preparation and cleaning shall be incorporated into the facilities.

A cleaner's sink shall be provided within the premises in proximity to food handling areas. It shall be provided with hot and cold running water and drained directly to an approved waste water connection point.

Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

35. Pylon Sign Requirements

The approved pylon sign shall have a maximum height of 1.8m and width of 2m. Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Prior to Any Works Commencing on Site

36. Principal Certifying Authority - Details

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.

37. Toilet Facilities

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer; or
- b) be attached to an approved onsite effluent disposal system; or
- c) be a temporary chemical closet that is regularly maintained; and
- d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet.

38. Survey Certificate - Building to be Verified by a Registered Surveyor

In order to ensure compliance with approved plans, a Survey Certificate prepared by a Registered Surveyor is to be undertaken following the installation of formwork at ground floor level prior to placement of concrete showing the level of the form work and its relationship to boundaries.

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Progress certificates shall be submitted to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the works as constructed.

The survey certificate shall detail the location of any easements affecting the subject land.

39. Notice of Commencement

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:

- a) details of the appointment of a Principal Certifying Authority (PCA) providing name, address and telephone number; and
- b) details of the name, address and licence details of the Builder.

40. Principal Certifying Authority (PCA) Site Sign

A sign must be erected in a prominent position on any site on which demolition or building work is being carried out:

- showing the name, address and telephone number of the Principal Certifying Authority for the work:
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

41. Safety Fencing

The site is to be secured by a fence in accordance with NSW WorkCover requirements to prevent unauthorised access during the period of all works.

42. Implementation of Traffic Management Plan

All traffic management devices shall be installed and maintained in accordance with the approved Traffic Management Plan.

43. Preparation and Implementation of Waste Data File

A Waste Data File to be prepared and maintained for audit purposes during the demolition and construction phase of the development works. Upon request the Waste Data File shall be made available to Council or the Principal Certifying Authority.

44. Erosion and Sediment Control

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' and the approved Erosion and Sediment Control Plan (ESCP).

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45. Sydney Water - Endorsement of Approved Plans

The approved plans must be submitted to and endorsed by Sydney Water via the 'Sydney Water Tap-in' website to determine whether the development will affect Sydney Water's water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to Sydney Water's website:

www.sydneywater.com.au http://www.sydneywater.com.au

Evidence of the building plan approval must be forwarded to the Principal Certifying Authority prior to the commencement of works.

During Construction

46. Construction Hours

Clearing of land, running of machinery, demolition, earthworks, building works and the delivery of building materials shall be carried out between the following hours:

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
 - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
 - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - (iii) a variation is approved in advance in writing by Council.

47. Demolition - General

All demolition works must be carried out in accordance with the following:

- a) all demolition work shall be carried out strictly in accordance with Australian Standard AS2601 'The Demolition of Structures';
- b) demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover 'Demolition License' and WorkCover 'Class 2 (Restricted) Asbestos License'. Asbestos removal must comply with WorkCover's 'Guide to Working with Asbestos';
- c) site safety/security fencing shall be provided prior to commencement of any work onsite and shall be removed only when all hazards, including site waste, have been removed. The site safety/security fencing shall comply with the following Australian Standards:
 - (i) <u>Demolition Sites</u> Australian Standard AS2601 'Demolition of structures';
 - (ii) <u>Construction Sites</u> Australian Standard AS4687 'Temporary fencing and hoardings'; and
 - (iii) Ongoing Site Safety/Security Australian Standard AS1725 'Chain-link fabric security fencing and gates'.

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- d) demolition work shall be carried out only between the hours of 7am to 6pm Mondays to Fridays and 8am to 4pm Saturdays. No work is to be carried out on Sundays or public holidays;
- e) all waste 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:
- f) public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council;
- g) any materials stored on site must be stored away from any drainage path or easement, natural watercourse;
- waste must be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation;
- i) no material is to be burnt on site; and
- the site shall be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

48. Site Management During Construction

- All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Where requested copies of receipts stating the following must be given to the Principal Certifying Authority or Council:
 - (i) the place to which waste materials were transported;
 - (ii) the name of the contractor transporting the materials; and
 - (iii) the quantity of materials transported off-site and recycled or disposed of.
- d) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- e) During construction:
 - (i) all vehicles entering or leaving the site must have their loads covered;
 - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and
 - (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.
- f) At the completion of the works, the work site must be left clear of waste and debris.

Note: In the event it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be signposted and such signposting be maintained in a way that ensures public safety at all times.

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49. Dust Management Measures

All reasonable measures to minimise dust generated during demolition and/or construction are to be implemented. This includes but is not limited to:

- a) clearly defined stop work thresholds whereby work onsite will be cease with the exception of water trucks:
- b) dust screen installation and maintenance around the perimeter of the site for the duration of the works;
- c) the use of water trucks to regularly wet down; and
- d) stabilisation and stockpiles.

50. Loading and Unloading During Construction

The following requirements apply.

- All loading and unloading associated with construction activity must be accommodated on site.
- b) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- c) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.

51. Critical Stage Inspections

Prior to the commencement of building work and at nominated stages during the construction of the building, a minimum of 48 hours notice is required to be provided to allow the Principal Certifying Authority to ensure that the critical stage inspections are undertaken.

Note: Critical stage inspections are required to be carried out in accordance with Clause 162A of the Environmental Planning & Assessment Regulation 2000.

52. Inspection and Compliance certificates for sewer works

Inspection and Compliance Certificates for sewer works can only be conducted and issued by Council.

In the case of internal and external (house service connection) drainage, the inspection must be conducted by Council's Development Services Branch. Please phone (02) 4560 4444 to arrange inspections and payment of required fees;

Inspections must be conducted on the exposed pipes prior to any backfilling including poured concrete or concrete encasement.

53. Civil Construction Work - Requirements

All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification.

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54. Civil Construction Work - Inspections

Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification - Part II Table 1.1.

Prior to Issue of Construction Compliance Certificate

A Construction Compliance Certificate is required to be issued confirming the works approved under the Design Compliance Certificate were carried out in accordance with that approval. Council or an appropriately accredited certifier can issue a Construction Compliance Certificate.

55. Completion of Design Compliance Certificate Works

Prior to the issue of a Construction Compliance Certificate all works must be completed in accordance with the approved Design Compliance Certificate Plans, approved supporting documentation and to the satisfaction of the Principal Certifying Authority.

56. Detailed 'Works As Executed' Plans

'Works As Executed' plans must be submitted to the Certifying Authority prior to issue of a Construction Compliance Certificate by a registered surveyor certifying compliance with the approved design plans. The 'Works As Executed' dimensions and levels must be shown in red on a copy of the approved Design Compliance Certificate plans. The plans must verify:

- a) finished surface levels;
- b) surface and invert levels of all pits;
- d) invert levels and sizes of all pipelines;
- e) floor levels of all buildings; and
- f) top of road pavement levels.

All levels must relate to Australian Height Datum (AHD).

Prior to Issue of Occupation Certificate

57. Notification of Food Premises

Notification of the premises as a food business operation is to be provided in the approved form to Hawkesbury City Council as the appropriate enforcement agency under the *Food Act 2003*. This notification must be provided to Council prior to issue of an Interim or Final Occupation Certificate.

58. Inspection of Food Premises

An inspection of the food preparation facility is to be organised with and conducted by Council's Environmental Health Officer prior to the release of an Interim or Final Occupation Certificate.

59. Suitability of Glazing - Windows and Doors

Glazing materials (e.g. windows, doors, footlights, balustrades and shower screens) are to be installed within the building in accordance with Australian Standards AS1288 'Glass in Buildings - Selection and Installation' and AS2047 - 'Windows and external glazed doors in buildings'.

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A Certificate of Compliance is required to be provided to the Principal Certifying Authority prior to the issue of an Interim Occupation Certificate.

Note: The certificate is required to be signed by the manufacturer and the installer.

60. Termite Protection - Certificate of Treatment

The type and method of termite treatment - complying with Australian Standard AS3660.1:2014 'Termite Management - New Building Work' - provided to walls and floors, pipe penetrations and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.

61. Termite Protection - Notice

A Termite Protection Notice, printed on durable material, shall be affixed in the meter box prior to a Final Inspection being carried out in accordance with Australian Standard AS3660.1 'Termite Management - New building work'. The notice shall include information on the form of termite protection employed and the expected service life of the barrier before maintenance is required.

62. Construction Compliance Certificate Required

A Part 4A Construction Compliance Certificate for works approved under the Part 4A Design Compliance Certificate is required prior to the Issue of an Occupation Certificate.

63. Infrastructure Repair and Completion of Works

Prior to the issue of any Occupation Certificate:

- a) all works in the road reserve must be fully completed; and
- b) any public infrastructure damaged as a result of the development must be repaired to the satisfaction of Council.

64. Occupation Certificate - Prior to Commencement of Use

The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate or Interim Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of the Occupation Certificate shall be submitted to Council within two days of issue.

65. Vehicle Access Signage

Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.

66. Car Park Directional Marking

The entry/exit points and internal aisle ways associated with the car parking area are to be marked with pavement arrows to direct traffic movements in and out of the site and guide traffic circulation through the car park.

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67. Acoustic Certification

Prior to the issue of the Occupation Certificate an acoustic consultant shall certify that the works have been completed in accordance with the recommendations contained in Section 6 of the 'Acoustical Assessment' Report (Reference CC003-01 - Version 1) prepared by Sound Acoustic Consultants and dated 22 September 2016 and that the development is capable of operating in accordance with the design criteria.

68. Onsite Sewage Management - Approval to Operate

An Approval to Operate the onsite sewage management system shall be obtained from Council prior to the issue of any Occupation Certificate.

69. Telecommunications Provider Certificate

Documentary evidence from a telecommunications carrier confirming that services are available for the development shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

70. Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

71. Energy Provider Certificate

Documentary evidence from an energy provider confirming that satisfactory arrangements have been made to serve the proposed development shall be provided to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

72. Compliance Certificate - Connection to Onsite Waste Management Facility

A written clearance from 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.

Operational Conditions

73. Child Care Centre

Approval is given for use as a Child Care Centre with a maximum capacity of 101 children.

A separate approval/license is required to be obtained from the NSW Department of Community Services before the commencement of the use of the child care centre.

74. Hours of Operation

The premises shall operate or trade only between the following hours:

Mondays to Friday	7am to 6pm
Saturday and Sunday	Closed
Public Holidays	Closed

Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.

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75. Maintenance of Landscaping

All trees and plants forming part of the approved landscape design must be maintained on an ongoing basis. Maintenance includes watering, weeding, fertilizing, pest and disease control and any other activity required to maintain healthy trees, plants and turfed areas.

76. Plan of Management

The child care centre shall be operated and managed in accordance with the Plan of Management.

A copy of the approved Plan of Management and this Development Consent must be kept onsite and made available to any Council, Depart of Community Services or Police officer upon request. Access to the Incident Register and register of complaints must be made available for viewing at the request of any Council, Depart of Community Services or Police officer.

77. Noise Generating Premises - Acoustic Management

The child care centre must be operated in accordance with the recommendations of Section 6 of the 'Acoustical Assessment' Report (Reference No. CC003-01) prepared by Sound Acoustic Consultants and dated 22 September 2016 and the prepared Noise Management Plan.

The outdoor play area shall be used for a maximum of two hours per day. The $L_{Aeq, 15minutes}$ noise level emitted from the use of the outdoor play area must not exceed 10dB above the background (L90) noise level as a result of outdoor play at the child care centre.

The L_{Aeq, 15minutes} noise level emitted for any other noise from the child care centre, such as air conditioning and plant equipment, must not exceed 5dB above the background (L90) noise level.

The source noise shall be assessed at the boundary of any affected receiver.

All windows along the southern, western and northern sides of the child care centre are to be closed when children are playing within the indoor play areas.

78. Annual Fire Safety Statement

The owner of the building is responsible for the lodgement with Council of an Annual Fire Safety Statement from a competent person so as to confirm the essential fire safety measures required to be provided in the building exist and are being maintained. The Annual Fire Safety Statement shall be issued within 12 months of the issue of the Final Fire Safety Certificate, and then on an annual basis thereafter.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:

- a) forwarded to the Commissioner of Fire and Rescue New South Wales by email to afss@fire.nsw.gov.au; and
- b) prominently displayed in the building.

79. Compliance with Protection of the Environment Operations Act 1997

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.

80. Pollution Incidents - Protection of the Environment Operations Act 1997

In accordance with the requirements of Part 5.7 of the 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 activity where material harm to the environment is caused or threatened.

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Waste water from waste receptacles, floor and perimeter surface cleaning shall not be disposed of into food preparation or utensil sinks, or to any storm water drainage inlet.

81. Waste Management - Protection of the Environment Operations Act 1997

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. The development shall maintain facilities sufficient for containment of all wastes arising from the use of the site.

Waste removal service contracts/agreements shall be maintained for the business at all times

82. Food Premises Requirements

The food premises shall be maintained in accordance with the requirements of:

- Food Act 2003 and Regulations there under.
- Australian Standard AS4674:2004 'Design, construction and fit-out of food premises'.

Advisory Notes (if applicable)

(i) Operation of Sewage Management Facility

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.

(ii) Works within the Road Reserve

An approval under Section 138 of the Roads Act 1993 must be obtained from Council to undertake works within the road reserve.

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.

(iii) Acid Sulfate Soils - Monitoring of Excavation During Works

All excavations are to be monitored to ensure that acid sulphur soils are not encountered during works. Signs that may indicate the presence of acid sulphur soils include:

- a) change in colour of the soil into grey and green tones;
- b) effervescence:
- c) the release of sulphur smelling gases such as sulphur dioxide or hydrogen sulphide; and
- d) lowering of the soil Ph by at least one unit.

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Should any of the above indicators be present excavation work on the site is to stop and Council is to be notified to determine what action is required to be taken before work may commence.

(iv) Site Contamination Discovered During Demolition or Construction

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about contamination, then the applicant must be immediately notified and works must cease. Works must not recommence on site until consultation is made with Council.

(v) Dial Before You Dig

Prior to commencement of work, the free national community service 'Dial Before You Dig' shall be contacted on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

(vi) Requirements of 88B Instrument

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.

(vii) Works on Public Land - Public Liability Insurance

Any person or contractor undertaking works on public land must take out a Public Risk Insurance policy with a minimum cover of \$10 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land as approved by this consent.

The policy is to note and provide protection/full indemnification for Council as an interested party. A copy of the policy must be submitted to Council prior to commencement of any works. The policy must be valid for the entire period that the works are being undertaken.

(viii) Utilities and Services

Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the proposed development shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the developer.

(ix) Excavation - Archaeology

If any object having heritage significance is uncovered during the course of the work:

- a) all work must stop immediately in that area; and
- b) the NSW Office of Environment and Heritage and Council must be advised of the discovery.

Note: Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further work can continue.

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(x) Excavation - Aboriginal Relics

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) all excavation or disturbance of the area must stop immediately in that area; and
- b) the Office of Environment and Heritage and Council must be advised of the discovery.

All necessary approvals from the NSW Office of Environment and Heritage shall be obtained and a copy provided to Council prior to works recommencing.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

(xi) Works in Close Proximity to Boundary and Dividing Fences Act Requirements

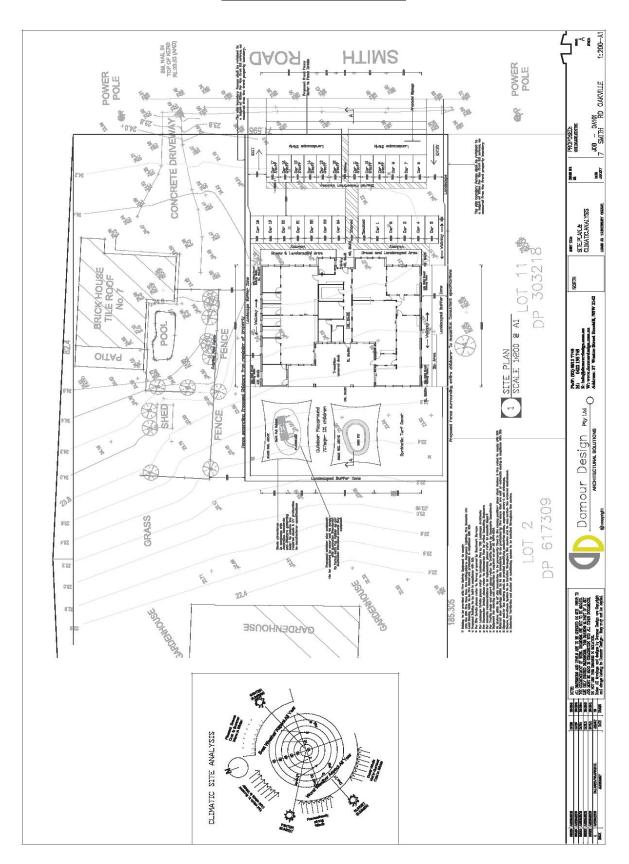
Building work in close proximity to the boundary may be a sensitive matter for each property owner and can often end in an unsatisfactory relationship between the neighbours. You are advised that the consent given to undertake work in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary.

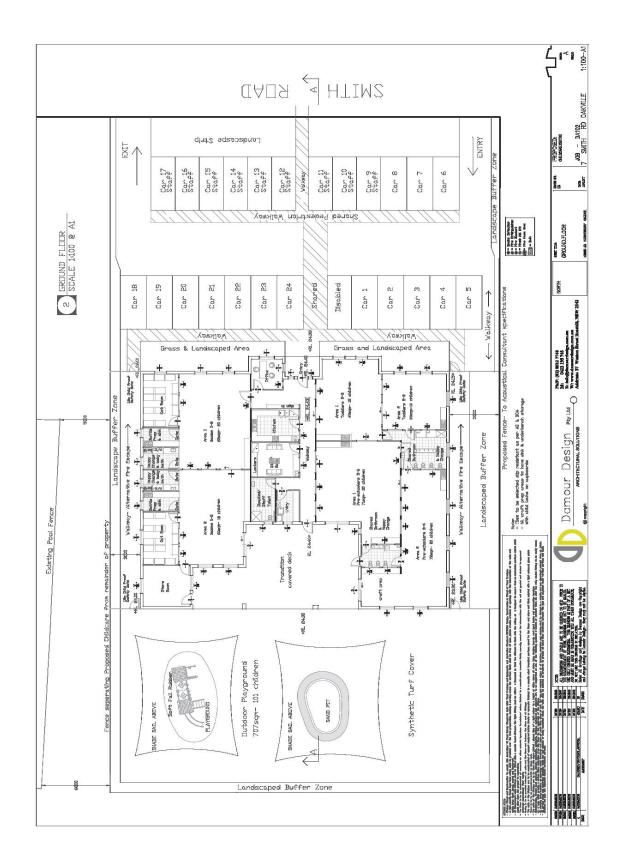
Your attention is directed to the provisions of the Dividing Fences Act 1991 that gives certain rights to adjoining owners, including use of the common boundary. In the absence of any structure standing well clear of the common boundary you need to make yourself aware of your legal position, which may involve a survey to identify the allotment boundary.

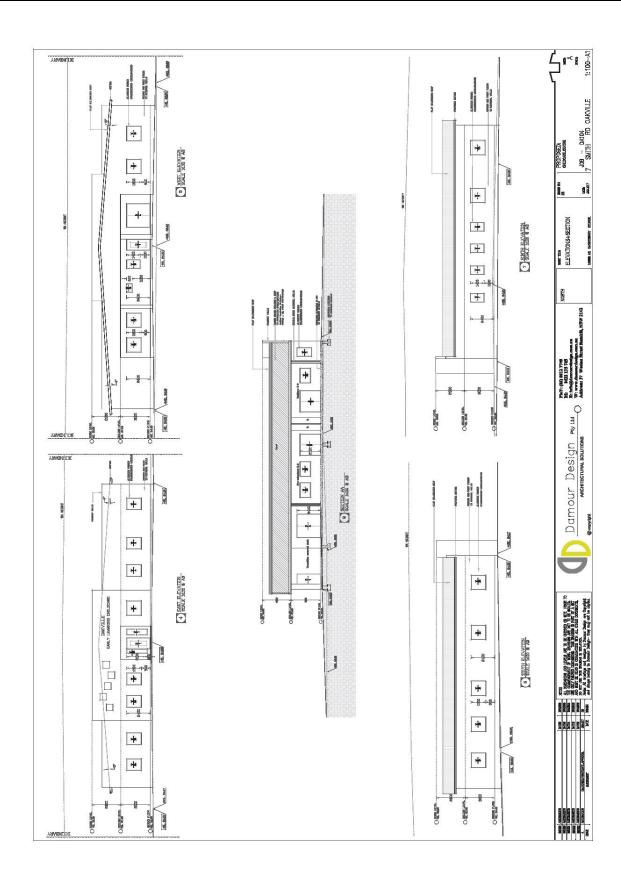
ATTACHMENTS:

- AT 1 Plans of the Proposal
- AT 2 Locality Map and Aerial Plan
- AT 3 Site Photographs

AT - 1 Plans of the Proposal







AT - 2 Locality Map and Aerial Plan





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AT - 3 Site Photographs



Figure 1: Area of the subject site to accommodate the proposed child care centre



Figure 2: The existing dwelling house located on the site



Figure 3: Smith Road leading towards the roundabout with Oakville Road, Broos Road and Stahls Road



Figure 4: The raised grass verge and drainage swale in front of the subject site



Figure 5: The existing hedge located on the northern boundary of 1 Smith Road



Figure 6: The existing dwelling house located at 1 Smith Road

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Item: 144 CP - LEP004/14 - Lot 21 DP 806993 - 6 Speedwell Place, South Windsor -

Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 -

(95498, 126720, 131209)

Previous Item: 75, Ordinary (26 May 2015)

2, Ordinary (3 February 2015)

File Number: LEP004/14

Property Address: 6 Speedwell Place, South Windsor **Applicant:** Natalie Richter Planning Pty Ltd

Owner: MBST Super Pty Ltd

Proposal Details: Amend Hawkesbury Local Environmental Plan 2012

Date Received: 12 September 2014

Public Exhibition: 19 August 2016 to 19 September 2016 Community Submissions: Four submissions (with one objection)
Government Agency Responses: Five submissions (with one objection)

Recommendation: Council not proceed with the making of the LEP amendment.

REPORT:

Executive Summary

Lot 21 DP 806993, 6 Speedwell Place, South Windsor (the subject site) is currently vacant and zoned RU1 Primary Production under the Hawkesbury Local Environmental Plan 2012 (the LEP). It has been filled and is still being filled following the Council approved development application (DA358/06) for intensive agriculture, land filling, dam construction and a wholesale plant nursery on the subject site.

In February and May 2015, Council considered successive reports on a planning proposal submitted by Natalie Richter Planning (the applicant), seeking to amend the LEP to rezone part of the subject site to IN1 General Industrial under the LEP. Council resolved to proceed to a Gateway determination to allow for the detailed assessment of industrial uses on the subject site.

In September 2015, the Department of Planning and Environment (DP & E) agreed to proceed with the planning proposal and advised Council to undertake consultation with the public agencies including the NSW Environment Protection Authority (EPA) identified in the Gateway determination and consultation with the Community.

Given the past evidence of contamination of the subject site, a submission received from the EPA highlighted the need to prepare a Contemporary Contamination Land Assessment to determine the suitability of the subject site in its current form or after remediation for land uses including sensitive land uses permitted in the proposed IN1 zone.

The applicant has failed to submit the required information to Council to enable an assessment of the suitability of the subject site as recommended by the EPA.

It is therefore recommended not to proceed with the planning proposal.

Planning Proposal Process

A planning proposal is a document prepared to explain the intended effect of a proposed amendment Local Environmental Plan (LEP). In doing so, the proposal provides the justification for the amendment to the LEP.

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To enable a planning proposal to progress, a 'Gateway' determination, issued by the Minister (or delegate), is required. The purpose of the 'Gateway' determination is to ensure there is sufficient justification early in the process, and to identify those planning proposals that should not proceed due to a lack of strategic merit before time and resources are committed. The 'Gateway' determination confirms the information and consultation required before the LEP can be finalised. It also provides the timeframes in which the various stages of the process for making of the proposed LEP are to be completed.

Under Section 58(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), Council may, at any time, vary a planning proposal as a consequence of its consideration of any submission, report or additional information during community consultation or for any other reason.

Council can choose to proceed, proceed in part or not to proceed with the making of an amendment to the LEP.

Consultation

The consultation with the relevant public authorities and the community on the planning proposal was completed in accordance with the relevant statutory and 'Gateway determination' requirements. The outcome of this consultation is outlined in Attachments 1 and 2 of this Report.

Council has received responses from all agencies. Whilst the submissions received from NSW Department of Industry and Greater Sydney Local Land Services raised no issues, the Office of Environment and Heritage (OEH), NSW Rural Fire Service (RFS) and the EPA raised certain issues. The outcome of this consultation is outlined in Attachments 1 and 2 of this Report.

Council received four submissions from the community during the exhibition period. All the submissions raised issues, but one of them objected to the making of the plan. The issues raised in the submissions and subsequent comments from the Council Officer are outlined in Attachment 2 of this Report and can be summarised as follows:

- flood risks and impacts
- potential air, noise and water quality impacts
- traffic issues
- compliance and site suitability issues associated with previous filling.

Background

On 3 February 2015, Council considered a report on a planning proposal that sought to rezone part of the subject site from RU1 Primary Production to IN1 General Industrial under the LEP to allow development of that part of the subject site for general industrial purposes, and retain the balance for rural purposes. The Council resolution on this matter was as follows:

"That Council defer the matter pending a further report regarding the fill on the site."

On 26 May 2015, Council considered the further report regarding the filling of the subject site following further information received from the applicant and resolved to support the preparation of a planning proposal to rezone part of the subject site from RU1 Primary Production to IN1 General Industrial under the LEP and forward the planning proposal to the Department of Planning and Environment (DP&E) seeking a "Gateway" determination.

Planning Proposal

The planning proposal submitted by the applicant seeks an amendment to the Land Zoning Map of the LEP to rezone part of the subject site from RU1 Primary Production to IN1 General Industrial under the provisions of the LEP to allow general industrial and ancillary uses on that part of the land.

The planning proposal was supported by the following reports:

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- Bushfire Assessment Statement prepared by Building Code & Bushfire Hazard Solutions Pty Ltd.
- Remediation Action Plan/Environmental Assessment prepared by DLA Environmental.

Subject Site and Surrounds

The subject site is located to the east of the South Windsor shops (a Small Village Centre), and is immediately east of the existing South Windsor industrial area. The subject site is located approximately 1.9kms from the Windsor Railway Station and 2.9kms from the Windsor Town Centre. The subject site has a rear boundary to South Creek as shown in Figure 1 below.

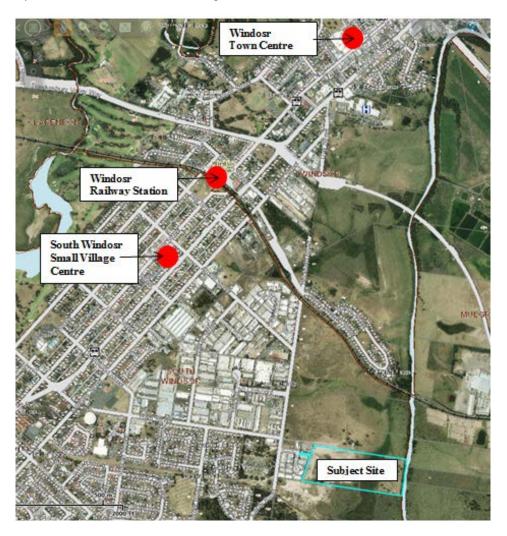


Figure 1: Locality Map

The subject site is legally described as Lot 21 DP 806993, 6 Speedwell Place, South Windsor, and has an area of approximately 11.45ha. The overall site is approximately 203m wide and 545m long and is accessed via an approximately 65m long and 8m wide access handle off Speedwell Place which forms part of the subject site as shown in Figure 2 below.

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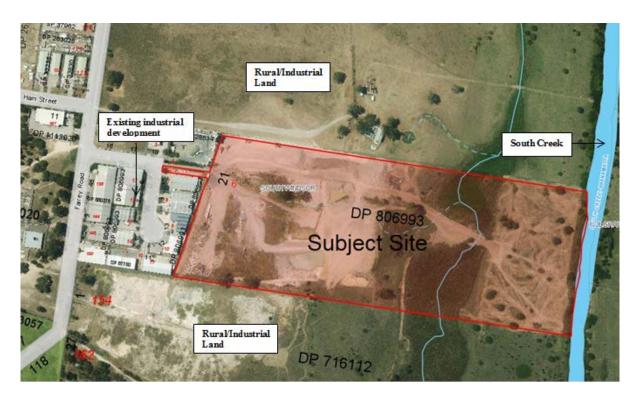
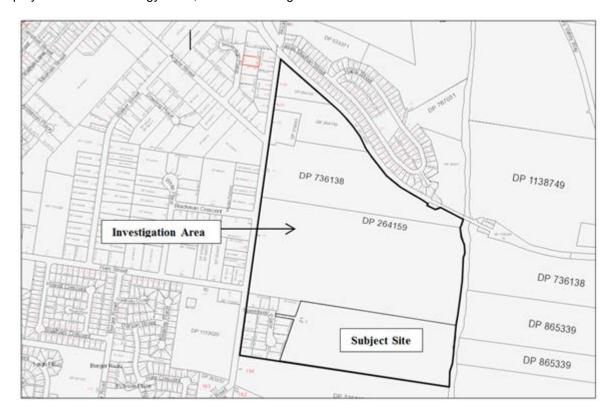


Figure 2: Aerial View of Subject Site

The subject site (other than the access handle) is zoned RU1 Primary Production and the access handle with an area of approximately 525m² is currently zoned IN1 General Industrial under the LEP.

The subject site is located within the recommended South Windsor Investigation Area of the Hawkesbury Employment Lands Strategy 2008, as shown in Figure 4 below.



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Figure 3: South Windsor Investigation Area

The subject site has also previously been used as a building materials storing facility, a recycling facility and pasture and grazing land.

In the early 1990's, part of the subject site near the southern boundary was used as a 'borrow pit' to fill the adjoining industrial land that was subsequently subdivided. A 'Borrow pit' is an area where materials (usually soil, gravel or sand) have been excavated for use at another location (in this case the adjoining industrial land).

In 1997 Council approved a dwelling house on the subject site.

In March 2007, Council approved According to Council's records, a development application for the use of the subject site as intensive horticulture, land filling and a wholesale plant nursery (DA 358/06).

NSW Environment Protection Authority (EPA) Submission

Council received a submission from the EPA which raised two key issues, site filling and contamination. The resolution of these issues is considered to be the crucial factor in finalising this planning proposal, and is discussed in detail below.

Summary of Agency's Comment

Filling of the subject site

The planning proposal states that Development Consent (ref: DA 358/06) was obtained from Hawkesbury City Council for the construction of an industrial shed to be utilised for the purpose of a "Whole Sale Plant Nursery". This consent allowed the filling of the site with Virgin Excavated Natural Material (VENM) and through a later amendment, filling with Excavated Natural Material (ENM). The purpose was to restore the ground levels of the site to be consistent with ground levels of the properties to the north, south and west of the site.

It is unclear from the submitted information whether this fill material has been appropriately validated and would be fit for purpose. Further information should be sought from the proponent on this material in particular its source, classification, quantities and its management. This is to ensure it satisfies all legislative requirements for its intended use. This matter should not be left to a post approval process but addressed as part of the current rezoning process.

Officer Response

In March 2007, Council approved a development application (DA 358/06) seeking approval for intensive agriculture, land filling, dam construction and a wholesale plant nursery on the subject site.

The proposed development of the subject site consisted of the filling of the subject site to grade evenly from the western boundary to two elevated storage dams and enable construction of the proposed wholesale plant nursery with associated sales office and car parking area on the graded platform at a level of 16m AHD.

The land fill covers an area of approximately 4.4ha to a maximum depth of 3.26m and average depth of 1.27m. The proposed timeframe for the filling operation was three years based on the likely availability of suitable fill material and climatic conditions.

Condition No 43 of the development consent allowed the filling of the subject site only with uncontaminated virgin excavated natural material (VENM). A later amendment to this condition allowed filling of the site with excavated natural material (ENM). Condition 45 required the land filling to be undertaken in stages to reduce the amount of exposed soil at any one time to reduce dust nuisance. Condition 50 required the construction of the proposed wholesale plant nursery with associated

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sales office and car parking area upon completion of the filling of part of the site at a level of 16m AHD.

In July 2010, the EPA, Council Officers and a Director of DJL Management Pty undertook a joint site inspection to investigate the filling of the site, and in January 2011, the EPA undertook a further site investigation and noted that the subject site has filled and compacted with large quantities of fill materials. In February 2011, a further joint site inspection was carried out by the EPA and a Council Compliance Officer and found that large volumes of soil fill containing concrete, tiles, bricks, plastic, metal, glass and terracotta pipes were present.

The applicant advised that the importation of fill to the site commenced soon after a Construction Certificate was received from Fitzgerald Building Certifiers Pty Ltd in September 2008. However, since that time, the site was closed to filling for a period of two years due to technical reasons.

According to the applicant the subject site has been filled with approximately 150,000m³ of soil to-date, and further filling on the site with approximately 100,000m³ of soil up to the approved level of 16m AHD is expected to be completed subject to material availability and economic conditions.

As mentioned in a previous Council report dated 3 February 2015, some material used to fill the subject site initially was not VENM as required by the original development consent. As a result, in June 2013, Council received a development application (DA0291/13) for site remediation works supported by a Remediation Action Plan (RAP) prepared by David Lane Environmental to address minor asbestos contamination that occurred on the site as a result of the use of non-recommended fill material. In March 2014, a review of the present land use suitability of the site undertaken by DLA Environmental in accordance with the amended National Environmental Protection (Assessment of Site Contamination) Measures (NEPM) guidelines 2013 stated that:

"The site is now considered suitable for its intended land use and requires no remedial actions to be undertaken and can be developed in its current state without risk to human health or the environment. The Site identified as Lot 21 DP806993, located at 6 Speedwell Place NSW, complies with the most sensitive health investigation levels, being Residential A - Residential with accessible soils, in accordance with NEPM 2013 and as such complies with the designated Industrial/Commercial land use criteria".

However, the subject site has been continuously filled over an extended period of time, and filling of the subject site is still being carried out. It is also noted that some soil stockpiles on the subject site are currently under investigation by the EPA.

The last Council report on this matter dated 26 May 2015 recommended that if the planning proposal is to proceed, further consideration of potential contamination be dealt with after DP&E's Gateway determination.

Contaminated Land Management

The State Environmental Planning Policy (SEPP) 55 states that as part of any land use change process, the following key considerations should be addressed when preparing an environmental planning instrument:

- whether the land is contaminated
- if the land is contaminated whether it is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes to which the land will be used

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 if the land requires remediation, the land will be remediated to be made suitable for any purpose for which the land will be used.

In particular SEPP 55 states that it applies to land:

- that is within an investigation area;
- on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out; and
- to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital. The land:
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out
 - (ii) on which it would have been lawful carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

EPA considers that the investigation of land contamination is an important consideration that should be delivered through the land use change process at a local level. A range of activities can result in land contamination and significant environmental and health risks if the land is not appropriately investigated, remediated and validated for its proposed land use. In cases where land is potentially contaminated, the investigation and any remediation and validation work to be carried out in accordance with the guidelines made or approved by EPA under Section 105 of the Contaminated Land Management Act 1997 and be in accordance with the requirements and procedures in the following:

- Contaminated Land Management Act 1997
- Contaminated Land Management Regulation 2013
- State Environmental Planning Policy 55 Remediation of Land.

Given the above SEPP requirements and the site having a history of filling and contamination due to asbestos EPA recommends that a Contemporary Contamination Land Assessment be undertaken as part of any land use change. The need for such an assessment is further warranted as the proposed IN1 zoning allows a range of sensitive land uses including health consulting rooms, hospitals and training facilities.

EPA also recommends that Council consider the involvement of an EPA accredited Site Auditor during the contamination management process, including the provision of a Site Audit Statement certifying that the land is suitable for the proposed uses.

Officer Response

The EPA's recommendation to undertake a Contemporary Contamination Land Assessment for the subject site is considered logical and appropriate due to the following reasons:

- The subject site has been continuously filled over many years and is still being filled following an approval of a development application (DA 358/06) for intensive agriculture, land filling, dam construction and a wholesale plant nursery on the subject site in March 2007. The subject site has been filled with more than 150,000m³ of material to date.
- Council has no adequate records of such filling and any evidence to confirm
 that only excavated natural material has been used for filling of the subject
 site. It should be noted that a joint site inspection carried out by the EPA and
 a Council Compliance Officer in February 2011 found that large volumes of fill
 material containing concrete, tiles, bricks, plastic, metal, glass and terracotta
 pipes was present.

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- The submitted land contamination assessment documentation in support of the planning proposal for Council's consideration was prepared several years ago, and therefore the current site conditions and suitability for the proposed and potential future uses are unknown.
- The EPA's awareness of the presence of asbestos on the subject site and past involvement in site investigations.
- The EPA's current investigations on soil stockpiles on the subject site.
- The permissibility of certain sensitive land uses including childcare centres, health consulting rooms and hospitals in the proposed IN1 General Industrial zone.

Contemporary Contamination Land Assessment

In line with the EPA recommendation, the applicant was asked to prepare and submit a Contemporary Contamination Land Assessment for the subject site. In April 2016, the applicant submitted the following documentation in response to the EPA request.

- A copy of Council's Notice of Determination of a Development Application (DA0358/06) for Intensive Agriculture, Landfilling, Dam Construction and a Wholesale Plant Nursery.
- A copy of Land Use Suitability Assessment (March 2014) prepared by DLA Environmental Services.
- A copy of Remediation Action Plan (May 2013) prepared by DLA Environmental Services.
- Monthly Air Quality Dust Monitoring Reports (April 2014, May 2014, June 2014, July 2014, August 2014, September 2014, November 2014, December 2014, January 2015, February 2015, March 2015, April 2015, May 2015, June 2015, July and August 2015, September 2015 and October 2015) prepared by DLA Environmental Services.
- An assessment of in-situ natural material along the north-western site extent (October 2014) prepared by JBS&G Pty Ltd.
- Resource Recovery Characterisation (January 2015) prepared by DLA Environmental Services.
- An assessment of stockpiled and fill materials prepared by DLA Environmental Services.
- Waste Characterisation and Classification (2015) prepared by DLA Environmental Services.
- An analysis of five soil samples and determination of the presence of asbestos on the subject site (January 2015) prepared by Australian Safer Environment & Technology Pty Ltd.

In May 2016, the above information was forwarded to the EPA for comment, and in response the EPA advised Council to undertake a review of the information to ensure the requirements of SEPP 55 had been satisfied, given the site has a history of filling and contamination due to asbestos.

In line with the EPA requirement, Council's Environmental Health Section undertook a review of the information received from the applicant and found that information on land contamination assessment was limited and predominantly historic in nature and did not contain a Contemporary Contamination Land Assessment reflecting the current condition of the subject site as recommended by the EPA.

In January 2017, the applicant was again advised to prepare and submit a Contemporary Contamination Land Assessment in line with the recommendation of the EPA. In February 2017, Council received a Contemporary Contamination Land Assessment dated January 2017 prepared by DLA Environmental Servicers from the applicant. Council's Environmental Health Section undertook a review of this assessment and provided the following comments:

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"The assessment provided is not considered adequate. Even though previous minimal contamination assessments have been undertaken, these previous assessments would not meet the current contamination guidelines. An email from DLA dated 9 May 2017 advised:

"The Remediation Action Plan was developed for the site prior to the update of the National Environment Protection (Assessment of Site Contamination) Measure (NEPM 1999). NEPM (2013) included new methods for the investigation and assessment of asbestos contamination. DLA conducted a Land Use Suitability Review of the Site in 2014 to assess the presence of previously identified asbestos fragments in accordance with updated guidelines."

The consultant has tried to justify minimal sampling advising that this testing was to supplement existing data. However, the previously conducted assessments would not appear to meet the current guidelines.

The current contamination assessment appears to be deficient in regard to meeting the contamination guidelines, in respect to the amount of samples taken and the depth of sampling (an assessment through the entire spectrum of imported fill should have been undertaken to assess the fill material, rather than the testing being terminated at 1m below ground level in the fill material).

Based on the above, the suitability of the site has not been demonstrated."

It was noted that the sampling density adopted in the Assessment was less than the minimum sampling density recommended by the Sampling Design Guidelines (NSW EPA, 1195), for the characterisation of a site having a total area of 11.4ha. The only justification provided for the use of the lesser number of test pits than the minimum required was that the Assessment was to supplement existing data and targeted fill areas on-site.

As previously mentioned, the historical data and land contamination investigations submitted for Council's consideration are not considered to be in line with the current land contamination guidelines. It was also considered that 26 test pits used in the assessment were inadequate to cover the land area proposed for rezoning and the selection of their locations appears to be ad hoc with no proper justification. Therefore, it is considered that this Assessment is not an accurate reflection of the current environmental status of the subject site.

The planning proposal seeks to rezone part of the subject site to IN1 General Industrial to allow development of that part of the subject site for general industrial purposes, but it should be noted that the IN1 zone permits other land uses than industrial uses including a range of land uses some of which are sensitive land uses such as health consulting rooms, childcare centres, and hospitals. Should that part of the subject site be rezoned to IN1 and developed for industrial purposes, there is no guarantee that industrial uses of that part of the subject will continue into the future.

Given the above circumstances, a Contemporary Contamination Land Assessment is required to demonstrate that part of the subject site in its current state (or will be suitable, after remediation) for all the purposes for which land in that zone concerned is permitted to be used as recommended by the EPA. However, a review of the Contemporary Contamination Land Assessment January 2017 by Council's Environmental Health Section revealed that it fails to demonstrate the suitability of that part of the subject site for all land uses permitted in the IN1 zoning.

SEPP 55 Requirements

The subject site is a landfill site with a history of the presence of asbestos. In accordance with Table 1 - 'Some Activities that may Cause Contamination' of the Managing Land Contamination: Planning Guidelines' published by the (then) Department of Planning and Urban Affairs, land filling and asbestos presence may cause contamination.

The subject site falls within the land classes specified under the following subclause (4)(b) and 4(c)(i) of SEPP 55:

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4(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out

The subject site is a landfill site and has a history of the presence of asbestos on the subject site.

Both landfilling and asbestos exposure activities are referred to in Table 1 to the contaminated land planning guidelines.

4(c) to the extent to which it is proposed to carry out development it for residential, educational, recreational or childcare purposes, or for the purpose of a hospital – land:

(i) in relation to which there is no knowledge (or incomplete knowledge) as whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out.

According to the Remediation Action Plan prepared by DLA Environmental Services May 2013, asbestos containing materials have been left on the subject site during the operation of a former recycling facility on the subject site, but Council's records do not contain information on the use of the subject site for a recycling facility. As previously mentioned, there may be a potential to develop that part of the subject site for sensitive land uses such as hospitals and childcare centres.

Subclause 6(1) of SEPP 55 requires no inclusion in a particular zone any land specified in subclause (4) if the inclusion of the land in that zone would permit a change use of use of the land unless:

- the planning authority has considered whether the land is contaminated
- if the land is contaminated, Council is satisfied that it is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in that zone concerned is permitted to be used
- if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be remediated before the land is used for that purpose.

The Contemporary Contamination Land Assessment January 2017 received from the applicant has not provided adequate and relevant current land contamination assessment details as discussed in this report to enable Council to effectively assess the Contemporary Contamination Land Assessment against the above identified SEPP requirements as recommended by the EPA. There is no conclusive evidence, facts or findings in the Contemporary Contamination Land

Assessment January 2017 to support that part of the subject site proposed for rezoning is suitable for any permitted land use in the IN1 zone, or it will be suitable for any permitted land use after remediation.

Finalisation of the Planning Proposal

The next step in the plan making process is to report the matter to Council with a recommendation to make or not to make the plan based on the outcome of the consultation and the merit of the planning proposal.

The EPA has recommended that the applicant prepare and submit a Contemporary Contamination Land Assessment to Council. The purpose of this recommendation is to obtain contemporary data to confirm or otherwise, the suitability of the subject site for the proposed for IN1 General Industrial zoning.

The applicant's failure, despite numerous requests, to prepare and submit a Contemporary Contamination Land Assessment reflecting the current site conditions as recommended by the EPA precludes Council's assessment of the suitability of the site for the lands uses permitted in the proposed IN1 zone.

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Under Section 59 2(b) of the EP& A Act, Council can recommend not to make the plan based on the applicant's failure to comply with the EPA recommendation to undertake a Contemporary Contamination Land Assessment for the subject site following consultation with the DP&E. Council Officers have discussed this matter with the DP&E and explained why it is considered that the plan cannot be made.

Conclusion

In response to the relevant government agency consultation, the EPA recommended to undertake a Contemporary Contamination Land Assessment to assess the suitability of part of the subject site proposed for IN1 General Industrial zoning for any land use permitted in that zone in its current form or after the remediation of the subject site.

Council's Environmental Health Section undertook a review of the Contemporary Contamination Land Assessment January 2017 received form the applicant and found that the information on land contamination assessment was limited and predominantly historic in nature and did not contain a Contemporary Contamination Land Assessment reflecting the current condition of the subject site as recommended by the EPA.

Given the applicant's failure to prepare and submit a Contemporary Contamination Land Assessment reflecting the current site conditions as recommended by the EPA the suitability of that part of the site for any land use including sensitive lands uses permitted in the proposed IN1 zone is inconclusive. Under such circumstances, Council is not able to make the plan.

Council Officers have discussed this matter with the DP&E and have explained why it is considered that the plan cannot be made.

It is therefore recommended that Council not proceed with the making of the plan in accordance with Section 59 2(b) of the EP& A Act.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Future

- 5.8 Industry
 - 5.8.1 Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region.
 - 5.8.2 Increase the focus on jobs and innovation to build on our strengths and achieve a diverse industry base.

Financial Implications

The applicant has paid the planning proposal application fees required by Council's Fees and Charges for the preparation of a Local Environmental Plan.

Planning Decision

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

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RECOMMENDATION:

That Council:

- Not proceed with the making of the plan in accordance with Section 59 2(b) of the Environmental Planning and Assessment Act 1979 to amend the Hawkesbury Local Environmental Plan 2012 to rezone part of the subject site from RU1 Primary Production to IN1 General Industrial under the Hawkesbury Local Environmental Plan to allow development of the subject site for general industrial purposes.
- 2. Council advise the applicant and the Department of Planning and Environment that the plan has not been made.

ATTACHMENTS:

- AT 1 Outcome of Public Authority Consultation
- AT 2 Outcome of Community Consultation

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AT 1 Outcome of Public Authority Consultation

Agency	Issue	Council Officer Response
NSW Rural Fire Service	No objections to the making of the plan provided that the future subdivision of the subject site shall comply with the requirements of Planning for Bushfire Protection 2006 (PBP 2006).	NSWRFS's comments are matters that are appropriate to the assessment of future Development Applications for the subject site, and not matters to be incorporated into amendments to a local environmental plan.
Office of	Flooding	
Environment & Heritage	In assessing the planning proposal and any potential development Council will need to ensure compliance with clause 6.3 Flood Planning of Hawkesbury Local Environmental Plan 2012 (the LEP) and the 2012 Development of Flood Liable Land Policy. Council needs to:	Under Section 117 Direction 4.3 Flood Prone Land, Council always takes into consideration clause 6.3 Flood Planning of Hawkesbury Local Environmental Plan 2012 (the LEP) when assessing planning proposals for flood prone land and development of flood prone land.
	 consider the flood risk for the full range of floods up to the PMF for existing and post development conditions the need for a flood emergency response plan to ensure safe refuge or evacuation of occupiers in times flood in consultation with the State Emergency Service (SES) the cumulative impacts from potential full development condition the impact of any potential land filling operations on the subject site and adjacent areas. The OEH recommends Council to reconsider implementing the recommended town planning principles detailed in the adopted 2012 Hawkesbury Floodplain Flood Risk Management Study and Plan. 	Currently, clause 6.3 of the LEP makes provisions to consider the flood risk for a range of floods up to 1:100 ARI (Average Recurrent Interval). However, Council's current Development of Flood Liable Land Policy (July 2012) is currently being reviewed and an interim Development of Flood Liable Land Policy is being developed to allow Council to consider the full range of floods up to the PMF for existing and post development conditions until such time an amendment to the LEP is made to include provisions in the LEP to consider flood events up to the PMF and include appropriate provisions detailed in the adopted 2012 Hawkesbury Floodplain Flood Risk Management Study and Plan. Council will refer planning proposals and Development Applications for flood prone land to SES for comments and take into consideration any cumulative impacts and land filling operations on the subject site when assessing planning proposals and Development Applications for flood prone land.
Office of	Section 117 Ministerial Direction	
Environment & Heritage	The planning proposal to rezone part of the subject site to industrial is inconsistent with the direction 4.3 Flood Prone Land.	There is a minor inconsistency with the Direction 4.3 Flood Prone Land. This minor inconsistency was appropriately addressed in Council's previous report dated 3 February 2015. The Gateway Determination acknowledged this minor inconsistency and advised that no further approval is required in relation to this direction.

Agency	Issue	Council Officer Response
Environmental Protection Authority	Noise A range of land uses permitted with consent in the IN1 zone have the potential to produce noise and odour impacts on the surrounding development. Appropriate land use planning should ensure possible land use conflict is avoided. The subject site should be rezoned appropriately while taking potential conflicts into account, and management strategies should be developed to address any issues that may arise during the development phase and to manage any cumulative impacts. Any proposed industrial development should be in accordance with the NSW Industrial Noise Policy (EPA 2000). A range of noise mitigation strategies can also be implemented at the subdivision design stage to manage unavoidable noise impacts. Any new roads, road developments or land use developments generating additional road traffic should be assessed in accordance with the NSW Road Noise Policy (DECCW 2011). Any potential noise impacts associated with the construction activities, including any infrastructure and services, should be assessed and any appropriate noise mitigation measures identified and implemented. The EPA recommends Hawkesbury Development Control Plan 2002 (the DCP) includes a provision that requires proponents to consult the Interim Construction Noise Guidelines (DECC 2009) when preparing supporting information for a Development Application.	Noise including any traffic noise and construction noise are not issues in determining planning proposals and those issues can be effectively dealt with at the development application stage. A comprehensive review of Council's DCP is currently being undertaken, and appropriate provisions in relation to noise generation can be included to require development applications to adequately and appropriately address such noise issues in future Development Applications to enable Council an effective assessment of such developments.

Agency	Issue	Council Officer Response
Environmental	Air Quality	-
Protection Authority	The planning proposal will enable a range of employment/economic activities on the subject site which have the potential to generate noise and odours. To ensure potential land use conflicts are prevented and contemporary environmental standards are met for any new development, the EPA recommends the DCP include the following provisions: Provides measure to ensure noise emissions do not cause adverse impacts upon human health and amenity. Provide measures and approaches that can prevent or minimise commercial and industrial emissions of air pollutants. The development must be designed, operated and maintained so that there are no offensive odours beyond the boundary of the subject site. Details approaches to ensure land use conflicts are prevented. In addition, the DCP can include other mechanisms to ensure the above air quality matters are delivered.	Air quality is not an issue in determining planning proposals and which can be effectively dealt at the development application stage. A comprehensive review of Council's DCP is currently being undertaken, and appropriate provisions in relation to air quality, air pollutants, noise emissions and odours can be included to require development applications to adequately and appropriately address such issues in future Development Applications to enable Council an effective assessment of such developments.
Environmental Protection Authority	It is important that land use changes associated with this planning proposal not only supports on-going improvement in the health of South Creek and Hawkesbury/Nepean River catchments, but also helps achieve the NSW Water Quality Objectives (WQO). Development Consent No 358/06 for the use of the subject site for the purpose of a wholesale plant nursery included conditions requiring design and installation of stormwater outlets and spillways to drain water from the subject site. It is necessary to request the applicant to demonstrate whether these measures are adequate in order to prevent water pollution and will ensure the WQO for the above waterways will be met. An Integrated Management Plan should be prepared for the subject site to support the future development of the subject site.	Water quality is not an issue in determining planning proposals and which can be effectively dealt at the development application stage. A comprehensive review of Council's DCP is currently being undertaken, and appropriate provisions in relation to water quality, air pollutants, noise emissions and odours can be included to require development applications to adequately and appropriately address such issues in future Development Applications to enable Council an effective assessment of such developments.

Agency	Issue	Council Officer Response
Environmental Protection Authority	Sewage Management Plan	
	The planning proposal states that the future development on the subject site will be connected to the Council's existing sewage system.	Council can consider whether there is adequate capacity in the existing sewage system to accommodate future development on the subject site when assessing future
	Council should determine whether there is adequate capacity in the existing sewage system to accommodate future development on the subject site.	development applications for the subject site.
Environmental	Construction	
Protection Authority	The DCP should include provisions to ensure a Soil and Water Management Plan is developed and implemented for any development undertaken at the subject site.	A site specific DCP Chapter for the subject site has not been prepared requiring a Soil and Water Management Plan for any development on the subject site. However, a comprehensive review of Council's DCP is currently being undertaken, and appropriate provisions in relation to soil and water management can be included in the DCP to require development applicants to submit a Soil and Water Management Plan for any future development

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AT 2 Outcome of Community Consultation

No	Issue	Council Officer Response
1	Permissible Land Uses	
	The planning proposal refers to future use of the subject site for animal processing plants. A concern is raised about the possible emission from such plants, and a future development application for such development needs to be supported by an Environmental Impact Statement.	There is no land use category or a definition in Hawkesbury Local Environmental Plan 2012 (the LEP) for animal processing plants. Also, the planning proposal does not propose to use the subject site for animal processing plants.
2	Local Traffic, Vehicular Access, Road Upgrades and Parking	
	Vehicular access and parking for future development of the subject site for industrial purposes are not adequately addressed.	The planning proposal seeking rezoning of the subject site is only to allow future development of the subject site for general industrial
	At present the road network in the locality experiences heavy traffic during peak periods, and large truck movements cause delays and danger to other road users.	purposes. If the plan is made to give effect to the planning proposal, the applicant will need to submit separate applications for future development of the subject site for any development activity permitted in the proposed
	Road surfaces are severely damaged and need upgrades. As Fairey Road south of Speedwell Place is not sealed, vehicular movements cause significant dust issues. As this situation causes a health risk, this road sections needs to be sealed.	IN1 General Industrial zone. Issues raised in the submission such as heavy vehicular movements, parking, improvements to existing roads, generation of dust are not matters to be taken into account when assessing planning proposals, but they can be
	Fairey Road between the railway crossing and Speedwell Place is not wide enough for heavy vehicles to pass each other, as many vehicles park on the western side of this road. The unsealed eastern side further aggravates this situation.	taken into consideration at the development application stage. Breaching of conditions of consent, damaging Council signs and any driving offences are compliance issues that need to be dealt separately by Council's Compliance Officers.
	Heavy vehicles constantly drive on the wrong side of the roundabout, and all Council signs have been damaged.	
	Presently, large heavy vehicles are accessing from Ham Street ignoring a development condition restricting large vehicles access to this street.	
3	Contamination	
	The rear boundary of the subject site is South Creek which is a major waterway for local farms located between Windsor and the Hawkesbury-Nepean Catchment. The subject site which is possibly contaminated with asbestos is subject to flooding and there is a grave concern that the local waterway and the neighbouring properties are likely to be contaminated. This will likely affect horticulture and viticulture in the region. There are no measures in place to prevent contaminated materials flowing onto the	The subject site has a history of the presence of asbestos on the subject site. The Environment Protection Authority (EPA) requires a Contemporary Contamination Land Assessment to determine the suitability of the subject site for any future land use permitted within the proposed IN1 General Industrial zone. The Council report discusses this matter in detail. The current stockpiles on the subject site are under investigation by the EPA. Once the investigation is completed, Council's

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No	Issue	Council Officer Response
	downstream properties. Also, the neighbouring residents have a grave concern about the current large stockpiles on the subject site as they have no idea whether there are health risk to them or not. The stockpiles also significantly affect the visual amenity of the locality. Therefore, the planning proposal seeking future development of the subject site for industrial purposes is not acceptable.	Environmental Health & Regulatory Services Section will be able to take appropriate actions in consultation with the EPA.
4	Excessive Filling of the Subject Site No objection is raised to the proposed rezoning of the subject site to IN1 General Industrial. However, a grave concern is over the possible impacts of the height of filling and excessive filling of the subject site. The excessive filling has substantially altered the natural formation of the subject site. Originally, the natural ground level of the subject site was lower than the adjoining property immediately north of the subject site owned by Evoqua Water Technologies Membrane Systems (EWTMS), and now the subject sites filled level is greater than the ground level of EWTMS property. The Council report dated 26 May 2015 stated that the land fill covers an area approximately 4.4ha to a maximum depth of 3.26m and an average depth of 1.27m. Looking at the subject site from the EWTMS shed located on the northern boundary it appears that the fill is deeper than the maximum stated and thus the subject site is now higher, impacting on the natural disbursement of rainwater runoff. The planning proposal dated 21 October 2015 (page 19) states that this consent also grants approval to the filling of the subject site with VENM and though a later amendment to this consent, filling of the subject site with ENM. The purpose was to restore the ground levels of the subject site to be consistent with the ground levels of the properties to the north, south and west of the subject site may cause increased rainwater runoff and significantly affects EWTMS property which is now located lower than the subject site. Council is requested to undertake a site visit and advise the owner of the subject site install appropriate stormwater drainage system to direct run off towards South Creek and minimise the impacts on neighbouring properties.	The planning proposal seeking rezoning of the subject site is only to allow future development of the subject site for general industrial purposes. In March 2007, Council approved a development application (DA 358/06) seeking approval for intensive agriculture, land filling, dam construction and a wholesale plant nursery on the subject site. The proposed development of the subject site consisted of the filling of the subject site to grade evenly from the western boundary to two elevated storage dams and enable construction of the proposed wholesale plant nursery with associated sales office and car parking area on the graded platform at a level of 16m AHD. Any excessive or illegal filling of the subject site is a compliance matter which needs to be actioned by Council's Regulatory and Compliance Officers. Filling of the subject site is discussed in detail in the Council Report. If the plan is made to give effect to the planning proposal, site filling, stormwater runoff and other amenity issues can be considered at the development application stage.

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No	Issue	Council Officer Response
5	Electricity Easement	
	There is an electricity easement over the subject site which is benefitted by Endeavour Energy for high voltage 11,000 volts/11 KV and 33,000 volts/33KV overhead powerlines.	The planning proposal is only to allow future development of the subject site for general industrial purposes, and does not allow subdivision of the subject site into smaller lots.
	In regards to the easement, Endeavour Energy generally does not support the incorporation of the easement into smaller multiple lots which would be permissible under the proposed rezoning. Such lot arrangements which dissect the easement resulting in the	The access and easement encroachment issues in relation to the existing subdivision in Speedwell Place are not issues in determining the planning proposal and these need to be considered separately by Council.
	overhead powerlines being located over multiple lots results in restriction of access e.g. every lot being potentially fenced on both sides, multiple gates/openings would be required to ensure contiguous /ready access.	As previously mentioned, the planning proposal is only to allow future development of the subject site for general industrial purposes, and if the plan is made, potential encroachment into Endeavour Energy's
	The incorporation of electricity easements into such privately owned lots is generally problematic for both Endeavour Energy and the future land owners. In other council areas this form of subdivision is discouraged.	easements, retention of any rights, restrictions and covenants and easy access with respect to such easements need to be taken into consideration at the development application stage.
	Endeavour Energy has various access and easement encroachment issues in relation to the existing subdivision layout in Speedwell Place, particularly in relation to the access of the subject site where the easement has been dissected into three sections running parallel with the overhead power lines i.e. within the subject site and Lot 15 DP 806993 and Lot 1 DP 828534.	Any future development applications affecting the Endeavour Energy's easement and involving any proposed augmentation to the current electricity supply to the subject site will be referred to Endeavour Energy for comments.
	If the proposed works will encroach/affect Endeavour Energy's easements, Endeavour Energy must be consulted.	
	Should the rezoning facilitate subdivision of the subject site the incorporation of Endeavour Energy's easement, not only must the easements, rights and restrictions, covenants etc. be retained over the affected lots and in accordance with the requirements of the Land and Property Management Authority, but Endeavour Energy will need to include additional requirements/restrictions to be registered on titles to each of the lots to ensure it can be reasonably access and manage its existing electricity infrastructure within the easement.	
	The applicant for the future proposed development of the subject site will need to submit an application to Endeavour Energy to determine the load and the method of electricity supply.	

000O END OF REPORT O000

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GENERAL MANAGER

Item: 145 GM - 2017 Local Government NSW Annual Conference - (79351, 79633)

REPORT:

The 2017 Local Government NSW Annual Conference will be held from 4 to 6 December 2017 in Sydney. This report is in regard to the submission of motions for consideration at the conference and also consideration regarding attendance at the conference 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 2017 Local Government NSW Annual Conference will be held from 4 to 6 December 2017 in Sydney.

Council is also invited to submit motions for consideration at the Conference as well as attendance by Councillors and appropriate staff.

Cost of attendance at the 2017 Local Government NSW Annual Conference will be approximately \$899 per delegate.

The 2017/2018 Operational Plan contains a provision of \$48,000 for Delegate Expenses.

Budget for Delegate Expenses - Payments made:

•	Total Budget for Financial Year 2017/2018	\$48,000
•	Expenditure to date	\$2,141
•	Outstanding commitments as at 18 August 2017 (approx.)	\$0
•	Budget balance as at 1 August 2017 (approx. including	\$45,859
	outstanding commitments)	

Voting Delegates

The Conference will involve two types of voting, one for voting in the elections for Office Bearers and the Board, and a separate roll of voters for voting on motions.

The Council is entitled to have five Voting Delegates at the Conference for each roll and it is therefore appropriate that those be appointed from amongst those Councillors who are to attend. In order to exclude any confusion in respect to voting responsibilities, the same five Voting Delegates could be appointed for both rolls.

It should be noted that should the necessity arise, the Constitution of the LGNSW enables the nominated voting delegates to be changed both before and during the Conference, subject to written notification by the Mayor or General Manager.

Motions

The LGNSW has called for motions to be considered at the Conference. LGNSW have requested councils to submit any motions by Monday, 9 October 2017.

Meeting Date: 29 August 2017

The LGNSW Board is seeking ways to ensure the motions debate centres on advancing the sector wide policy agenda in new ways. This means proposed motions should seek to be strategic, affect members state-wide and introduce new or emerging policy issues and actions.

Furthermore, LGNSW has recently drafted a revised policy framework consisting of proposed Policy Principles and Position Statements which is outlined in the Policy Review Discussion Paper available at www.lgnsw.org.au/files/imce-uploads/90/LGNSW-Policy-Review-Discussion-Paper.pdf. Members are encouraged to consider the draft policy framework when drafting motions for this year's Conference.

The Board has resolved that motions will be included in the Business Paper for the Conference only where they:

- 1. are consistent with the objects of the Association (see Rule 4 of the Association's rules)
- 2. relate to Local Government in NSW and/or across Australia
- 3. concern or are likely to concern Local Government as a sector
- 4. seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association
- 5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws)
- 6. are clearly worded and unambiguous in nature
- 7. do not express preference for one or several members over one or several other members.

Council has not resolved for any motions to be submitted to the 2017 LGNSW Conference as yet. Councillors need to submit any motions that conform to the abovementioned criteria, together with related general rationale, for consideration at the 2017 LGNSW Annual Conference, before 9 October 2017. The last available Council meeting to do so would be 26 September 2017.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Leadership

- 1.1 Local Leadership and effective governance Provide representative, responsive and accountable governance.
 - 1.1.1 Council's elected leaders will actively connect and collaborate with the community.

Financial Implications

Funding of the cost of attendance at this Conference will be provided from the Delegates Expenses within the Adopted 2017/2018 Operational Plan.

Meeting Date: 29 August 2017

RECOMMENDATION:

That:

- Attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the 2017 Local Government Annual Conference at an appropriate cost of \$899 per delegate be approved.
- 2. Council nominate four delegates from those nominated to attend the 2017 Local Government NSW Annual Conference.

ATTACHMENTS:

There are no supporting documents for this report.

0000 END OF REPORT O000

Meeting Date: 29 August 2017

Item: 146 GM - 2017 Local Government NSW Finance Summit - (79351, 79633)

REPORT:

Executive Summary

The 2017 Local Government NSW Finance Summit will be held from 11 to 12 September 2017 in Sydney. This report is in regard to consideration regarding attendance Councillors and appropriate staff at the 2017 Local Government NSW Finance Summit.

Consultation

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

Background

The 2017 Local Government NSW Finance Summit will be held from 11 to 12 September 2017 in Sydney. The Summit will focus on investing in local infrastructure, featuring policy and good practice.

The cost of attendees will be approximately \$900 per delegate.

The 2017/2018 Operational Plan contains a provision of \$48,000 for Delegate Expenses.

Budget for Delegate Expenses - Payments made:

•	Total Budget for Financial Year 2017/2018	\$48,000
•	Expenditure to date	\$2,141
•	Outstanding commitments as at 18 August 2017 (approx.)	\$0
•	Budget balance as at 1 August 2017 (approx. including	\$45,859
	outstanding commitments)	

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Leadership

- 1.1 Local Leadership and effective governance Provide representative, responsive and accountable governance.
 - 1.1.1 Council's elected leaders will actively connect and collaborate with the community.

Financial Implications

Funding of the cost of attendance at this Conference will be provided from the Delegates Expenses within the Adopted 2017/2018 Operational Plan.

Meeting Date: 29 August 2017

RECOMMENDATION:

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the 2017 Local Government Finance Summit at an appropriate cost of \$990 (inclusive of GST) per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

000O END OF REPORT O000

Meeting Date: 29 August 2017

INFRASTRUCTURE SERVICES

Item: 147 IS - Adoption of Conservation Management Strategy - Singletons Reserve,

Kurrajong - (95495, 79354)

REPORT:

Executive Summary

The purpose of this report is to advise Council of the actions taken and proposed in relation to the conservation of heritage elements of Singletons Reserve.

Singletons Reserve, located at 154 Mill Road, Kurrajong is historically and archaeologically significant due to the site containing the remnants of the water mills built between 1810 and 1816 by James and Benjamin Singleton.

To address this, a Draft Conservation Management Strategy was prepared, peer reviewed and submitted to the Hawkesbury Heritage Advisory Committee for feedback. Comments received from the Committee were incorporated into the draft document and this was subsequently exhibited. No comments were received as a result of the public exhibition.

It is therefore recommended that the Conservation Management Strategy for Singletons Reserve be adopted.

Consultation

The Draft Conservation Management Strategy was placed on exhibition for the mandatory 28 day period, with a further two week period for the completion of written submissions.

Background

Singletons Reserve is located at 154 Mill Road, Kurrajong. The Reserve is bounded by Mill Road and Little Wheeny Creek and is mostly covered in bushland.

In 2016 Council appointed a heritage conservation specialist to undertake the development of a Conservation Management Strategy for the remnant archaeology and make recommendation on future works and conservation of this significant site.

In February 2017, the Draft Conservation Management Strategy was peer reviewed and submitted to the Hawkesbury Heritage Advisory Committee for feedback. A number of comments were received from the Committee and these were incorporated into the final draft document.

The Draft Conservation Management Strategy has recommended a number of items that will direct the management of the site and in some cases will require future funding and resourcing to implement. These include:

- Singletons Reserve being listed on Council's LEP and an application being submitted to list the mill site and associated areas of archaeological potential on the State Heritage Register (SHR). This is likely to require additional research as well as liaison with the Heritage Division.
- staff and supervisors of any bush regeneration activity being made aware of the locations and significance of the elements of the mill site and that any activity within these areas is to be carefully managed to avoid any damage
- regular monitoring of the Reserve and consultation with local interested parties to identify any threats to the values of the site and determine appropriate actions to avoid impact

Meeting Date: 29 August 2017

• the development of an interpretation strategy to increase public awareness and education about the valuable historic resource within the Reserve.

In addition to these current recommendations the Strategy has outlined potential further research of this complex mill site that would enhance Council's knowledge of early colonial industry in the Hawkesbury Region.

The Draft Conservation Management Strategy was placed on exhibition for the mandatory 28 day period, with a further two week period for the completion of written submissions.

Following the consultation period, Council received no submissions to the draft and is now able to adopt the Conservation Management Strategy.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Community

- 2.5. Cultural Development and Heritage
 - 2.5.3 Recognise, conserve and promote the areas history and heritage for current and future generations.

Financial Implications

Future improvements and implementation of the recommendations in the Conservation Management Strategy will be funded from the Parks Improvement Program, Section 94 funds and grants depending upon available funding.

RECOMMENDATION:

That:

- 1. Council adopt the Singletons Reserve Conservation Management Strategy.
- 2. The recommendations within the Conservation Management Strategy be implemented as funding allows.

ATTACHMENTS:

There are no supporting documents for this report.

0000 END OF REPORT O000

Meeting Date: 29 August 2017

Item: 148 IS - Applications for 2018 Circus Shows in McQuade Park - (95495, 79354,

118767)

REPORT:

Executive Summary

The Great Moscow Circus and Webers Circus have lodged applications to hold shows at McQuade Park in 2018. Approval of the applications can only be undertaken following Community notification.

It is recommended that these events be notified in accordance with the Local Government Act 1993 and the matter with any feedback, be reported back to Council.

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:

The event will be advertised for a 28 day consultation period in accordance with the Local Government Act 1993 and re-reported to Council.

Background

An application has been received from The Great Moscow Circus and Webers Circus to hold shows at McQuade Park for the following dates (inclusive of set up days):

- 5 February 2018 to 18 February 2018 The Great Moscow Circus
- 12 November 2018 to 25 November 2018 Webers Circus.

The circuses would be held in accordance with Councils Circus Policy. Neither of these Circuses is considered an animal circus as they only use domesticated animals such as ponies and dogs.

The McQuade Park Plan of Management allows circuses, however due to the event running longer than three days, community notification of the event is required in accordance with the Local Government Act 1993. Following the notification period of 28 days, Council must consider all submissions prior to giving a lease or licence.

It is recommended that the event be notified in accordance with the Local Government Act 1993 and the matter with any feedback, be re-reported to Council.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Future

- 5.5 Reinforcing our dynamic places
 - 5.5.3 Assist our town and village centres to become vibrant local hubs.

Financial Implications

There are no financial implications on the current Budget in relation to this event. Fees and Charges proposed for this year are \$1,092 per day for show days and \$546 per day for set up/removal and non-show days.

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RECOMMENDATION:

That:

- 1. Community notification of The Great Moscow Circus to be held in McQuade Park, between 5 February 2018 to 18 February 2018 be carried out in accordance with the Local Government Act 1993.
- 2. Community notification of Webers Circus to be held in McQuade Park, between 12 November 2018 to 25 November 2018 be carried out in accordance with the Local Government Act 1993.
- 3. Should any submissions be received, the matter will be reported back to Council for consideration.
- 4. In the event that no submissions are received, Council approve the proposed events.

ATTACHMENTS:

There are no supporting documents for this report.

0000 END OF REPORT O000

Meeting Date: 29 August 2017

Item: 149 IS - Draft Redbank Precinct Community Land Plan of Management - (95495,

79354)

REPORT:

Executive Summary

Council previously resolved to exhibit the draft Redbank Precinct Community Land Plan of Management, incorporating the Peel Park master plan. The consultation with the community about the Plan of Management, master plan and the suitable naming of the reserve along Redbank Creek has now occured.

This report summarises the submissions received and recommends that a number of minor amendments be made to the Plan of Management and Peel Park Master plan, and that the revised plans be adopted by Council.

Consultation

The issues raised in this report triggered the requirement to consult under Council's Community Engagement Policy.

The following consultation occurred as part of the process:

- advertisement of the Draft Redbank Precinct Community Land Plan of Management and Peel Park Master plan for public comment in the Hawkesbury Gazette and Hawkesbury Courier
- hard copies of the Plans placed at Council Offices, Windsor and Richmond Libraries for public perusal
- electronic copies of the Plans placed on Council's website for public comment
- letters sent to residents and interest groups advising them of the exhibition period (noting that further specific notifications were sent to adjoining residents with an extended submission period)
- a notice placed on the land to inform users of the exhibition of the plans
- a presentation was also made by staff to the North Richmond District Community Action Association.

As the proposed amendments to the Plan of Management, outlined later in the report, involve text edits to aid in clarification and the amendments to the Peel Park Master plan involve removal of proposed features and retention of existing uses, it is felt that the changes are of a minor nature and therefore do not require further public consultation.

Background

A Draft Redbank Precinct Community Land Plan of Management (the Plan) incorporating the Peel Park Master plan, was prepared to guide the development and ongoing management of these lands. The Plan addresses the management strategies to be adopted for all future community land within the Redbank precinct, currently owned by BD NSW (MR) Project 007 Pty Ltd, as well as the adjoining existing community land owned by Council at Peel Park and Pecks Road Reserve.

The plan meets the requirements of the Local Government Act 1993, is consistent with the Voluntary Planning Agreement (VAP) for the Redbank Development and the Planning and Design Guidelines developed as part of the Hawkesbury Regional Open Space Strategy (2013) and has been publically exhibited.

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Peel Park is a district level park that currently contains the following built facilities; a children's playground; two junior cricket wickets (only one is competition grade due to the slope); sporting amenities building; dog off leash area; BMX circuit; informal car parks, walking paths and shelters.

To maximise the full potential of the park and to cater for the increased demand on sporting facilities in North Richmond as a result of the Redbank Development, the developer is required to upgrade the park to the standard expected of a District Park. The VPA outlines the scope and specifications that the developer needs to provide. In broad terms, the Social Impact Assessment prepared by Council identified a need for the incoming population of approximately 4,500 persons. Additional open space is provided within the release area, as well as embellishment of Peel Park.

Improvements to include, subject to item footprint and available space:

- off Street Parking
- training spaces
- field area in adjustable configuration for summer and winter codes (two winter codes as a minimum)
- sports amenity building
- multi use sports courts
- park shelters and pathways
- dog off leash area
- fitness trail
- appropriate lighting to training spaces to Australian Standards
- irrigation to Training Spaces using potable water
- fixed fencing to field area.

Improvements to include as standard:

- passive recreation and open space for kick about/carnival space
- connection to district cycleway
- minor path link to site and bushland areas. Supply of services/Infrastructure needs to be of sufficient capacity to service the playing fields and meet contemporary standards for regional open space as agreed between the relevant parties.

The guidelines were based on the Hawkesbury Design Guidelines for Parks and need to be seen as providing guidance and principles for a range of typical scenarios. The implementation must be evaluated against the particular context and landscape of each case.

Hawkesbury Sports Council, as a key stakeholder, has been consulted in relation to the sporting requirements for the park. They have identified that cricket and rugby league are the main sports in the area and that both sports are lacking facilities. The two junior cricket fields are sloping and only one is useful for competition.

Rugby league teams use the grounds for training prior to day light saving ending as the condition of North Richmond Park (Turnbull Oval) is suffering with the high usage of both training and games. Hawkesbury Sports Council would like to extend the training season at Peel Park to relieve the pressure from North Richmond Park so that North Richmond Park can be used primarily for competition matches. Hawkesbury Sports Council are supportive of multi-use courts being developed at Peel Park as the ones at North Richmond Park are at capacity and would not be able to accommodate increased training demand expected as a result of the Redbank development.

The Hawkesbury Sports Council believes that the Redbank Development will generate greater demand for sporting fields than what is being provided at Peel Park. They feel that the expansion of North Richmond Park and Hanna Park may be required in the future to meet this demand.

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Community consultation has been undertaken throughout the development of the draft Redbank Precinct Community Land Plan of Management to: identify the appropriate category to assign to the land; identify appropriate management actions; and to give the community the opportunity to name the reserve along Redbank Creek.

The Draft Plan of management was formally exhibited from 8 March 2017 to 12 May 2017 with Council receiving 17 submissions. Three submissions addressed the Plan of Management directly, two were related to the naming of the reserve along Redbank Creek and 14 submissions related to the draft Peel Park Master plan. Many of the submissions in relation to Peel Park voiced an objection to more intensive development of Peel Park. In addition to comments relating to the Plan and Master plan, some submissions suggest that the developer of Redbank should be developing land for sporting facilities within the development boundaries. Others suggested that the developer should upgrade North Richmond Park (Turnbull Park) and Hanna Park to provide more sporting opportunities. A summary of the community feedback following exhibition of the draft Redbank Precinct Community Land Plan of Management can be found in the following tables:

Table 1: Summary of submissions received regarding the naming of the reserve along Redbank Creek

Community feedback	Comment	
Suggestion that Council consult with local Aboriginal elders regarding the naming of the parks.	Prior to exhibition of the Plan, as well as during exhibition of the plan, staff sent correspondence to local Aboriginal groups requesting nominations for suitable names of the reserve along Redbank Creek, as well as comment on the draft Plan itself. No response has been received.	
Suggest naming the reserve along Redbank Creek "The Redserve".	The submission regarding the name The Redserve provided no supporting information to explain or justify this name. As this name does not seem to be consistent with accepted protocols for naming, it is suggested that this name not be accepted at this time.	
Recommendation:		
1. Refer to the reserve along Redbank Creek as Redbank Creek Reserve for reference		

purposes but not be formally named at this time.

Table 2: Summary of submissions received regarding the draft Redbank Precinct Community Land Plan of Management

Community feedback	Comment
Concern that the Plan of Management does not include full and correct species lists, locations status and protection measures. Concern that the work undertaken by the Urbis study has not been considered.	The fauna and flora lists in the plan are derived from the ecological studies undertaken for the development. The species lists will be referenced with the Urbis conservation report.
Concern that the Plan of Management does not deal with the wetland values adequately.	No specific information was provided. Wetland values are identified in the plan.
Request that the maintenance manual contain directives to do no harm to existing fauna eg retain thickets of weeds that contain nesting birds.	This can be considered in preparing a maintenance plan for the site.
Concern that the Plan of Management does not include reference to the occurrence of Blue Box <i>Eucalyptus baueriana</i> on the site or mention of the tree with a scar potentially of Aboriginal origin.	Eucalyptus baueriana has been included in the species list of plants to be used for revegetation along the creek as well as within the parkland.

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It is recommended to not actively identify
specific items of Aboriginal significance as a way of protecting these items from vandalism.
The bushland along the creek at Peel Park has a long history of contract weed removal. Weeds will be removed as part of works within the riparian and bushland areas of the Redbank development.
Amend the plan to indicate the condition of the walking track as 'poor'.
Noted – recommended change to text.
Appendix C master plan does contain a master plan of all future community land within the Redbank development area.
The intent of the Plan is to include the detailed design for each park as the park is developed and added to the Plan of Management. As no parks have been developed or plans finalised, they have not yet been included.
Signage and fencing of the playground are proposed actions within section 4 of the Plan of Management.
Investigate the reference to dumped fill that needs to be cleaned up.
Include a reference to prohibit earthmovements in the vicinity of the pansy track. Show the location of all existing paths on the master plan. The large mown area in the NE corner of the reserve is intended to be for conservation purposes. Whilst a walking track could be considered in the future it is not supported at this time as it is a dead end and is behind private properties.

Recommendation:

- 2. Review and update the fauna and flora lists in line with all studies undertaken on the site.
- 3. Amend the Plan of Management to include more specific information about the protection measures to be used for the threatened species on site.
- 4. Include a reference to the future VMP within the Plan of Management.
- 5. Amend the maintenance manual to be more specific about bush regeneration and wetland maintenance strategies including the need to retain fauna habitat where there is none and to stage the removal of weeds to protect habitat eg for nesting birds.
- 6. Amend the Plan of Management to give more detail about the significance of the Blue Box to the area.
- 7. Consider including the location of the scar tree within the Plan of Management provided this is accepted by the Aboriginal community. (Alternatively, consider including a confidential appendix to the report that identifies the location and management actions relating to items of Aboriginal significance so that only Council staff can have access to this information and

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Comment

	therefore can protect and reduce inadvertent	harm to these places).
8.	Amend the plan to indicate the condition of th	e walking track as "poor".
9.	Change the wording from "worthy of protection and restoration" to "Should be protected and restored".	
10.	Include the shared footpath strategy in Apper	dix C or remove reference to it.
11.	Update the Plan of Management to be cleared plans as each parcel is transferred to Council	about the process of updating the landscape

- 12. Include the walking track in the NE section of the reserve in the Master plan for Peel Park.
- 13. Include the minor walking paths within Peel Park that go along the creek.

Community feedback

14. Amend the Plan of Management to prohibit earth movements in the vicinity of the pansy track.

Table 3: Summary of submissions received regarding the draft Peel Park Master plan

Topic	Community feedback	Comment
Parking	Request for dedicated parking areas at Peel Park.	These have been allocated for in the plan.
	Concern about the proximity of proposed carparks to homes as it will disturb residents.	The main carpark is proposed to be located in the electricity easement which is currently used informally for parking. There is one residential property bordering it.
		A smaller parking area currently exists off O'Dea Place. It is proposed to redesign and seal this car park which would alleviate dust affecting nearby properties.
		Perpendicular parking is proposed off Arthur Phillip Drive which will reduce the impact of onstreet parking adjacent to residences.
		These parking areas are proposed in response to residents' concerns about users of the reserve parking in residential streets.
		There are two overflow parking areas proposed and one of these areas is located, behind four properties. Based on negative community feedback, this will be removed but we will retain the overflow car park near the amenities building.
		It is intended that any overflow parking areas remain grassed and would only be used on rare occasions.
		Use of overflow parking areas can be conditioned /regulated.
	Concern about the security of adjoining properties with car parks	There is no direct access between any car park and the adjoining properties.
	so close and ready access provided to potential thieves.	To help with security, these car parks could be locked at night.
		A locked gate would be installed to prevent general entry to the overflow parking area.
	Concern that the proposed parking is not sufficient for the playing capacity of the fields and courts.	The netball courts are not proposed to be used for competition and the fields are proposed to be used for Rugby training or Cricket. The capacity is sufficient for these uses.

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Topic	Community feedback	Comment
		The Master plan provides for 91 parking spaces at Peel Park.
		The Sports Council have suggested that cricket users would require 78 parking spaces to cater for the changeover period between the morning and afternoon games.
		The Sports Council have suggested that Peel Park is required to cater for a minimum of 50 rugby league players at each training session. This would require a minimum of 100 parking spaces to accommodate the changeover period.
		There is sufficient on-street parking to cater for an additional nine vehicles. Alternatively, staggering training times is just one management tool to manage any potential parking problems.

Recommendation:

15. Remove the overflow parking area located directly behind residences from the Master plan as it is not required at present. Gates to be provided at the entry to each car park so that parking areas can be locked at night should any management issues arise.

Topic	Community feedback	Comment
Floodlights	Request for four floodlighting poles with a minimum of two LED lights on each pole. The minimum lux requirements being 100. It is requested that the poles be capable of being able to accommodate four light fittings should the demand be required in future years. The Sports Council have provided a diagram which shows the floodlights being provided around the junior cricket oval, the area closest to the amenities building.	Lighting is proposed only to extend the season for rugby league training. It is important to ensure that any lighting of the fields is uniform to create balanced light conditions for play and safety. It is important to consider the highest level of play proposed for the venue when considering the lighting requirements. At present, the highest level is for rugby league training. Illumination for training is generally lower than that required for competition.
	Concern over the impact that floodlighting will have on adjoining residents. One submission suggests that the lighting should be at the same wattage as street lights.	Qualified persons to design the field lighting plan to comply with Australian standards for football (all codes) AS-2560.2.3 and for control of obtrusive effects of outdoor lighting AS4282-1997. Design is to determine pole mounting height to satisfy the lighting technical parameters as well as consider the site specific issues of spill and glare. A planning permit and associated consultation is required to consider the potential obtrusive impact of lighting prior to construction approval. The netball courts are for day time use only and floodlights are not required in this location. Court floodlights to be removed.
	Concern that lighting will encourage individuals to linger into late evening.	General park lighting for paths and car parks may be required to ensure safe access and egress to night time training areas.

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Topic	Community feedback	Comment
		Lighting would not be otherwise provided for general usage of the park. The duration and timing of lighting can be regulated through hiring protocols.
		Connection of lights (and irrigation) to the Cloudmaster software program would allow for automated and remote management of the systems.

Recommendation:

- 16. Remove floodlights from the Multi use (Netball) Courts.
- 17. Qualified persons to design the field lighting plan to consider the site specific issues of spill and glare. The lighting plan needs to comply with all relevant Australian Standards including AS-2560.2.3 and AS-4282-1997.
- 18. Provide general lighting along paths and at car parks to ensure safe access and egress to night time training areas.
- 19. Connect lights to the Cloudmaster software system.

Topic	Community feedback	Comment
BMX	Support for the retention of the BMX circuit with a request for it to be upgraded and maintained to a higher standard.	BMX is a popular sport and the next closest track, which is a competition track, is at McGraths Hill. The upgrade is supported.

Recommendation:

20. Upgrade the BMX track (Include the upgrade of the BMX track as an action within the Redbank Precinct Community Land Plan of Management).

Topic	Community feedback	Comment
Playground	Support for the water play area.	Noted. The Redbank developer has considered incorporating a splash park in the park adjacent to the future shopping centre and dam. Due to the high cost of maintaining such a facility, it is suggested that only one splash park be developed within the precinct. An area that involves some minor water play such as water trickling down channels is considered more appropriate at Peel Park.
	Request for the playground to be shaded as the current playground has no shade and is uncomfortable and often unusable in summer.	Noted and agreed.

Recommendation:

21. Include trees and a shade structure over the playground to maximise the usage.

Topic	Community feedback	Comment
Park Upgrade generally	Concern about the visual impact of facilities affecting the open nature of Peel Park which was intended as a park for cricket and passive recreation.	The vista of the park would remain largely as is – open grassland with paths, shelters, playground, amenities building, dog off leash area and BMX circuit. The main difference proposed is to level the playing field to maximise sporting useability. This would create an amphitheatre like embankment on the southern boundary.

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Topic	Community feedback	Comment
		The proposed cricket nets, situated near the BMX track, will be removed from the master plan. The multi-use courts would be the only addition to the range of facilities offered at the park. It is located near the existing amenities building and is not believed to be too intrusive. The VPA includes fencing of the cricket ovals as a requirement. It is agreed that this would limit the flexibility of use and would contribute unnecessarily to a feeling of 'clutter' within the reserve and should not be included. Note that Sports Council have identified that two cricket fields are required, along with cricket practice nets and multi-use courts. With the modification of the master plan to incorporate two cricket fields, there is only sufficient room for either two multi use courts (rather than three) or cricket practice nets in the area between the fields and the amenities building. The Sports Council have indicated a higher need for the multi-use courts, however if these courts could be accommodated elsewhere within the new development area, then the cricket nets could be provided, strengthening the primary sporting use of the park for cricket as was initially intended when the park was first dedicated.
	Concern that levelling fields will affect water quality and runoff. Concern that increased chemicals and fertiliser for fields will endanger the health of the creek.	The fields would have a slight fall to accommodate drainage. It is expected that there would be greater infiltration as a result of the flatter ground rather than an increase in runoff. The design follows best practice for field management, with the fields being located a distance away from the watercourse, and the grassed area between acting as a natural filter.
	Objection to the intensification of sporting facilities at Peel Park which is regarded by the local community as a local, passive park. Concern that passive users would be disenfranchised.	Peel Park is identified as a district level park due to the size of the park. It has always been intended that this park provide for the active recreation needs of the North Richmond community as well as the future residents within the Redbank Precinct. The VPA between Council and the developer requires the developer to upgrade Peel Park to a district level. This involves the following possible improvements/upgrades subject to item footprint and available space: Training spaces; field area in adjustable configuration for summer and winter codes (two winter codes as a minimum); Sports amenity building; multi use sports courts; park shelters and pathways; dog off leash area; fitness trail; appropriate lighting to training spaces to

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Topic	Community feedback	Comment
		Australian Standard; Irrigation to training spaces; fixed fencing to field area. Passive recreation will be retained and enhanced at Peel Park as part of the upgrade.
	General support for the update to Peel Park.	Noted.
	General opposition to the upgrade of Peel Park.	Noted.
	Concern that the extra facilities would inhibit access into and around the park.	Access into and around the park will not be significantly affected. There are no plans to fence the fields or training areas, although this was a potential under the VPA.
	Concern that the development would be detrimental to adjacent property values.	There is no evidence that this would occur.
	Concern about the proposed increase in noise affecting people and wildlife.	Whilst increased usage of the reserve could increase noise during peak periods, this would be managed through field allocations and hiring protocols.
	Concern that the row of trees between the fields and the adjoining properties will shade the yards making drying of washing harder, encourage spectators to sit right at people's back fence, and block views of sunsets and the park generally.	The detailed design stage can ensure that the placement of trees does not unduly cause shade issues to neighbours and that vistas through the park are retained.
	Comment that there are too many facilities included in the plan for the park with no regard for why they are there. Eg practice kicking area near the dog park.	Areas around the dog park are already informal kick-about spaces.
	Request that the playing fields have an irrigation system installed which consists of a 200,000 litre water tank and pop up sprinklers	Noted.
	Request for the amenities block to include change rooms each capable of accommodating 15 senior rugby league players. Complaints have been received that the toilets are not open to the general public.	Two buildings are not required. The upgrade of the existing amenities building to accommodate change rooms as well as a public toilet is supported.
	Comment that cricket and rugby league are the main sports of the area and that both sports are currently lacking facilities. Request that Peel Park remain low key whilst still providing for the above sports.	Levelling the cricket field will improve usability. The proposal to cut and not fill will ensure that the ground will continue to merge with the surrounding parkland. Provision of lighting will extend the training period for Rugby League. It is proposed to remove the sports facility
	,	building, instead upgrading the existing building which would reduce the built form

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Topic	Community feedback	Comment
		within the park.
	Request that the two cricket fields remain as is. Request for the provision of one junior and one senior cricket ground.	By levelling the fields, it would allow for both ovals to be used for competition. A 60m field and a 40m field would accommodate adult and junior cricket. This would mean that senior club competition cricket could be played at Peel Park which is currently not possible.
	Support for the netball courts Provision of three all-weather netball courts.	This would remove pressure from Turnbull Oval to provide for school sport. If two cricket wickets are provided, the netball courts would be reduced to a maximum of two courts due to space limitations Note comment above about considering relocating netball courts to parkland within the development area which would allow for cricket practice nets to be included in the plan.
	Request for one set of two cricket practice nets	Cricket practice nets cannot be accommodated in the position marked on the draft Master plan as they are within a powerline easement. Cricket practice nets could be accommodated on site where the proposed multi-use courts are, provided the multi-use courts could be developed at an alternative location.

Recommendation:

- 22. Retain the open feel of the park and flexibility of use by not fencing the cricket ovals.
- 23. Ensure that the placement of trees does not unduly cause shade issues to neighbours and that vistas through the park are retained.
- 24. Remove the proposed cricket practice nets from the Master plan.
- 25. Remove the sports facility building and upgrade the existing amenities building to include storage areas, change rooms and improved toilet facilities.
- 26. Cut the fields so that they taper into the existing contour rather than filling which would require a batter or wall.
- 27. Amend the Peel Park Master plan to provide for two cricket fields (60m and 40m) and one field for winter codes.
- 28. Netball courts to be reduced to a maximum of two courts due to space limitations.
- 29. Install drainage to the playing surfaces.
- 30. Install a 200,000 litre tank and pop up irrigation to sports fields.

Topic	Community feedback	Comment
Traffic	Concern about the impact of additional traffic to and from the park as a result of the expected increase in usage. Increased congestion and the narrowness of Pecks Road were mentioned as well as pedestrian safety.	The development is providing a footpath along parts of Pecks Road which will improve the safety of pedestrians. Provision of parking within the reserve will reduce parking demand along Pecks Road.
Topic	Community feedback	Comment
Other	Comment that there is an opportunity to define and celebrate Aboriginal Heritage, artefacts and cultural landscape.	An interpretation plan is to be developed for the Redbank precinct parks which will include interpretation of Aboriginal heritage. The Action plan within the Plan of Management proposes to implement the interpretation plan

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Topic	Community feedback	Comment
		for the site.
	Comment that increased sporting use of Peel Park should not be planned for in the absence of an adopted Sports Plan for the Hawkesbury. It is believed that such a facility is not required.	There is minimal change to the sporting use other than the provision of non-competition netball. Cricket is an existing use at Peel Park and training for rugby league during daylight hours is also an existing use.
	Comment that the Plan of Management does not specifically mention the electricity easements/ infrastructure and that these should be included as a management issue. Request that proposed works do not affect the maintenance requirements of the power lines. Some of the main requirements of landowners are to: Not install any services or structures within the easement Not alter the surface level of the easement site Not restrict access to the easement	Include the electricity easements and infrastructure as a Management Issue, within the Plan of Management. Incorporate relevant management actions within the Plan of Management including the need for approvals from Endeavour Energy for any works or activities that will encroach /affect Endeavour Energy's easements. Remove the proposed cricket practice nets from beneath the power easement. Ensure the dog-off leash area is adequately earthed and retains provision for vehicular access through the site.

Recommendation:

- 31. Amend the Plan of Management to include the electricity easements and infrastructure as a Management Issue and to incorporate relevant management actions including the need for approvals from Endeavour Energy for any works or activities that will encroach on or affect the Electivity easement.
- 32. Ensure that the Plan of Management includes the requirement that any development under or close to the power easement be adequately earthed and retains vehicular access through the site.
- 33. Ensure that all future development meet the guidelines/requirements of Endeavour Energy.

In addition to the community's comments, staff have identified minor amendments to text within the Plan of Management that would improve legibility and understanding. It is also recommended that the Maintenance Manual included as Appendix D be removed from the Plan and referenced instead.

Summary of Proposed Changes to Peel Park Master plan

To balance the wishes of the community with the requirements of the VPA, the main amendments to the Peel Park Master plan are proposed to include (see Attachment 1 for illustration):

- 1. provide level playing fields that are adjustable to accommodate two cricket wickets (60m and 40m) and one winter field
- 2. provide a maximum of three multi use courts as space allows
- 3. upgrade the existing amenities building and delete the proposed sport facilities building
- 4. delete the Cricket practice nets
- 5. provide lighting to training spaces according to Australian Standards that limit light spill and glare
- 6. retain all other features.

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The requirements of the VPA in comparison to the recommended master plan are shown in the table below:

VPA Requirement	Amended Peel Park Master plan	Comment
Training spaces.	Training spaces provided.	Requirement met.
Field area in adjustable configuration for summer and winter codes (two winter codes as a minimum)	Field area adjustable in configuration for summer and winter codes (two summer fields and one winter field which could be used by multiple codes).	The VPA and the Hawkesbury Design Guidelines do not specify the size of the winter fields to be provided, however the level area would be able to accommodate one full size winter field and modified fields if there are two cricket wickets in place. The nature of the large area to be levelled is flexible enough that two full size soccer fields would be accommodated with one wicket if sporting needs change in the future.
Sports amenity building	Sports amenity building to be upgraded to include public toilets, change rooms and storage.	Requirement met.
Multi use sports courts	At least one multi use court can be provided (perhaps two depending on detailed design).	The courts would not be fully multi use ie tennis cannot be accommodated; however netball and basketball will be accommodated.
Appropriate lighting to training spaces to Australian Standard	Appropriate lighting to training spaces to Australian Standard.	A lighting design to be developed.
Irrigation to training spaces	Not detailed at Master plan stage.	Irrigation to be provided.
Fixed fencing to field area	Not included.	Fixed fencing would limit the flexibility of the space. It is not wanted by Sports Council and would be contrary to the community desire to retain the openness and clutter free nature of the Park.
Dog off leash area	Dog off leash area to be upgraded.	Requirement met.
Fitness trail	Not included at this stage.	If one is to be provided within Peel Park it is recommended that a fitness station is considered as an alternative to a fitness trail. Alternatively, a fitness trail provided in the reserve along Redbank Creek may be more suitable.

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VPA Requirement	Amended Peel Park Master plan	Comment
Park shelters and pathways	Park shelters and pathways provided.	Requirement met.

As can be seen, the proposed amendments to the Master plan fulfils the intent of the VPA in providing an area that is flexible in nature - accommodating winter and summer codes, training areas and multi-purpose courts.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Community

- 2.2 Participation in recreational and lifestyle activities is increased
 - 2.2.2 Encourage active participation in a range of sporting and recreational pursuits.
- 2.3 Community partnerships continue to evolve
 - 2.3.1 Encourage and facilitate community partnerships.
 - 2.3.3 Advocate and facilitate constructive and productive partnerships with residents, community groups and institutions.
 - 2.3.4 Develop opportunities for active involvement of residents in the management of parks and public spaces in the Hawkesbury.

Our Assets

- 4.3 Places and Spaces
 - 4.3.1 Provide a variety of quality passive recreation spaces including river foreshores, parks, bushland reserves and civic spaces to enhance our community's health and lifestyle.
 - 4.3.2 Provide a variety of quality active recreation spaces including playgrounds, sporting fields, pool, stadium and multipurpose centres to enhance our community's health and lifestyle.

Our Future

- 5.3 Shaping our Growth
 - 5.3.1 Growth and change in the Hawkesbury will be identified, planned for and valued by the community.

Next Steps

Once formally adopted, the Plan of Management and master plan will then guide the development of detailed design plans for the development of the Park, over time. The detailed designs may involve further consultation and will also have to respond to budget considerations for construction and maintenance.

Financial Implications

The costs for all works to be undertaken as part of Redbank Precinct Community Land Plan of Management are to be borne by the developer.

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RECOMMENDATION:

That:

- 1. The draft Redbank Precinct Community Land Plan of Management be amended to incorporate the changes as outlined in Tables 1, 2 and 3 in addition to minor changes to text and images to improve legibility and understanding.
- 2. Appendix D of the draft Redbank Precinct Community Land Plan of Management be removed from the plan and included as a reference.
- 3. That the provision of cricket practice nets or multi use courts be accommodated within future parkland of the development area.
- 4. The Peel Park Master plan be amended to provide flexible spaces to accommodate; two cricket wickets (60m and 40m) and one winter field; at least one multi court; upgrade the existing amenities building; and provide lighting to training spaces that comply with Australian standards and limit light spill and glare. The plan is to delete the cricket practice nets, delete the proposed sport facilities building, and delete the overflow parking area situated directly behind residences, noting that the purpose of the Master plan is to guide the detailed design and works for the park.
- 5. Subject to the above changes, the Draft Redbank Precinct Community Land Plan of Management be adopted.

ATTACHMENTS:

- AT 1 Proposed Amendments to Peel Park Master plan
- AT 2 Current use of Peel Park, North Richmond

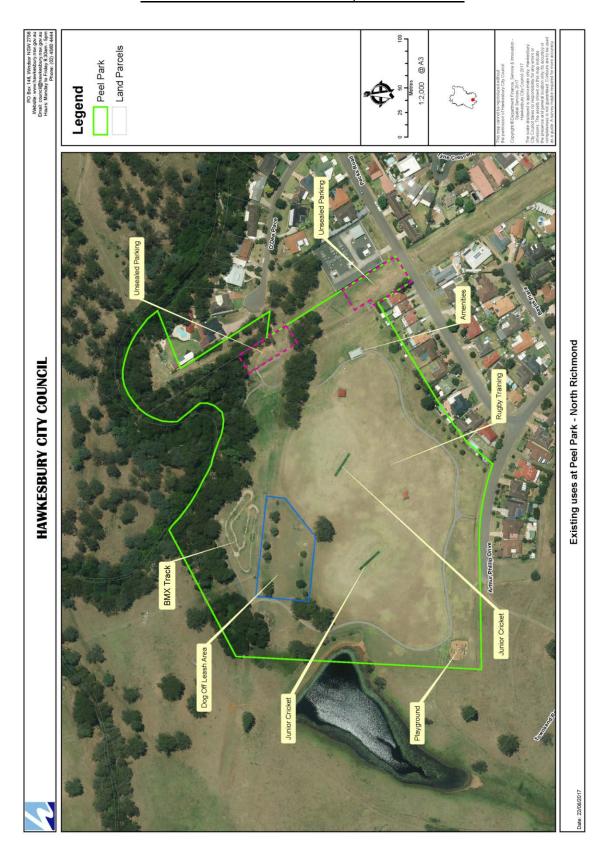
Meeting Date: 29 August 2017

AT - 1 Proposed Amendments to Peel Park Master plan



Meeting Date: 29 August 2017

AT - 2 Current use of Peel Park, North Richmond



0000 END OF REPORT O000

Meeting Date: 29 August 2017

Item: 150 IS - Road Naming Proposal Associated with DA0637/15 - 4 Dight Street,

Richmond - (95495, 79346)

Previous Item: 110, Ordinary (27 June 2017)

REPORT:

Executive Summary

On 27 June 2017, Council resolved that the proposed road new road name of Sandstone Place, Richmond be publically advertised and the results be reported back to Council following the public exhibition process.

The road name was publically advertised and at the close of the public consultation period, no comments or submissions were received.

This report recommends that the name Sandstone Place, Richmond be adopted for use.

Consultation

Consultation has been undertaken in accordance with the relevant requirements through a publically advertised exhibition.

Background

Council at its meeting held on 27 June 2017, resolved the following:

"That:

- 1. In accordance with the requirements of the Roads Act 1993, the name Sandstone Place, Richmond in connection with DA0637/15, be publically advertised for a period of 28 days, to seek comment on the proposal.
- 2. The matter be reported back to council following the public exhibition process."

The proposed road name Sandstone Place has been publically advertised. This was by way of an advertisement in the local press, a notice on Council's web page under Community Consultation and a notice to the prescribed organisations under the Road Act 1993. The public consultation closed on 9 August 2017 with no comments or submissions received.

As the proposal conforms to the guidelines and principles of the New South Wales Road Naming Policy and has been publically advertised with no objections made, it is recommended that the name Sandstone Place be adopted for use. A street sign will then be installed once the road is open as part of the developer's works.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Assets

4.2 Utilities

4.2.2 New development and infrastructure provision is aligned and meets community needs.

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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:

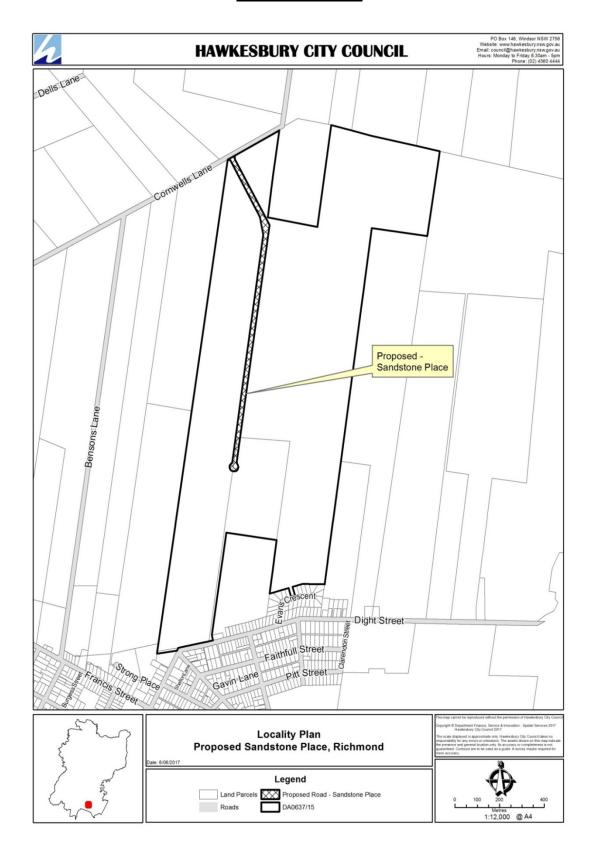
That in accordance with the requirements of the Roads Act 1993, the name Sandstone Place, Richmond in connection with DA0637/15 be adopted for use.

ATTACHMENTS:

AT - 1 Locality Plan

Meeting Date: 29 August 2017

AT 1 - Locality Plan



000O END OF REPORT O000

Meeting Date: 29 August 2017

Item: 151 IS - Windsor Bridge Replacement Project - Proposal for Viewing Platform -

(95495, 79354, 73621)

REPORT:

Executive Summary

As part of the Windsor Bridge Replacement Project, Roads and Maritime Services (RMS) have sought advice from Council regarding its position on retaining the southernmost (Windsor side) abutment and a single span of the existing bridge as a viewing platform.

RMS have advised that they are prepared to carry out works necessary to enable its use for that purpose, if Council is prepared to accept ongoing ownership and maintenance. In the event that this is not accepted by Council, RMS advise that they will remove this element from their design.

It is Council's current position not to support the current replacement bridge proposal, and to seek the retention of the existing bridge. Should the current replacement bridge proposal proceed, the demolition of the existing bridge will result in the loss of heritage. Therefore, the retention of an element of the existing bridge may be of value from an interpretive perspective.

There is no significant need for an additional viewing platform from an open space perspective. The existing upstream platform, the proposed bridge and the wharf adequately fulfil this objective.

This report recommends that Council advise RMS that whilst it is not prepared to accept the ongoing management responsibility for the retention of the span to provide a viewing point, it does consider the retention of the span a key element of an interpretive strategy and should be incorporated into the replacement bridge project and maintained by RMS.

Consultation

This matter was referred to Council's Heritage Advisory Committee for comment, noting that this is not a Council project and that Council's position is being sought by RMS through its consultative process.

All comments from the Heritage Advisory Committee are outlined in this report.

Background

As part of the Windsor Bridge Replacement Project, RMS have proposed that the southern span of the existing bridge could be upgraded and retained as a viewing platform.

RMS have sought Council's commitment to take ownership and maintenance responsibilities if RMS carry out the upgrade works. Should Council decline to accept this ongoing responsibility RMS have indicated that the viewing platform would be removed from the design.

Discussion

The attached documentation from RMS provides the rationale for the reuse of the span as a viewing platform, citing its interpretation and urban design values.

Council officers have indicated that determination of a position in relation to retention of the span as a viewing platform is a policy decision for Council.

Concerns have been raised over any liability that may accrue to Council in the future as a result of the retention of the span, including damage as a result of flood behaviours/impacts and maintenance costs.

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In relation to the possible flood damage, Council would be generally indemnified by the consultants designing the works. This would be subject to Council fulfilling any required maintenance requirements throughout the life of the structure.

From an open space operational perspective, it is considered that there is already a satisfactory number of viewing points along the river in this vicinity. The existing upstream platform, the proposed replacement bridge and the existing wharf all providing a range of viewing aspects.

The introduction of another pedestrian node will require additional cleaning, litter collection and routine maintenance.

RMS has not been able to provide any additional detail on whole of life maintenance requirements for the retained elements of the bridge at this stage, however have indicated that concrete and other repairs would be undertaken as part of the conversion to a viewing platform. It is likely that ongoing inspection and maintenance will be required.

From a heritage perspective there is certainly value in recognising and preserving the structure to highlight the history and the engineering evolution of the bridge structure. The full and ongoing value of this should however be attributed to the project itself and be the responsibility of RMS, as an appropriate response to conserve the values of a listed heritage item.

Heritage Advisors Comments

Council's Heritage Advisor was requested to review the proposal and provide comments. The Heritage advisor recommended that:

- the matter be referred to Council's Heritage Advisory Committee in relation to the overall appropriateness of the viewing platform
- appropriate interpretative signage/display be incorporated in any retained structure, and that details
 of lighting, seating and bollards should be provided
- the RMS provide a detailed long term maintenance plan and costings.

These comments were provided with the comment that retention of the existing bridge would provide a better heritage outcome.

Heritage Advisory Committee comments

The Heritage Advisory Committee (HAC) discussed the matter and it was agreed that members' comments should be provided to Council staff for consideration in preparation of this Council report.

The following summarises the various comments provided from the HAC:

- if the span is retained RMS should assume all ongoing maintenance and appropriate protection and maintenance should be secured
- if the purpose is for heritage interpretation value then there must be appropriate ancillary works that secure and reinforce the heritage/interpretative values, rather than being simply another viewing deck
- the proposal should be based on the interpretation plan, rather than being an 'add-on'
- one member provided general support for the viewing deck
- the proposed viewing deck view would be dominated by the higher new bridge with downstream views obscured and therefore the proposal is not supported

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- retention of the span would be unlikely to adequately reflect the heritage of the bridge crossing and would simply be a 'tombstone' to its history
- difficult to comment based on the plans provided and the lack of an Interpretation Strategy
- proposal was first mooted in 2008 and now appears to be an afterthought to the current proposal.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

The proposal relates to the following Focus Area, Direction and Strategy within the CSP.

Our Community

- 2.5. Cultural Development and Heritage
 - 2.5.3 Recognise, conserve and promote the areas history and heritage for current and future generations.

Financial Implications

It is anticipated that if the viewing platform were to be transferred to Council that additional annual maintenance costs of approximately \$5,000, including cleaning, general maintenance and inspection. This would not include long term structural maintenance and renewal.

Summary

Whilst Council has indicated its opposition to the current RMS proposal which includes demolition of the existing bridge, it is appropriate for Council to provide a commentary on the proposed viewing platform.

Having regard to the comments by HAC members, the Heritage Advisor and Council staff, there is value in retaining the end span as a viewing platform. This is subject to the following provisions:

- the viewing deck should be a genuine element of an interpretation strategy to best practice standards
- RMS should maintain any retained structure on a permanent basis, if its retention is warranted by OEH/Department of Planning for heritage interpretation
- any retained structure should be protected through heritage controls that would also secure ongoing maintenance responsibilities and funding.

RECOMMENDATION:

That Council advise the RMS that:

- It does not support the current replacement bridge proposal, including the demolition of Windsor Bridge.
- 2. Should the current proposal proceed, RMS should retain the southernmost span and abutment as a viewing platform, subject to this structure being managed and maintained by RMS as part of its ongoing responsibility and obligation to maintain and recognise the heritage value of a historic asset in its care.
- Any retained structure incorporate interpretation of the heritage of the bridge at best practice level.

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ATTACHMENTS:

AT - 1 RMS Documentation - Windsor Bridge Replacement Project - Request for Endorsement of Viewing Platform

Meeting Date: 29 August 2017

AT - 1 RMS Documentation - Windsor Bridge Replacement Project

Request for Endorsement of Viewing Platform



29 June 2017

Reference Number: SSI-4951

Mr Peter Conroy General Manager Hawkesbury City Council 366 George Street, Windsor NSW 2756 Australia

Attention: Mr Chris Amit

Dear Sir,

Windsor Bridge Replacement Project - Request for Endorsement of Viewing Platform

Roads and Maritime Services (RMS) are seeking advice from Hawkesbury City Council (Council) as to whether the Council is prepared to accept ownership and maintenance responsibility for the proposed viewing platform on the southern Hawkesbury River bank.

In its submission on the draft Urban Design and Landscape Plan, Council advised that they would await feedback from the recently conducted stakeholder consultation on the draft Urban Design and Landscaping Plan and Historical Interpretation Strategy before deciding as to whether they will accept the viewing platform.

Council staff, during a meeting with Council staff on 23rd May 2017, requested the RMS provide a document that details the background and reasons for inclusion of the viewing platform in the urban design and interpretation plan. This letter is a response to that request.

1. Background

The concept of providing a viewing platform using the southern span of the existing bridge was developed by the project team including specialists in archaeological interpretation, urban designers and engineering consultants. It is also proposed the viewing platform would be a key interpretation node with information about the history of the area displayed on the platform.

The concept was presented and discussed extensively with key stakeholders including the Department of Planning and Environment (DPE), Office of Environment and Heritage (OEH) and Council staff; the overall the feedback was positive.

The viewing platform was subsequently included in the draft Urban Design and Landscape Plan, which was publicly exhibited for community comment from 13 March to 7 April 2017. Feedback from the community on the proposal for the viewing platform was also positive. The draft Urban

Roads and Maritime Services

27-31 Argyle Street, Parramatta NSW 2150 | PO Box 973, Parramatta NSW 2124 |

www.rms.nsw.gov.au | 13 22 13

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Design and Landscape Plan will now be finalised and published online with the Submissions Report.

2. Heritage

The retention of southern span of the existing bridge as an interpretation node will acknowledge the heritage significance and importance of the existing Windsor Bridge by maintaining a tangible record of the bridge location, level and the approach road alignment.

The retention of the main structural elements of the existing bridge including the southern bridge abutment, the concrete girders, bridge deck and a set of piers will also provide a tangible record of the engineering materials and methodology used to build the bridge. The piers will also show evidence of the major modifications and upgrades carried out to the bridge since its original construction in the 1870's including:

- The entire bridge level was raised in 1897 by 2.4 metres by extending the height of the abutments and the cast iron caissons; and
- In 1921-22, the original timber deck was replaced with 8 longitudinal reinforced concrete girders and an integral concrete decking slab as part of the deck replacement works.

Interpretation signage displaying historical information and site interpretation relating to both Windsor Bridge and Thompson Square would be incorporated into this platform, which has been selected as a key interpretation node within the heritage interpretation strategy for the project.

The viewing platform responds to the conservation principles identified in the draft Strategic Conservation Management Plan (SCMP) by providing interpretation, connection with the historic setting and public access to the river front. Refer to the project EIS (Section 7) and SCMP for further details relating to historical heritage of the bridge structure.

3. Urban design

From an urban design perspective, the viewing platform will create a vantage point to enjoy views across the Hawkesbury River. A new balustrade and seating will also be incorporated into the viewing platform.

The platform will allow people to gain access to a memorable location above the water's edge to enjoy this riverside setting. It will allow people to appreciate this riverside environment and water activities with views up and down the river.

The retention of the southern abutment and first span of the existing bridge will create a viewing platform which will allow users to establish a visual connection to the northern abutment, which will be retained, and visualise the historical alignment of the old bridge. The bridge will also perform as an accessible vantage point for views back towards Thompson Square.

The viewing platform has been designed to complement the existing upstream viewing platform on the southern side of the river. It will use consistent materials which are durable and able to withstand floods. The balustrade would be made from galvanised steel with a hardwood top rail and the seating would similarly be made from steel and hardwood.

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4. Engineering and other considerations

4.1. Retaining the entire existing bridge

The retention of the entire bridge and reuse as a pedestrian/shared path and support for utilities was considered during the concept design phase of the bridge replacement project. This concept was later rejected due to the ongoing cost of maintaining the bridge in a safe condition and the flood impacts of having the two bridges across the section of the river as discussed in Section 4.3 below.

4.2. Structural

A structural review of the existing bridge was undertaken for the purpose of retaining bridge elements to function as a viewing platform. From this inspection it was identified that a number of areas are likely to require concrete repair. These repairs will be undertaken by the RMS.

One of the proposed features of the viewing platform is to investigate the feasibility of providing removable or collapsible balustrades to minimise damage to the balustrades during flood events and reduce loading on the structure from accumulation of flood debris forces.

4.3. Flooding

In order to assess the flooding impacts of the project, a flood model was developed which includes the removal of the existing bridge and addition of the new bridge, viewing platform, scour protection and road embankments into the model.

The model results indicate that there are no flood level impacts for the majority of the design flood events with minor increases in flood levels for both the 5 year and 10 year ARI events. In general, increases in flood levels are 20mm for the 5 year ARI event and in the range of 10mm to 20mm for the 10 year ARI event. Peak flood level increases of up to 100mm are localised to just upstream of the new bridge. For the 20 year ARI or larger flood events it was found that there are no changes in flood level. It was found that the inclusion or exclusion of the viewing platform structure would have negligible impacts on the overall afflux results found in the flood model for the proposed scenario.

In contrast, the inclusion of the entire existing bridge combined with the proposed bridge would have some impacts on the existing flood regime. For the 10 year ARI event, flood level increases are generally in the range of 20mm to 50mm. For the 5 year ARI event, potential flood level increases are generally in the range of 50mm to 100mm, with some localised changes in levels up to 110mm directly upstream of the existing Windsor Bridge. For the 20 year ARI or larger flood events it was found that there are no changes in flood level.

There is also the potential for the existing bridge to be washed away by flood waters, which could the damage the new bridge.

4.4. Scour protection

Scour protection is proposed to be provided where river flow velocities are expected to be increased as a result of the proposed bridge and associated works. Flow velocities along the southern side of the river are observed to increase by the greatest amount with peak flow velocity increases of up to 0.6m/s in the 100 year ARI event.

The removal of the existing bridge (with the exception of the southern span and southern pier) is not expected to increase velocities along the southern bank.

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Along the southern bank, the scour protection is proposed to extend from the downstream side of the existing bridge to just upstream of the existing Windsor Wharf.

4.5. Safety

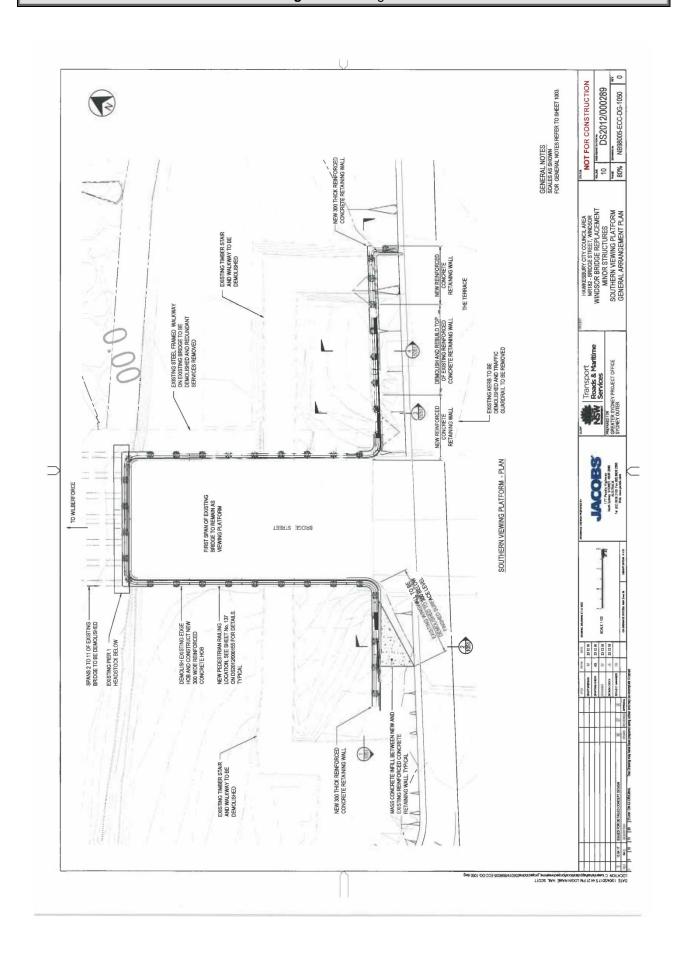
The existing bridge has vehicle barriers and a 1.2 metre wide footway attached to the downstream side. For safety reasons, these climbable elements will be removed from the viewing platform structure and replaced with new compliant pedestrian balustrades.

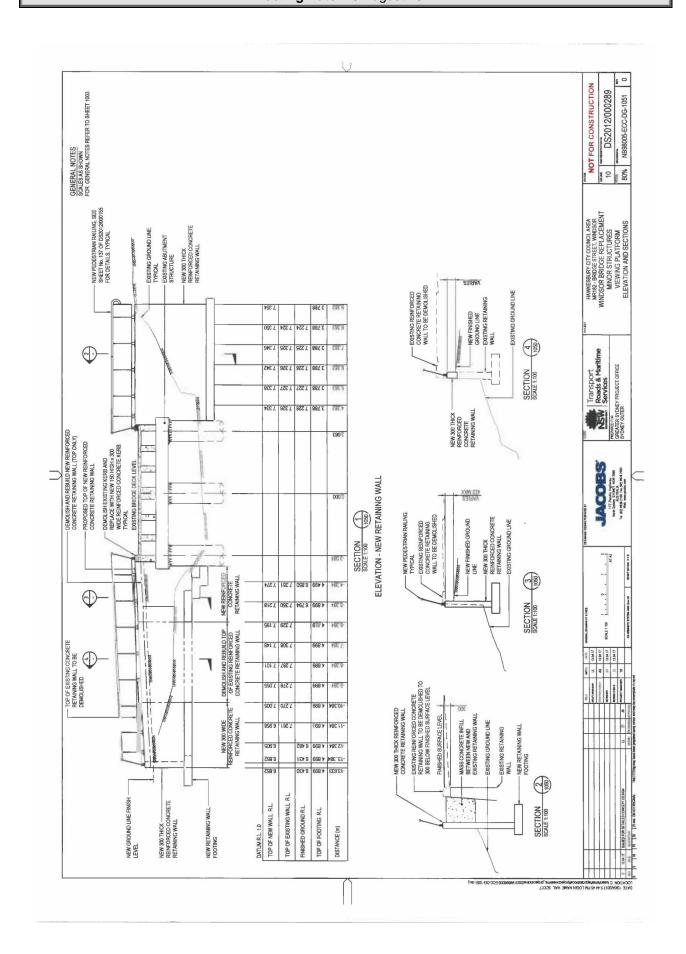
RMS seeks Council's commitment to take ownership and maintenance responsibilities for the proposed viewing platform. Should Council accept the viewing platform, as detailed in the attached concept design, RMS will proceed with the finalisation of the detailed design.

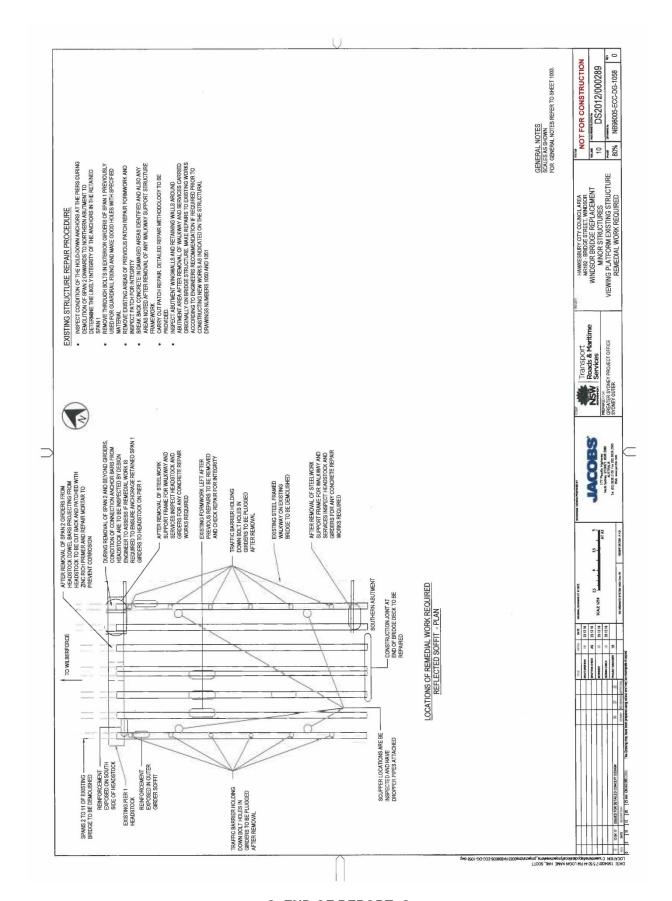
Should Council not support the viewing platform, the RMS intends to delete the platform from the designs.

Yours faithfully

Graham Standen Senior Project Manager







000O END OF REPORT O000

Meeting Date: 29 August 2017

SUPPORT SERVICES

Item: 152 SS - Monthly Investments Report - July 2017 - (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 \$43.39 million in investments at 31 July 2017.

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 \$43.39 million in investments as at 31 July 2017. 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								
СВА	A1+	AA-			1.25%	2,300,000	5.30%	
Tcorp*					2.48%	6,993,187	16.12%	
Total On-call Inve	estments							9,293,187
Term Investment	s							
ANZ	A1+	AA-	01-Feb-17	31-Jan-18	2.70%	1,000,000	2.30%	
СВА	A1+	AA-	02-Mar-17	02-Mar-18	2.65%	1,000,000	2.30%	
СВА	A1+	AA-	17-Mar-17	14-Mar-18	2.71%	1,500,000	3.46%	
СВА	A1+	AA-	27-Apr-17	27-Apr-18	2.63%	1,500,000	3.46%	
СВА	A1+	AA-	28-Jun-17	09-May-18	2.60%	1,500,000	3.46%	
NAB	A1+	AA-	05-Aug-16	03-Aug-17	2.78%	1,000,000	2.30%	
NAB	A1+	AA-	17-Aug-16	16-Aug-17	2.75%	1,500,000	3.46%	
NAB	A1+	AA-	23-Nov-16	18-Oct-17	2.72%	1,000,000	2.30%	
NAB	A1+	AA-	23-Nov-16	22-Nov-17	2.75%	1,500,000	3.46%	
NAB	A1+	AA-	14-Dec-16	13-Dec-17	2.70%	1,500,000	3.46%	
NAB	A1+	AA-	08-Feb-17	07-Feb-18	2.60%	2,000,000	4.61%	
St George	A1+	AA-	24-Jan-17	24-Jan-18	2.70%	1,500,000	3.46%	
St George	A1+	AA-	22-Feb-17	22-Feb-18	2.61%	1,000,000	2.30%	
Westpac	A1+	AA-	03-Aug-16	03-Aug-17	2.90%	800,000	1.84%	
Westpac	A1+	AA-	05-Aug-16	03-Aug-17	3.00%	1,000,000	2.30%	

Meeting Date: 29 August 2017

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
Westpac	A1+	AA-	24-Aug-16	24-Aug-17	3.00%	800,000	1.84%	
Westpac	A1+	AA-	31-Aug-16	07-Sep-17	3.00%	1,000,000	2.30%	
Westpac	A1+	AA-	07-Sep-16	07-Sep-17	3.00%	1,000,000	2.30%	
Westpac	A1+	AA-	19-Oct-16	18-Oct-17	3.00%	1,000,000	2.30%	
Westpac	A1+	AA-	04-May-17	31-Oct-17	2.60%	1,000,000	2.30%	
Westpac	A1+	AA-	30-Mar-17	04-Apr-18	2.70%	500,000	1.15%	
Westpac	A1+	AA-	30-Mar-17	04-Apr-18	2.70%	1,000,000	2.30%	
Westpac	A1+	AA-	14-Apr-17	18-Apr-18	2.70%	1,000,000	2.30%	
Westpac	A1+	AA-	31-May-17	31-May-18	2.65%	1,000,000	2.30%	
Westpac	A1+	AA-	14-Jun-17	14-Jun-18	2.65%	2,000,000	4.61%	
Westpac	A1+	AA-	28-Jun-17	28-Jun-18	2.65%	2,000,000	4.61%	
Westpac	A1+	AA-	05-Jul-17	05-Jul-18	2.65%	2,500,000	5.76%	
Total Term Inves	Total Term Investments							34,100,000
TOTAL INVESTMENT AS AT 31 July 2017		July 2017						43,393,187

^{*}Tcorp is wholly owned by the NSW State Government

Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	9,293,187	2.18%	Reserve Bank Cash Reference Rate	1.50%	0.68%
Term Deposit	34,100,000	2.72%	UBS 90 Day Bank Bill Rate	1.69%	1.03%
Total	43,393,187	2.61%			

Restricted/Unrestricted Funds

At the time of preparing the report, finalised Reserves balances were not available as year end accounting adjustments were still in progress.

Investment Commentary

During the reporting period, the investment portfolio decreased by \$0.49 million reflecting funds received, payments made, and redemption of invested funds and lodging of new term deposits, which is driven by cash flow requirements.

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 \$5.3 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 31 July 2017, 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.

Meeting Date: 29 August 2017

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 May 2017.

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 2017-2036

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

Our Leadership

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

Financial Implications

Funds have been invested with the aim of achieving budgeted income in Service 121 – Investments within the 2017/2018 Adopted Operational Plan.

RECOMMENDATION:

The report regarding the monthly investments for July 2017 be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

000O END OF REPORT O000

Meeting Date: 29 August 2017

Item: 153 SS - 2016/2017 Operational Plan - Re-Votes - (95496, 96332)

REPORT:

Executive Summary

The purpose of this report is to seek Council's approval to carry over funds unspent as at 30 June 2017 for works approved within adopted Operational Plans, and subsequent Quarterly Budget Reviews.

Consultation

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

Background

Council adopted its Operational Plan for 2016/2017 on 14 June 2016. For 2016/2017, Council had a Full Year Budget of \$110.7M, comprising operating expenditure of \$78.7M and capital expenditure of \$32M. As at 30 June 2017, projects totalling \$9.4M were not fully expended.

Clause 211 of the Local Government (General) Regulation 2005 (the Regulation), allows for approved expenditure votes not to lapse at the end of the financial year, provided the project activity has commenced.

Projects that, as at the end of the financial year were not committed in accordance with Clause 211 of the Regulation require Council approval to be carried over.

The vast majority of projects and works requiring associated funding to be carried forward to the 2017/2018 financial year are within the scope of Clause 211 of the Regulation, and will proceed with funding being rolled into the 2017/2018 Operational Plan.

Amounts relating to projects that commenced in 2016/2017 but were not completed by 30 June 2017, relate to the following areas:

Business Unit Projects	Amount (\$)
Information Services	252K
Community Services	689K
Cultural Services	534K
Risk Management	31K
Financial Services	591K
Strategic Planning	825K
Development Services	96K
Strategic Activities	183K
Internal Audit	74K
Legal Services	19K
Construction & Maintenance	3.0M
Parks & Recreation	1.3M
Building Services	460K
Design & Mapping Services	1K

Meeting Date: 29 August 2017

Business Unit Projects	Amount (\$)
Human Resources	20K
Corporate Communications	66K
General Manager	86K
Waste Management	560K
Emergency Services	167K
Environment & Regulatory Services	9K

Generally, these works will proceed and be reported as part of the 2017/2018 Quarterly Budget Reviews.

Projects amounting to \$388,770 had not commenced, nor had been committed, as at 30 June 2017. In accordance with Clause 211 of the Regulation, Council is required to re-vote these projects and associated amounts. These projects and works will be required to be undertaken in the 2017/2018 year, and the revoting of funds will enable the expenditure to occur without having a financial impact on the 2017/2018 adopted Operational Plan.

Projects recommended to be re-voted, and the cause of the delay in commencement, are as follows:

- Hanna Park Carpark Construction & Upgrade \$285,310 This project has been delayed, following initial investigation, which identified a need to review the overall user needs and master plan for the site prior to carpark and access works. Further investigation is required both for design and the car parks location with a possible Master plan being developed. Planning and design work will be undertaken in 2017/2018.
- Purchase of Various Plant net \$103,460 The replacement of plant is based on assumed usage during the development of the annual Budget. The anticipated usage on five items of plant was less than projected, therefore did not require replacement during 2016/2017. Each item was reviewed and replacement will be required during 2017/2018.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Leadership

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

Meeting Date: 29 August 2017

Financial Implications

Funding requested to be re-voted and carried over to the 2017/2018 financial year was adopted as part of the 2016/2017 Operational Plan and subsequent Quarterly Budget Reviews. The amounts carried over will be added on to the adopted 2017/2018 Operational Plan to fund the projects carried with a nil financial impact.

RECOMMENDATION:

That the funding for projects detailed within this report, totaling \$388,770, be re-voted and carried over into the 2017/2018 financial year.

ATTACHMENTS:

There are no supporting documents for this report.

0000 END OF REPORT O000

Meeting Date: 29 August 2017

Item: 154 SS - Pecuniary Interest Return - Designated Person - (95496, 96333)

REPORT:

Executive Summary

The Local Government Act 1993 details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Returns by Councillors and Designated Persons. This report provides information regarding a Return recently lodged with the General Manager by a Designated Person. It is recommended that Council note that the Disclosure of Pecuniary Interests and Other Matters Return, lodged with the General Manager, has been tabled.

Consultation

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

Background

Section 450A of the Local Government Act 1993 relates to the register of Pecuniary Interest Returns and the tabling of these Returns, which have been lodged by Councillors and Designated Persons. Section 450A of the Act is as follows:

- "1. The General Manager must keep a register of returns required to be lodged with the General Manager under section 449.
- 2. Returns required to be lodged with the General Manager under section 449 must be tabled at a meeting of the council, being:
 - (a) In the case of a return lodged in accordance with section 449 (1)—the first meeting held after the last day for lodgement under that subsection, or
 - (b) In the case of a return lodged in accordance with section 449 (3)—the first meeting held after the last day for lodgement under that subsection, or
 - (c) In the case of a return otherwise lodged with the general manager—the first meeting after lodgement."

With regard to Section 450A(1), a register of all Returns lodged by Councillors and Designated Persons, in accordance with Section 449 of the Act, is currently kept by Council as required by this part of the Act.

With regard to Section 450A(2), all Returns lodged by Councillors and Designated Persons, under Section 449 of the Act, must be tabled at a Council Meeting as outlined in subsections (a), (b) and (c).

With regard to Section 450(2)(a), the following Section 449(1) Return has been lodged:

Position	Return Date	Date Lodged		
Financial Accountant	16 May 2017	10 August 2017		

The above Designated Person has lodged their Section 449(1) Return prior to the due date (being three months after the Return Date), as required by the Act for the receipt of the Return.

The above details are now tabled in accordance with Section 450A(2)(a) of the Act, and the abovementioned Return is available for inspection if requested.

Meeting Date: 29 August 2017

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Leadership

- 1.5 Regulation and Compliance Encourage a shared responsibility for effective local compliance.
 - 1.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.

Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

0000 END OF REPORT O000

ordinary

section

reports of committees

ORDINARY MEETING Reports of Committees

Reports of Committees

SECTION 4 - Reports of Committees

ROC Local Traffic Committee - 14 August 2017 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Small Committee Room, Windsor, on Monday, 14 August 2017, commencing at 3pm.

Present: Mr Christopher Amit, Hawkesbury City Council (Chairman)

Councillor Peter Reynolds, Hawkesbury City Council

Inspector Peter Jenkins, NSW Police Force Ms Tina Kaur, Roads and Maritime Services Mr John Hopper, Roads and Maritime Services

Mr Steve Grady, Busways

Apologies: Nil

In Attendance: Ms Cathy Mills, Hawkesbury City Council

Ms Judy Wong, Hawkesbury City Council

Mr Christopher Amit advised the Committee that the position of Chair is to be undertaken in accordance with RMS (formerly RTA) Guidelines "Delegation to Councils for Regulation of Traffic" Section 5.3 which states that the meeting is to be convened by a Council Representative, either voting or non-voting. On this basis Mr Amit is to take up the position of the Chair for this meeting as agreed to with Councillor Reynolds.

SECTION 1 - Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the motion of Councillor Peter Reynolds, seconded by Ms Tina Kaur that the minutes from the previous meeting held on Monday, 19 June 2017 be confirmed.

Item 1.2 Business Arising

There was no Business Arising from the previous minutes.

SECTION 2 - Reports for Determination

Item: 2.1 LTC - Proposed Intersection Upgrade of Boundary Road at Cataract Road, Box Hill - Request from The Hills Council for Hawkesbury Council Concurrence -

(Hawkesbury) - (80245, 73621, 123265, 112333)

REPORT:

Advice has been received from The Hills Council that the intersection of Boundary Road and Cataract Road, Box Hill will be upgraded due to a development as part of the Box Hill North Development Area. The works are part of the Voluntary Planning Agreement between The Hills Council and the developer.

Reports of Committees

The intersection upgrade will provide improved and safer access along Boundary Road as well as access in and out of the development site. The road works proposed include stormwater drainage, pavement widening, kerb and gutter and traffic facilities including:

- dedicated right turn bays in both Boundary Road and Cataract Road created by painted median islands and associated line marking;
- a 'Give Way' control with holding line in Cataract Road;
- signposted 'No Stopping' controls on the north-western side of boundary Road

Details of the proposed road works are included in Attachment 1.

The centreline of Boundary Road forms the Local Government boundary between The Hills Shire and Hawkesbury City Councils. The traffic facilities included in this Development Application located on the north-western side of the road centreline have been referred to Hawkesbury Council for its concurrence.

The provision of the No Stopping zone and associated works along the north-western side of Boundary Road as outlined in Attachment 1 will ensure the free flow of traffic along Boundary Road and allow for the safe access into the turning lane along Boundary Road.

RECOMMENDATION TO COMMITTEE:

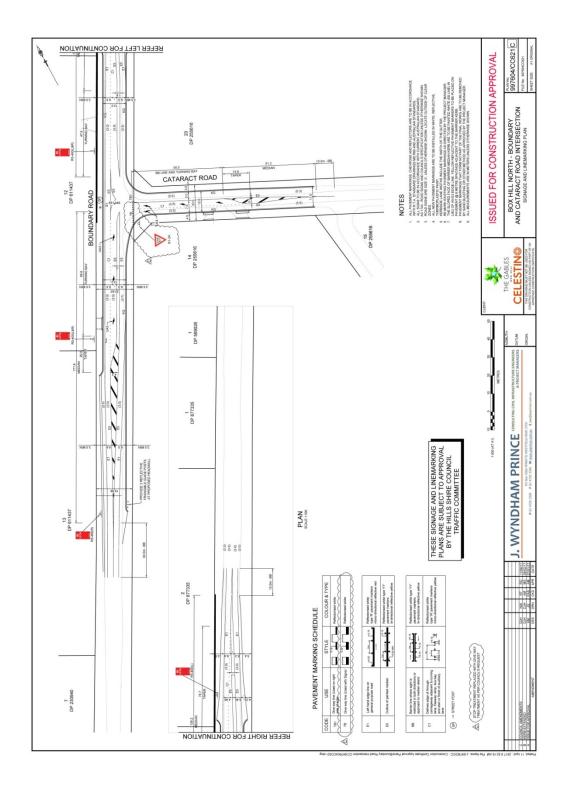
That the design of the proposed traffic facilities on the north-western side of the centreline of Boundary Road opposite Cataract Road, Box Hill as outlined in Attachment 1 be endorsed, and advice be provided to The Hills Council accordingly.

APPENDICES:

AT - 1 Box Hill North – Boundary and Cataract Road Intersection – Signage and Linemarking Plan – Prepared by J. Wyndham Price – Plan No. 997604/CC621

Reports of Committees

AT – 1 Box Hill North – Boundary and Cataract Road Intersection – Signage and Linemarking Plan – Prepared by J. Wyndham Price – Plan No. 997604/CC621



Reports of Committees

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Ms Tina Kaur, seconded by Councillor Peter Reynolds.

Support for the Recommendation: Unanimous support

That the design of the proposed traffic facilities on the north-western side of the centreline of Boundary Road opposite Cataract Road, Box Hill as outlined in Attachment 1 be endorsed, and advice be provided to The Hills Council accordingly.

Item: 2.2 LTC - Proposed Changes to Accessible Parking - North Richmond Car Park, North Richmond - (Hawkesbury) - (80245, 73621, 123265, 124569)

REPORT:

A review of the position and number of accessible parking spaces within the North Richmond Car Park adjacent to the North Richmond Shopping Village was undertaken in formulating a report which was forwarded to the Hawkesbury Access and Inclusion Advisory Committee (HAIC) in June 2017. The Committee recommended that the proposed changes to the North Richmond Car Park as outlined in Attachment 2 be implemented and that the proposed changes be referred to the Local Traffic Committee for its endorsement.

As background, Council received correspondence from several constituents requesting a review of the position and number of accessible parking spaces within the North Richmond Car Park adjacent to the North Richmond Shopping Village. A review was undertaken to establish the take up of the existing accessible parking spaces over a period of time as well as discussion with the shopping centre management.

The existing car park provides for four accessible parking spaces, with these parking spaces widely dispersed throughout the car park. The most frequently used entrance to the shopping centre is along its north-western side which has two of the accessible parking spaces at the access point. The other two spaces are at separate locations along its north-eastern side with one of the spaces positioned near the car park entrance at Pitt Lane. Attachment 1 provides details of the position of the existing accessible parking spaces.

The four accessible parking spaces provided in the car park are above the minimum requirement of 2% of the available parking. The existing car park has 158 parking spaces (excluding the loading zones).

The proposed changes to the car park, as outlined in Attachment 2, include increasing the accessible parking spaces along the north-western side from two to four spaces, which will result in a net loss of two regular car parking spaces. The accessible parking along the north-eastern side will be altered from two to one space, with the space positioned near the car park entrance at Pitt Lane being converted to a two hour parking space. During the parking review undertaken, it was observed that this accessible parking space was not utilised, most likely due to its locality adjacent to the car park entrance.

The net result is that the accessible parking spaces will change from four to five, with improvements to the location of the spaces being the important aspect. Part of the increase in spaces at the north-western side of the shopping centre will require additional works by centre management to improve accessibility into the shopping centre. Preliminary discussions with centre management have indicated that they will undertake the necessary adjustments within their area to ensure that appropriate access from the additional accessible parking spaces into the Centre is available.

Reports of Committees

In addition to the adjustments to the accessible parking spaces, it is proposed to provide two additional Watts profile speed humps to control the speed of vehicles on the approaches to the existing pedestrian crossing and the additional accessible parking spaces. The position of the proposed Watts profile speed humps are outlined in Attachment 2.

RECOMMENDATION TO COMMITTEE:

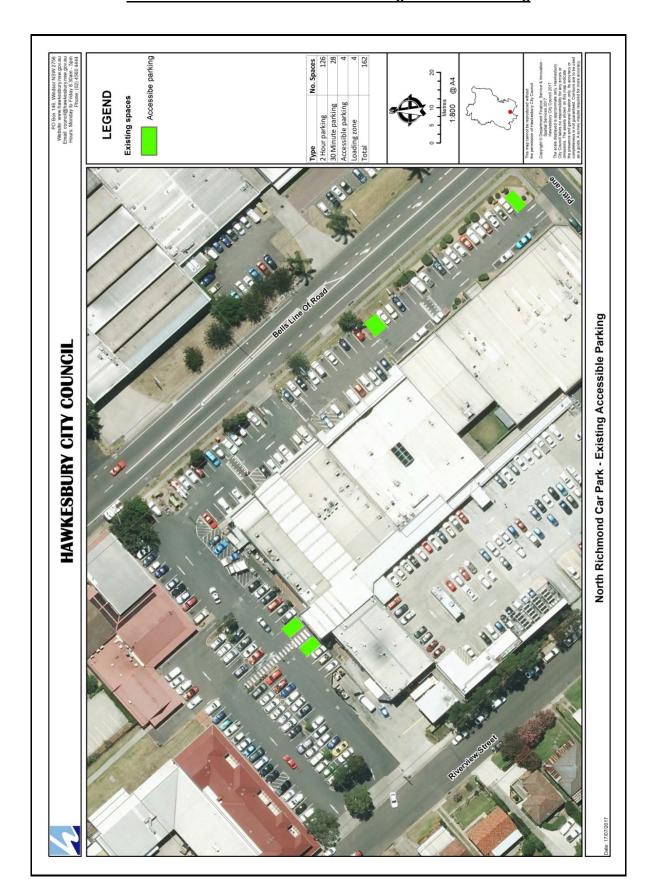
That the proposed adjustments to the location and provision of accessible parking spaces as well as the provision of two additional Watts profile speed humps within the North Richmond Car Park, as outlined in Attachment 2, be undertaken.

APPENDICES:

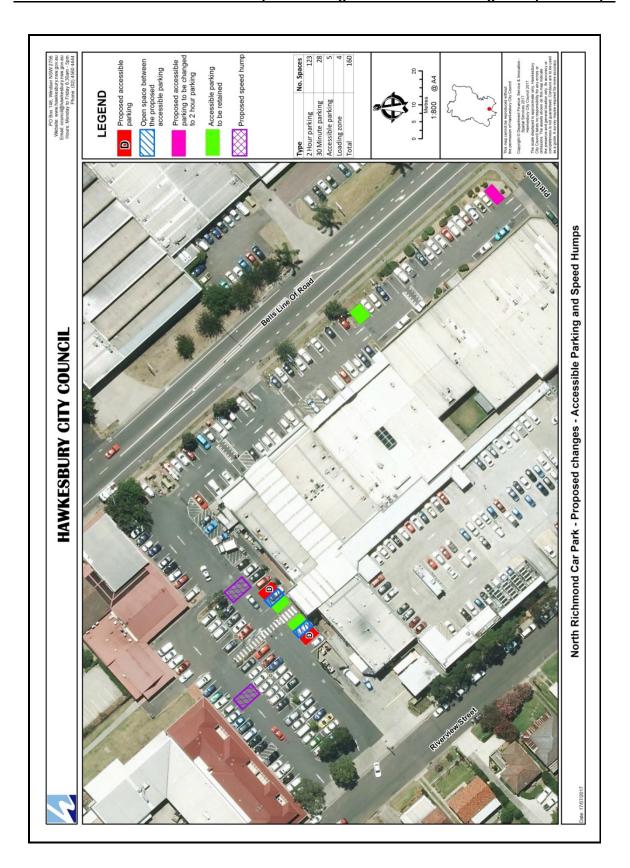
AT - 1 North Richmond Car Park - Existing Accessible Parking

AT - 2 North Richmond Car Park - Proposed Changes - Accessible Parking and Speed Humps

AT - 1 North Richmond Car Park - Existing Accessible Parking



AT - 2 North Richmond Car Park - Proposed Changes - Accessible Parking and Speed Humps



Reports of Committees

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Ms Tina Kaur.

Support for the Recommendation: Unanimous support

That the proposed adjustments to the location and provision of accessible parking spaces as well as the provision of two additional Watts profile speed humps within the North Richmond Car Park, as outlined in Attachment 2, be undertaken.

Item: 2.3 LTC - Proposed Crossing Point in Kable Street and Changes to Accessible

Parking at the Kable Street and The Terrace Car Park, Windsor - (Hawkesbury) -

(80245, 73621, 123265, 124569)

Previous Item: 16, Ordinary (31 January 2017)

REPORT:

The Hawkesbury Access and Inclusion Advisory (HAIA) Committee considered a proposal to improve pedestrian access from the Council car park on the corner of Kable Street and The Terrace, Windsor, to the Kable Street Medical Centre and Kable Street shopping precinct. In addition to this the Committee further considered changes to the location and number of accessible parking spaces within the car park.

The HAIA Committee resolved to recommend the proposed works as outlined in Attachment 1 which include:

- create a bus-length accessible car park space within the Kable Street and The Terrace car
 park and re-locate the existing accessible parking spaces, resulting in the loss of three
 parking spaces within the car park;
- install a pedestrian crossing point from the Kable Street and The Terrace car park, resulting in a loss of four car parking spaces along Kable Street.

To ensure implementation of these changes to the car park and the provision of the crossing point across Kable Street, the recommendation from the HAIA Committee resulted in a separate report to Council which resulted in the following resolution:

"Council make provision within its 2017/2018 Operational Plan for the proposed installation of a pedestrian crossing point in Kable Street and upgrades to accessible parking within the Kable Street car park at a cost of \$25,000 as outlined in this report"

The purpose of this matter being reported to the Local Traffic Committee is for the Committee to review and make its recommendation in relation to the proposed changes as outlined in Attachment 1 which includes the extension of the 'No Stopping' zones (replacing the existing 1 Hour parking) on both sides of Kable Street to facilitate the proposed crossing point and the relocation and provision of additional accessible parking spaces within the Kable Street and The Terrace car park.

As background, the Council car park located on the corner of Kable Street and The Terrace lies immediately adjacent to Kable Street Medical Centre which is a well utilised medical centre. The Kable Street Medical Practice has forwarded concerns to Council from their patients regarding the availability of accessible parking on Kable Street and within the Kable Street and The Terrace car park. In addition, Peppercorn Community Transport have also requested that Council investigate the provision of parking to provide more proximate and easier access to the medical centre for their bus and medical vehicle fleet.

Reports of Committees

The concerns which have prompted these representations include:

- the existing accessible car parking spaces within the Kable Street and The Terrace car park
 do not comply with current access standards, and their proximity to the entry of the car park
 renders them unable for use by the Community Transport fleet as passengers would be
 unloaded in the direct line of traffic entering the car park;
- the Kable Street Medical Practice has ramp access for persons using a wheelchair. As the ramp is not compliant with current standards, drivers are required to assist clients from their vehicle into the surgery;
- the only accessible parking within the Kable Street precinct is located within the Kable Street and The Terrace car park and the only pedestrian access from this car park for persons using wheelchair or mobility aid is via the car park driveway entry;
- there is insufficient road width along Kable Street to provide on street accessible parking;
- there is no designated crossing point from the car park to the Kable St Medical Practice and shopping centre. The nearest crossing point is located adjacent to the Windsor Mall at George Street.

While the loss of the car parking spaces is regrettable, the access works outlined in Attachment 1 will substantially improve the accessibility of the Kable Street medical and shopping precinct. It will ensure that in particular the frail aged, people with mobility disabilities, and parents with young children can safely access health and retail services from the Kable Street and The Terrace car park. The proposed works are consistent with the objective of Council's adopted Mobility and Access and Inclusion Plans.

Funding for the proposed works have been provided in the 2017/2018 capital works program.

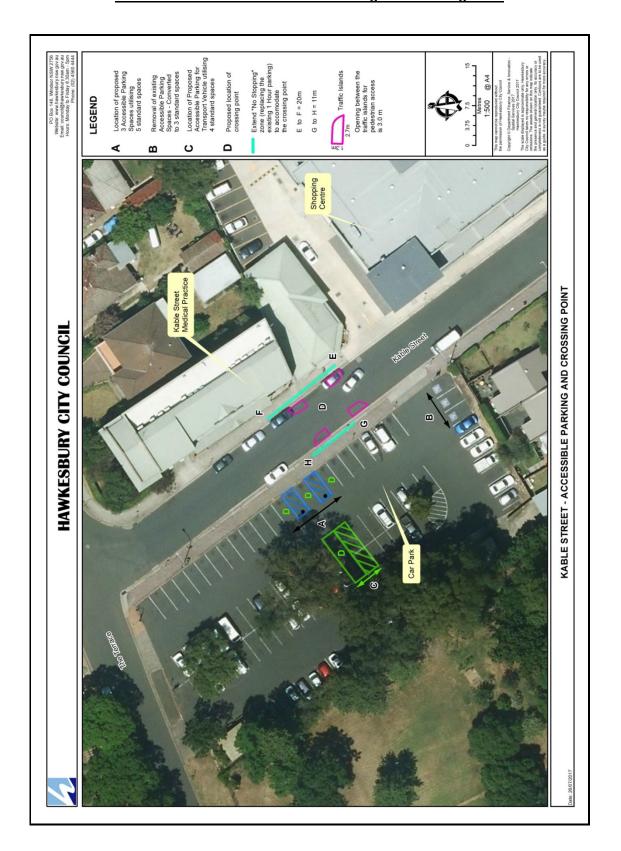
RECOMMENDATION TO COMMITTEE:

That the proposed adjustments to the Kable Street and The Terrace, Windsor, car park resulting in adjustments to the location and the provision of additional accessible parking spaces as well as the provision of a crossing point across Kable Street and the associated adjustments to the parking restrictions as outlined in Attachment 1, be undertaken.

APPENDICES:

AT – 1 Kable Street – Accessible Parking and Crossing Point

AT - 1 Kable Street - Accessible Parking and Crossing Point



Reports of Committees

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Ms Tina Kaur.

Support for the Recommendation: Unanimous support

That the proposed adjustments to the Kable Street and The Terrace, Windsor, car park resulting in adjustments to the location and the provision of additional accessible parking spaces as well as the provision of a crossing point across Kable Street and the associated adjustments to the parking restrictions as outlined in Attachment 1, be undertaken.

Item: 2.4 LTC - Proposed Changes to Pedestrian Crossings in Lennox Street, Richmond as

part of the RMS Pedestrian Safety Infrastructure Around Schools Grant -

(Hawkesbury) - (80245, 73621, 123265)

Previous Item: Item 4.2, LTC (09/05/2016)

REPORT:

At the Local Traffic Committee meeting on 9 May 2016, Councils, Community Safety Co-ordinator, provided an update regarding the Roads and Maritime Services Pedestrian Safety Infrastructure Around Schools grant. The State Government announced in February 2015 that there would be a \$5 million commitment to improve pedestrian infrastructure around schools. Roads and Maritime Services (RMS) was seeking assistance from all Councils in developing and delivering this important Pedestrian Safety Program to protect our most vulnerable road users.

Funding is available for around 100 locations across the state over a three year period and each site is eligible to receive up to \$50,000 for pedestrian infrastructure eligible treatment options. The proposed facilities will only be approved on local and regional roads that are under the care and control of council. The new program is expected to be completed by June 2018. The program will focus on improving pedestrian safety through the provision of non-signalised pedestrian crossing facilities on local and regional roads, both within school zones or on main routes to schools

As part of the application, Council provided submissions for ten sites with the four sites listed below requiring raised wombat crossings where pedestrian crossings currently exist.

- 1. Bede Polding College, Bligh Park Rifle Range Road near Sirius Road, Bligh Park
- 2. Chisholm Catholic College and Bede Polding College, Bligh Park Rifle Range Road near Collith Avenue, Bligh Park
- 3. Richmond High School, Richmond Lennox Street adjacent to No. 112 and near West Market Street, Richmond
- 4. Richmond High School, Richmond Lennox Street adjacent to the School frontage opposite No. 137 and near Castlereagh Road, Richmond.

The existing pedestrian crossings at these sites are across four lanes. To improve safety at these locations, it was proposed to convert these pedestrian crossings to raised wombat crossings which have kerb islands and a raised pavement platform. The wombat crossing reduces the distance for pedestrians crossing the road from four lanes to two lanes as well as providing traffic calming through the site due to the raised platform.

The Committee supported the proposal to convert the standard pedestrian crossings to raised wombat crossings at the four sites nominated. Council was successful in receiving funding for three of the four sites. The site along Lennox Street adjacent to Richmond High School near No. 137 was not successful as funding was only allocated to one facility per School site.

Reports of Committees

In total, Council was successful in receiving funding for six of the ten sites in the submission. In addition to Bede Polding College, Chisholm Catholic College and Richmond High School, the other three sites successful with funding included Ebenezer Public School, Grose View Public School and Kurmond Public School. The associated works at these three sites includes a mix of footpath and other associated works to improve safety near the schools:

The two pedestrian crossing sites along Rifle Range Road in the vicinity of Bede Polding College and Chisholm Catholic College were upgraded during April/May 2017. The existing pedestrian crossings were converted to raised wombat crossings.

It is proposed to undertake the upgrade of the pedestrian crossing along Lennox Street near West Market Street with the funding available during the September/October 2017 school holiday period. RMS has indicated that any remaining funds from this project site may be utilised for the other pedestrian crossing site along Lennox Street to enable the two crossings to be upgraded at the same time. Due to the volume of traffic along this section of Lennox Street being in excess of 10,000 vehicles per day, as well as a route utilised by heavy vehicles, RMS has approved a variation to the funding program to allow for the crossing to be upgraded to a flat (no platform) wombat crossing instead of a raised wombat crossing.

The proposal for Lennox Street (subject to available funding) is to convert both pedestrian crossing sites from four lane crossings to flat (no platform) wombat style two lane crossings. To facilitate this, each of the crossing sites requires the slight alteration in the position of the existing marked crossing to ensure the kerb islands can be installed without impeding vehicles negotiating driveways, the intersection of West Market Street and other manoeuvring within the site.

Consultation of adjoining property owners and occupiers has been undertaken with the initial feedback being positive towards the treatment. The provision of the flat (no platform) wombat crossings will also mitigate any noise issues for nearby residents. Support has also been provided by Busways in relation to the position and type of crossings.

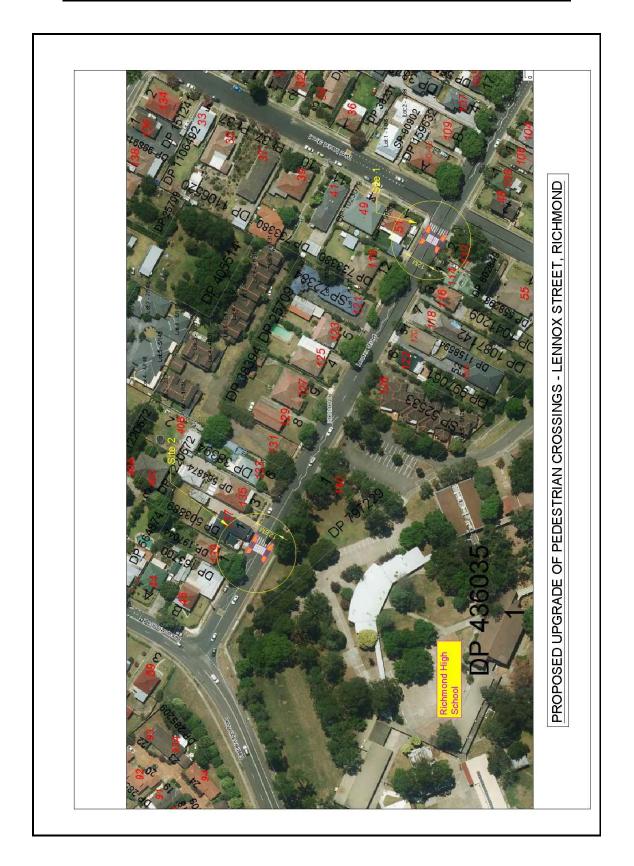
RECOMMENDATION TO COMMITTEE:

That the existing pedestrian crossings in the vicinity of Nos 112 and 137 Lennox Street, Richmond, be converted from four lane crossings to flat (no platform) wombat style two lane crossings, subject to available funding, as outlined in Attachment 1.

APPENDICES:

AT – 1 Proposed Upgrade of Pedestrians Crossings – Lennox Street, Richmond

AT - 1 Proposed Upgrade of Pedestrians Crossings - Lennox Street, Richmond



Reports of Committees

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Ms Tina Kaur.

Support for the Recommendation: Unanimous support

That the existing pedestrian crossings in the vicinity of Nos 112 and 137 Lennox Street, Richmond, be converted from four lane crossings to flat (no platform) wombat style two lane crossings, subject to available funding, as outlined in Attachment 1.

Item: 2.5 LTC - Traffic Issues in Triangle Lane, Richmond Lowlands - (Hawkesbury) - (80245, 73621)

REPORT:

A resident has raised concerns relating to traffic safety along Triangle Lane, Richmond Lowlands, and requesting that the matter be reported to the Local Traffic Committee.

Triangle Lane extends between Old Kurrajong Road and Powells Lane for an approximate distance of 1260 metres. Triangle Lane, with the exception of a short length of seal at its intersection with Old Kurrajong Road is predominantly unsealed. Triangle Lane is located within a narrow road reserve and its surrounding environment promotes low speed and low traffic usage. Whilst there are no recent traffic counts undertaken at this location, the traffic numbers would be less than 100 vehicles per day.

The Roads and Maritime Services (RMS) accident data for the last five year period between 1 July 2011 and 30 June 2016 indicates that there has been one (non-casualty) accident in Triangle Lane approximately 200 metres from Old Kurrajong Road. This accident was the result of the vehicle leaving the carriageway and into an object (RUM Code 73). The only other accident in this vicinity is along Old Kurrajong Road near the intersection of Triangle Lane – unrelated to Triangle Lane.

The speed limits for roads in the Richmond Lowlands have been recently reviewed by RMS. This has resulted in RMS either reducing speed limits or implementing speed limits to roads which were not previously sign posted. RMS has advised that the basis for these changes to the speed limits will result in safer roads for motorists and residents. The speed limits have changed or been implemented on the following roads:

- Cupitts Lane, Richmond between Cornwallis Road and Percival Street reduced from 80km/h to 70 km/h,
- Cornwallis Road, Cornwallis between Cornwells Lane and Greenway Crescent signposted to 70 km/h,
- Onus Lane, Richmond Lowlands between Cornwells Lane and Francis Street signposted to 60 km/h,
- Cornwells Lane, Richmond Lowlands between Onus Lane and Edwards Road signposted to 60 km/h,
- Powells Lane, Richmond Lowlands between Onus Lane and Edwards Road signposted to 60 km/h,
- Edwards Road, Richmond Lowlands between Cornwallis Road and Powells Lane signposted to 60 km/h.

The speed limit along Old Kurrajong Road in the vicinity of Triangle Lane is 60 km/h and remained unchanged. The expected speed limit for Triangle Lane is 60km/h based on the surrounding speed limits along Old Kurrajong Road and Powells Lane which are both 60km/h.

Reports of Committees

In relation to general road signage in the Richmond Lowlands area, Council is currently reviewing and upgrading various warning signs in the area which will include signs such as Intersection Warning, Intersection Chevron, Side Road warning, Giveway controls etc to improve the overall safety of the road environment and in particular near intersections, which will also complement the recent speed limit signs implemented by RMS.

In the short term it is proposed that no further action in terms of traffic management be undertaken along Triangle Lane. This includes sealing of the road which could promote higher volumes of traffic and possibly higher speeds as well. The existing Triangle Lane road formation sits within a road reserve is in the range of 6 to 9 metres wide. This is a relatively narrow road reserve to provide a sealed road within. Any future consideration of sealing may require property acquisition to ensure an adequate road reserve width is available to provide a road pavement, shoulders and tables drains to be constructed.

To monitor the situation in Triangle Lane, it is proposed that a traffic count be undertaken along Triangle Lane near its mid-point to update the traffic and speed data with any adverse findings to be reported back to the Local Traffic Committee.

RECOMMENDATION TO COMMITTEE:

That

- 1. The information in the report be supported and noted by the Local Traffic Committee.
- 2. Traffic Counter be placed in Triangle Lane, Richmond Lowlands, in the vicinity of its mid-point to determine traffic and speed data and the results of the counts be reported back to the Local Traffic Committee should the results exceed the acceptable level of the speed limit.

APPENDICES:

There are no supporting documents for this report.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Ms Tina Kaur.

Support for the Recommendation: Unanimous support

That

- 1. The information in the report be supported and noted by the Local Traffic Committee.
- 2. Traffic Counter be placed in Triangle Lane, Richmond Lowlands, in the vicinity of its mid-point to determine traffic and speed data and the results of the counts be reported back to the Local Traffic Committee should the results exceed the acceptable level of the speed limit.

SECTION 3 - Reports for Information

There are no Reports for Information.

Reports of Committees

SECTION 4 - General Business

Item: 4.1 LTC - Traffic Issues in Little Church Street, Windsor - (Hawkesbury) - (80245,

84972)

Previous Item: LTC 9/1/12, Item 2.3

REPORT:

Ms Judy Wong, Council's Community Safety Co-ordinator raised the matter of recent complaints made by residents of Little Church Street, Windsor received by Council regarding traffic issues during school drop off and pickups at St Matthews Catholic Primary School. Investigations into this have been conducted by NSW Police and Council over recent weeks to follow up the complaints made regarding queuing in the No Parking zone (kiss and drop zone) by parents dropping off and picking up children, causing traffic in the street to come to a standstill therefore stopping any through traffic. Residents have complained that they are unable to enter and exit their residences due to the queuing during these times and at other times have difficulty parking in the street as available spaces are taken by workers in the area.

Investigations into these issues have included:

- Observation by Council's Community Safety Co-ordinator of driver behaviour on various occasions at morning and afternoon school start and finish times. While queues of 4 to 9 vehicles were regularly observed, the nine observations could not substantiate the entire range of traffic complaints formally submitted to Council.
- Patrol and observation by NSW Police of driver behaviour at the school.
- NSW Police discussion with parents and offending drivers at the school providing advice on the law and offences relating to driver behaviour.
- Distribution of educational materials through St Matthews Catholic Primary School social media sites and Hawkesbury Local Area Command Facebook page.
- A meeting by NSW Police with the school principal.
- A meeting by Council's Community Safety Co-ordinator, the school's principal and assistant principal.

Mr Chris Amit advised the Committee that the parking arrangements in Little Church Street was reviewed at the request of the previous principal and reported to the Local Traffic Committee on 9/1/12.

Changes implemented in 2012 included relocation of the 35m No Parking zone in a north easterly direction to allow parents to see their child enter the school grounds in the morning and teachers supervising the children can see parents arriving to pick up their children in the afternoon. This was to ensure the head of the queue was in line with the main school entrance.

Various scenarios suggested by residents, the Principal, the Police and the Council's Community Safety Co-ordinator were discussed at the Local Traffic Committee meeting including:

- Adjoining a new 'No Parking" zone to the existing 35m 'No Parking' zone that operates during school zone hours across the full school frontage as a means of removing the queue. This new zone could operate outside of school zone hours as either unrestricted parking or a 2 hour parking.
- Closing the existing 'No Parking' zone as favoured by the Police.
- Asking the School to increase reminders to parents to observe traffic regulations, which
 means leaving driveways clear and driving around the block until the driver can safely fit into
 the current No Parking Zone.
- Any changes to the parking arrangements would require consultation with all property owners.
- Convert Little Church Street to one-way traffic flow or widen the street to change parallel
 parking to angle parking. It was noted that the available road width was not sufficient for
 angled parking.

Reports of Committees

The Committee agreed that no changes to the existing parking restriction were warranted at this stage. The Committee agreed that there was a need for the school community and residents to reach some common ground and ensure that the safety of the school community, residents and other road users are not compromised. The Committee requested the Community Safety Co-ordinator to investigate the option of organising a mediation meeting with relevant stakeholders.

COMMITTEE RECOMMENDATION:

That the Community Safety Co-ordinator investigate the option of organising a mediation meeting with relevant stakeholders including NSW Police, St Matthews Catholic Primary School staff representative/s, St Matthews Catholic Primary School Parents and Citizens representatives, residents from Little Church Street. This meeting is to be mediated by an independent person. This may include the Mayor of Hawkesbury City Council, subject to availability.

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Inspector Peter Jenkins.

Support for the Recommendation: Unanimous support

APPENDICES:

There are no supporting documents for this report.

Item: 4.2 LTC - Bus Shelter Requests - (Hawkesbury) - (80245, 137536)

REPORT:

Mr Steve Grady advised that at this location there are Bus Stops and no Bus Shelters. Both locations have Transit Stop Numbers (TSN), and the signage was installed following the completion of the intersection works by Roads and Maritime Services (RMS). Previously the bus stop locations were not signposted and operated as 'Hail and Ride' however, following an Infoline complaint that passengers were unable to identify where to wait for the three bus services that travel past this location, Busways installed the signage to assist.

Councillor Reynolds also requested that a Bus Shelter be placed in the vicinity of Pecks Road and Arnold Street, North Richmond to assist school children catching the bus.

Mr Grady indicated that the Bus Stops in this vicinity are mainly used by school children. In relation to the installation of Bus Shelters at these Bus Stops, as they are predominantly used by school students, it is suggested that a shelter not be installed unless the Bus Stop is at a school, shopping centre etc. Students can come and go depending on what school they attend, the ages of students and even households move into and away from suburbs. In the case of installing a Bus Shelter at the frontage of a house, it may be a significant imposition to the owner of the property especially if the Bus Shelter is seldom used, or in some cases, the students no longer board buses at that location. Normally in locations where the actual passenger patronage is low, Busways do not recommend the installation of a Bus Shelter.

Reports of Committees

COMMITTEE RECOMMENDATION:

That the information be received.

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Inspector Peter Jenkins.

Support for the Recommendation: Unanimous support

APPENDICES:

There are no supporting documents for this report.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Monday, 11 September 2017 at 3pm in the Small Committee Room.

The meeting terminated at 4:45pm.

000O END OF REPORT O000

ordinary

section

notices of motion

Notices of Motion

Notices of Motion

SECTION 5 - Notices of Motion

NM1

Status Update on Energy Savings Action Plan - (79351, 105109, 138881)

Submitted by: Councillor Kotlash

NOTICE OF MOTION:

That a report be provided to Council by 24 October 2017, that:

- Gives an update on the status of the scheduled or recommended measures outlined in the Energy Savings Action Plan 2013, for each of the top ten energy consuming Council-controlled facilities/areas identified in the plan.
- 2. Gives options for comprehensively updating the plan. This should include, but not be limited to:
 - a) collecting, analysing and reporting energy consumption data to compare with 2008 and 2013 data
 - b) updating the status of the co-generation plant housed under the Deerubbin Centre
 - c) reviewing and updating the recommendations for greater energy savings and efficiencies based on the latest technology and best practices
 - d) reviewing the need for an internal working group, comprised of staff from a wide range of Divisions within Council
 - e) identifying additional facilities/areas controlled by Council that could be included in a revised plan.

BACKGROUND:

In 2005, the NSW Government introduced water and energy savings initiatives administered by the then Department of Environment and Climate Change. The State government initiative provided funding for businesses, government agencies and local councils to prepare Water and Energy Savings Action Plans by 2008. Hawkesbury City Council in accordance with this developed and maintained an Energy Savings Action Plan (ESAP) from 2006 to 2013 based on the guidelines set out by the state government. The guidelines required Council to include the following in its ESAP:

- details of energy consumption
- management review and associated management actions related to energy
- actions for implementation.

The Program required that the ESAP be adjusted and reviewed every four years to refine business cases for further energy efficiency measures. The 2013 document was the second and unfortunately the last revision to the ESAP under this State government funding initiative. It was nonetheless used as the blueprint for funding applications concerning energy efficient projects for Council's infrastructure. It focusses on the top energy consuming sites operated by Council, and includes the following sections:

- management systems review
- management actions
- top site analysis
- description
- performance summary
- measures recommended for implementation
- all energy savings measures
- detailed performance over time via Planet Footprint report.

Notices of Motion

ATTACHMENTS:

There are no supporting documents for this report.

0000 END OF NOTICE OF MOTION O000

Notices of Motion

NM2 Recycling or Rehoming Facility for Unwanted Household Goods - (79531, 105109, 80106)

Submitted by: Councillor Rasmussen

NOTICE OF MOTION:

That Council prepare a report which investigates the feasibility and options of Council establishing or facilitating a recycle/re-homing facility for unwanted household items, excluding clothing, shoes and similar personal wear items, which are in fair, reasonable and usable condition for depositing, collection and removal by Hawkesbury residents wishing to reuse, recycle, rehome, repair and rework such items.

BACKGROUND:

Many Hawkesbury residents have household items such as furniture, appliances, toys, sporting equipment, kitchenware, games, books, trinkets and artefacts etc. which are perfectly usable and with years of functionality remaining. Items which are too good to end up in landfill or simply trashed but are no longer wanted or needed. Such useful but unwanted items could be reused or rehomed by other Hawkesbury residents for their continued use, benefit and enjoyment.

Hawkesbury has a large university student population, many young families and residents who find value and benefit in collecting and rehoming unwanted household items.

A Council sponsored or operated reuse and rehoming facility would enable such items to have extended use, reduce the burden on our landfill, contribute to our reuse and recycle policy and provide a beneficial service to our residents.

ATTACHMENTS:

There are no supporting documents for this report.

0000 END OF NOTICE OF MOTION O000

Notices of Motion

NM3 Community group access to Meeting Room and Community Centre Facilities - (79351, 105109, 125610)

Submitted by: Councillor Conolly

NOTICE OF MOTION:

That Council call for a report into the cost and feasibility of allowing all Hawkesbury based community and not for profit groups to have access to meeting rooms and community centre facilities without charge.

ATTACHMENTS:

There are no supporting documents for this report.

0000 END OF NOTICE OF MOTION 0000

Notices of Motion

NM4 Support for 'Yes' to Marriage Equality Campaign - (79351, 105109, 138882)

Submitted by: Councillor Wheeler

NOTICE OF MOTION:

That Council:

- Engages with local LGBTIQ members of the community to assist them in campaigning for the 'Yes'
 case in the postal survey for marriage equality, on the proviso that any such campaigning must be
 respectful.
- 2. Holds at least one community event in a prominent public space, with the aim of publicly showing our support, engaging with and informing the community.
- 3. Flies the Rainbow Flag at Council for the duration of the campaign.
- 4. Displays a banner outside Council which states "Hawkesbury City Council supports marriage equality. Vote Yes." or similar for the duration of the campaign.

BACKGROUND:

Council passed a Mayoral Minute on 9 August 2016 (Resolution 242) to support marriage equality, note its objection to a Federal Government plebiscite, and to support the 'Yes' campaign should a plebiscite go ahead. Further, Council resolved to engage with the local LGBTIQ members of the community with the aim of working with them to campaign for marriage equality.

At the time of the Resolution, Council was concerned about the impacts of a plebiscite on LGBTIQ members of the Hawkesbury community and potential harms to the mental health, safety and wellbeing of them and their families. As the Federal Government has replaced the plebiscite with a postal survey, Council needs to act on its Resolution. Recent examples of the campaign materials for the 'No' vote shows that Council's fears were well founded and that the postal survey has the same potential for harm as a plebiscite.

Support does not have to be onerous or expensive. These are simple actions that Council can take to display strong leadership and show that we value diversity and support and welcome all members of our community.

ATTACHMENTS:

There are no supporting documents for this report.

000O END OF NOTICE OF MOTION O000

Notices of Motion

NM5 Independent Hearing and Assessment Panel - (79351, 105109, 111627)

Submitted by: Councillor Tree

NOTICE OF MOTION:

That:

- 1. Council acknowledges the recent amendments to the Environmental Planning and Assessment Act (NSW) 1979 (the Act) regarding local Independent Hearing and Assessment Panels (IHAP).
- 2. Council write to the Minister for Planning, seeking guidance on the possibility of one IHAP being established to represent Hawkesbury City Council, Blue Mountains City Council and Penrith City Council, as part of our aim of streamlining services and reducing costs under the Regional Strategic Alliance (RSA).

BACKGROUND:

The NSW Government has made amendments to the Environmental Planning and Assessment Act (NSW) 1979. Part of these changes include establishing Independent Hearing and Assessment Panels (IHAP) in individual Councils to deal with Development Applications that fulfil certain criteria.

As part of our aim to try and cut costs under the RSA, it would be beneficial to seek the Ministers advice as to whether a proposed IHAP could be created to represent our three aligned Councils, instead of each Council having their own.

ATTACHMENTS:

- **AT 1** Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017
- AT 2 Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 Overview

Notices of Motion

AT - 1 Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017

First print



New South Wales

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to amend the Environmental Planning and Assessment Act 1979 in relation to the establishment and operation of local planning panels, and in particular:
 - to require a council of an area in the Greater Sydney Region or the City of Wollongong to constitute a local planning panel and to allow other councils to do so,
 - (ii) to provide that where a local planning panel has been constituted the consent authority functions of the council are not to be exercised by the councillors but are to be exercised on behalf of the council by the panel or by council staff as delegates of the council (and to authorise the Minister to give directions on the development applications that are to be determined on behalf of the council by a panel), and
 - (iii) to confer on a local planning panel (in addition to the consent authority functions of the council) the function of advising on planning proposals relating to planning instruments that are referred to the panel by the council (or at the direction of the Minister), and
 - (iv) to provide that a local planning panel is to be constituted by 4 members, comprising an independent chairperson approved by the Minister, 2 other independent persons with relevant experience approved by the Minister and a community representative for the area (or if the area is divided into wards, a community representative who is most closely associated with the matter before the panel), and

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Notices of Motion

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 [NSW] Explanatory note

- to enable the Minister to approve of individual persons to be appointed to a local planning panel or to approve of a panel of persons from whom a member is to be selected, and
- (vi) to make provision relating to the members and procedure of a local planning panel that is similar to the provision made in relation to regional panels, and
- (vii) to provide that existing local panels (called independent hearing and assessment panels) established as at 1 September 2017 are continued until 1 March 2018 and taken to be local planning panels under the proposed Act,
- (b) to amend the Environmental Planning and Assessment Regulation 2000 to make ancillary provisions relating to the exercise by a local planning panel of the consent authority functions of the council,
- (c) to amend the Environmental Planning and Assessment Act 1979 and State Environmental Planning Policy (State and Regional Development) 2011:
 - (i) to change the general threshold for regional panels to exercise the consent authority functions of a council from development exceeding \$20 million in capital investment value to development exceeding \$30 million in capital investment value, and
 - (ii) to transfer that threshold and other relevant thresholds relating to the jurisdiction of regional panels from the Act to the State Environmental Planning Policy,
- (d) to amend the Parliamentary Electorates and Elections Act 1912 to authorise the Electoral Commission to institute proceedings for offences under the Local Government Act 1993 in connection with the conduct of local government elections and to exercise its investigative powers under the Election Funding, Expenditure and Disclosures Act 1981 for that purpose.
- (e) to amend the Local Government Act 1993 to extend the time for bringing criminal proceedings for an offence under the Local Government Act 1993 in connection with the conduct of local government elections after the commencement of the proposed Act from 12 months to 3 years after the alleged commission of the offence.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 (except items [4] and [11]) contains the amendments to the Environmental Planning and Assessment Act 1979 set out in paragraph (a) of the Overview.

Schedule 2 contains the amendment to the Environmental Planning and Assessment Regulation 2000 set out in paragraph (b) of the Overview.

Schedule 1 [4] and [11] and Schedule 3 contain the amendments to the Environmental Planning and Assessment Act 1979 and State Environmental Planning Policy (State and Regional Development) 2011 set out in paragraph (c) of the Overview.

Schedule 4 contains the amendment to the *Parliamentary Electorates and Elections Act 1912* set out in paragraph (d) of the Overview.

Schedule 5 contains the amendment to the *Local Government Act 1993* set out in paragraph (e) of the Overview.

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Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017

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Schodule 5		Amendment of Local Government Act 1993 No 30	10

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Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017

No , 2017

A Bill for

An Act to amend the Environmental Planning and Assessment Act 1979 and instruments under that Act with respect to local and regional planning panels; and to amend the Parliamentary Electorates and Elections Act 1912 and the Local Government Act 1993 with respect to the enforcement of local government election requirements.

Notices of Motion

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 [NSW]

	O	ature of New South Wales enacts:	
1	Nam	e of Act	
		This Act is the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Act 2017.	:
2	Com	mencement	:
	(1)	This Act commences on the date of assent to this Act, except as provided by subsection (2).	
	(2)	Schedule 1 [4] and [11] and Schedule 3 commence on a day or days to be appointed	

Notices of Motion

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 [NSW]
Schedule 1 Amendment of Environmental Planning and Assessment Act 1979 No 203

Scl	nedu	le 1		Amendment of Environmental Planning and Assessment Act 1979 No 203	1
[1]	Sect	ion 4 (1), de1	finition of "independent hearing and assessment panel"	3
	Omi	t the de	finitio	n.	4
[2]	Sect	ion 4 (1), def	finition of "local planning panel"	5
	Insei	t in alp	habeti	ical order in section 4 (1):	6
		•	local	planning panel means a local planning panel constituted under sion 4 of Part 2A.	7 8
[3]	Sect	ion 23	D Fun	ctions of Commission	9
	Omi	t "an ir	depen	dent hearing and assessment panel" from section 23D (1) (c).	10
	Insci	t instea	ad "a le	ocal planning panel".	11
[4]	Sect	ion 23	G Joir	nt regional planning panels	12
	Omi	t sectio	n 23G	(2A) and (2B). Insert instead:	13
		(2A)	The f	functions of a consent authority may only be conferred on a regional panel cordance with subsection (2) (a).	14 15
	((2B)		functions of a consent authority in relation to any of the following lopment may not be conferred on a regional panel:	16 17
			(a)	complying development,	18
			(b)	development for which development consent is not required,	19
			(e)	development that is State significant development,	20
			(d)	development for which a person or body other than a council is the consent authority,	21 22
			(e)	development within the area of the City of Sydney.	23
[5]	P art	2A, Di	vision	4	24
	Omi	t the D	ivision	n. Insert instead:	25
	Divi	ision	4	Local planning panels and council delegates	26
	231			f consent authority functions on behalf of councils where local anel constituted	27 28
		(1)		section applies in respect of an area of a council for which a local ing panel has been constituted under this Division.	29 30
		(2)	such	functions of a council as a consent authority under Part 4 in respect of any area are not exercisable by the councillors. They are exercisable on behalf e council by:	31 32 33
			(a)	the local planning panel, or	34
			(b)	an officer or employee of the council to whom the council delegates those functions, or	35 36
			(c)	a regional panel on which those functions are conferred under section 23G.	37 38
		(3)		Minister may give directions to councils under section 117 (either to cular councils or to councils generally) on the development applications	39 40

Notices of Motion

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 [NSW]
Schedule 1 Amendment of Environmental Planning and Assessment Act 1979 No 203

		that are to be determined on behalf of the council by a local planning panel. This subsection does not apply to development applications that are required to be determined by a regional panel.	:
	(4)	For the purposes of this section, the functions of a council as consent authority under Part 4 include:	
		(a) the determination of development applications and applications for the modification of development consents, and	6
		(b) without limiting paragraph (a), the functions of a consent authority under Divisions 2 and 2A of Part 4 and sections 89A, 93I, 94, 94A, 94B, 94C, 94CA, 94EF, 94F, 95 (2), 96 (2) and 96AA, and	10
		(c) the functions of a consent authority or council under this Act or any other Act that relate to the carrying out of development (including the making of development applications) and that are declared by the regulations to be functions of a council as consent authority,	1: 1: 1:
		but do not include the functions of a consent authority or council that the regulations declare are not the functions of a council as consent authority.	1: 10
23J	Cons	stitution of local planning panels	17
	(1)	Λ council may constitute a single local planning panel for the whole of the area of the council.	18 18
	(2)	The following councils must constitute a single local planning panel for the whole of the area of the council:	29
		(a) the council of an area that is wholly within the Greater Sydney Region,	22
		(b) the council of the City of Wollongong.	2
	(3)	A single local planning panel may be constituted by 2 or more councils. In that case, any function exercisable by a council in relation to the panel is to be exercised jointly by all those councils.	2: 2:
	(4)	The Minister may, under section 117, direct 2 or more particular councils referred to in subsection (2) to constitute a single local planning panel.	2
	(5)	If a council fails to constitute a local planning panel that it is required to constitute, the Minister may constitute the panel and for that purpose is taken to be the council.	25 30 31
	(6)	A local planning panel is subject to any directions of the Minister under section 117.	3:
	(7)	A local planning panel is not subject to the direction or control of the council, except in relation to any matter relating to the procedure of the panel (or to the time within which it is to deal with a matter) that is not inconsistent with any directions of the Minister under section 117.	3: 3: 3:
23K	Men	nbers of local planning panels	38
	(1)	The members of a local planning panel are to be appointed by the relevant council.	39 40
	(2)	Each local planning panel is to comprise (subject to this section) the following 4 members:	4 4:
		 (a) an approved independent person appointed as the chairperson of the panel with relevant expertise that includes expertise in law or in government and public administration, 	4: 4: 4:
		(b) 2 other approved independent persons with relevant expertise,	40

Notices of Motion

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 [NSW]
Schedule 1 Amendment of Environmental Planning and Assessment Act 1979 No 203

(c) a representative of the local community who is not a councillor or

			may or.	_
	(3)	indep plann appro	the purposes of this section, an <i>approved independent person</i> is an pendent person approved by the Minister for appointment to the local range panel or a person selected from a pool of independent persons oved by the Minister for appointment to the local planning panel. The ster may approve different pools of independent persons.	3 4 5 6 7
	(4)	appoint the longer the	e area of the relevant council is divided into wards, the council is to int representatives of the local community for each ward as members of ocal planning panel. All those representatives are entitled to attend a ing of the local planning panel, but only one of them designated by the person of the panel comprises the quorum for the meeting and is entitled the and be heard on a matter before the panel.	8 9 10 11 12 13
	(5)	panel	representative so designated by the chairperson for a matter before the l is to be the representative for the ward that the chairperson considers is closely associated with that matter.	14 15 16
	(6)	area econo	vant expertise for the purposes of this section is expertise in at least one of planning, architecture, heritage, the environment, urban design, omics, traffic and transport, law, engineering, tourism or government and ic administration.	17 18 19 20
23L	Fund	ctions	of local planning panels	21
	(1)	A loc	cal planning panel constituted by a council has the following functions:	22
		(a)	the functions of the council as a consent authority under Part 4 in respect of the area for which the panel is constituted as provided by section 23I,	23 24
		(b)	to advise the council on any planning proposal that has been prepared or is to be prepared by the council under section 55 and that is referred to the panel by the council,	25 26 27
		(c)	to advise the council on any other planning or development matter that is to be determined by the council and that is referred to the panel by the council.	28 29 30
	(2)		ection (1) (a) does not exclude a delegate of the council or a regional lexercising functions as a consent authority under this Act.	31 32
	(3)	partic	Minister may give directions to councils under section 117 (either to cular councils or to councils generally) on the planning proposals that are ired to be referred to a local planning panel for advice.	33 34 35
	(4)		section does not limit the functions that may be exercised by a local ing panel under this Act.	36 37
23LA	Misc	ellane	ous provisions relating to local planning panels	38
	(1)		dule 4B contains provisions with respect to the members and procedure cal planning panels.	39 40
	(2)	The r	regulations may make provision for or with respect to the following:	41
		(a)	the functions conferred under this Act on local planning panels, including the procedures of panels in exercising their functions,	42 43
		(b)	without limiting paragraph (a), providing that parties are not to be represented (whether by an Australian legal practitioner or any other person) or are only to be represented in specified circumstances,	44 45 46

Notices of Motion

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 [NSW]
Schedule 1 Amendment of Environmental Planning and Assessment Act 1979 No 203

		(6)	exercise of functions by local planning panels.	:
	(3)		council is to provide staff and facilities for the purpose of enabling a local ning panel to exercise its functions.	;
	(4)		council is to monitor the performance of local planning panels constituted to council.	:
	(5)	the S	uncil that has constituted a local planning panel must provide a report to secretary, each year or other period directed by the Secretary, as to the wing:	;
		(a)	whether a local planning panel had been constituted by the council during the reporting period,	10 11
		(b)	the matters referred to the panel in the reporting period,	1:
		(c)	the persons appointed to the panel,	13
		(d)	any other matters relating to the exercise of functions by the panel as directed by the Secretary.	14 13
	(6)		Il proceedings by or against a local planning panel are to be taken in the e of the panel and not by or against the members of the panel.	1) 1
	(7)	any o	cal planning panel may delegate any function of the panel under this or other Act (other than this power of delegation) to the general manager or staff of the council. Section 381 of the <i>Local Government Act 1993</i> does pply to any such delegation.	18 19 20 21
[6]	Section 23	O Red	covery of certain costs	2:
	Omit "inde	pender	nt hearing and assessment panel" from section 23O (3).	2
	Insert inste	ad "loc	cal planning panel".	2
[7]	Section 78	A App	olication	2:
	Insert after			20
	(6A)	deve deleg	functions of a council under subsections (3)–(6) in relation to a lopment application may be exercised by a local planning panel or gate that has the function of determining the development application on if of the council.	2° 28 29 30
[8]	Section 82	A Rev	iew of determination	3
	Insert "or a	local j	planning panel" after "a regional panel" in section 82A (12).	3:
[9]	Section 11	7 Dire	ctions by the Minister	3:
	Insert after	section	n 117 (2) (b):	3-
		(b1)	on a matter relating to the establishment and procedure of a local planning panel, on the development applications that are to be determined on behalf of a council by a local planning panel and on the planning proposals that are required to be referred to a local planning panel for advice, as referred to in Division 4 of Part 2A, and	33 33 34 33
[10]	Section 15	8 Excl	lusion of personal liability	40
	Omit "an ir	ndepen	dent hearing and assessment panel" from section 158 (d).	4
	Insert instea	ad "a l	ocal planning panel".	4:

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[11]	cons	ent a	4A Development for which regional panels may be authorised to exercise authority functions of councils schedule.	1 2 3			
				4			
[12]	Schedule 4B						
	Insei	t beto	ore Schedule 5:	5			
	Scl	nedu	ule 4B Provisions relating to local planning panels	6			
			(Section 23LA)	7			
	Par	t 1	Preliminary	8			
	1	Defi	initions	9			
			In this Schedule:	10			
			member means the chairperson or other member of a panel.	11			
			panel means a local planning panel.	12			
	Par	t 2	Provisions relating to members of panels	13			
	2	Terr	ms of office of members	14			
		(1)	A member of a panel holds office, subject to this Act and the regulations, for such period (not exceeding 3 years) as is specified in the member's instrument of appointment.	15 16 17			
		(2)	That period may be determined by reference to the occurrence of a specified event or the completion of the exercise of particular functions of the panel.	18 19			
		(3)	A member is eligible (if otherwise qualified) for re-appointment.	20			
		(4)	A member of a panel may not hold office as a member of that panel for more than 6 years in total.	21 22			
	3	Part	t-time office	23			
			The office of a member of a panel is a part-time office.	24			
	4	Rem	nuneration of members	25			
			A member of a panel is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.	26 27 28			
	5	Alte	ernate members	29			
		(1)	A council may, from time to time, appoint a person to be the alternate of a member of a panel appointed by the council, and may revoke any such appointment.	30 31 32			
		(2)	Λ person is not eligible to be appointed as the alternate of a member unless the person is eligible to be appointed as that member.	33 34			
		(3)	In the absence of a member, the member's alternate may, if available, act in the place of the member.	35 36			
		(4)	While acting in the place of a member, a person has all the functions of the member and is taken to be a member.	37 38			

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	(5)		rson may be appointed as the alternate of 2 or more members of a panel, nay represent only one of those members at any meeting of the panel.	1 2
	(6)	meml	imber of persons may be appointed as the alternate of one or more bers of a panel. The person who may act in the place of a member on any cular occasion is the person determined by the chairperson of the panel.	3 4 5
	(7)	remu	rson while acting in the place of a member is entitled to be paid such meration (including travelling and subsistence allowances) as the council from time to time determine in respect of the person.	6 7 8
6	Rem	oval fr	om office of members	9
	(1)	office mana	uncil may remove a member of a panel appointed by the council from e at any time for any reason and without notice. However, the general ager of the council must provide a written statement of the reasons for ving the member from office and make the statement publicly available.	10 11 12 13
	(2)	Comi Indep consi	Minister may remove a member of a panel from office if the Independent mission Against Corruption, in a report referred to in section 74C of the pendent Commission Against Corruption Act 1988, recommends that ideration be given to the removal of the member from office because of upt conduct by the member.	14 15 16 17 18
7	Vaca	incy in	office of member	19
	(1)	The c	office of a member of a panel becomes vacant if the member:	20
		(a)	dies, or	21
		(b)	completes a term of office and is not re-appointed, or	22
		(c)	resigns the office by instrument in writing addressed to the council that appointed the member, or	23 24
		(d)	is removed from office under this or any other Act, or	25
		(c)	is absent from 3 consecutive meetings of the panel of which reasonable notice has been given to the member, except on leave granted by the panel or unless the member is excused by the panel for having been absent from those meetings, or	26 27 28 29
		(f)	becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	30 31 32
		(g)	becomes a mentally incapacitated person, or	33
		(h)	is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.	34 35 36 37
	(2)		e office of a member becomes vacant, a person may, subject to this Act he regulations, be appointed to fill the vacancy.	38 39
8	Effec	ct of ce	ertain other Acts	40
	(1)		statutory provisions relating to the employment of Public Service oyees do not apply to the appointment or office of a member of a panel.	41 42
	(2)	If by	or under any Act provision is made:	43
		(a)	requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or	44 45

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		(b) prohibiting the person from engaging in employment outside the duties of that office.	
		the provision does not operate to disqualify the person from holding that office and also the office of a member of a panel or from accepting and retaining any	;
		remuneration payable to the person under this Act as a member.	
Part 3		Provisions relating to procedure of panels	6
9	Gen	eral procedure	
	(1)	The procedure for the calling of meetings of a panel and for the conduct of business at those meetings is, subject to this Act, any code of conduct under this Schedule or other directions of the Minister under section 117, to be as determined by the panel.	10 11
	(2)	Subject to this clause, a panel is not bound by the rules of evidence.	1:
10	Quo	rum	1:
		The quorum for a meeting of a panel is 3 members.	1
11	Pres	siding member	1:
	(1)	The chairperson of a panel or, in the absence of the chairperson, the member appointed by the members of the panel is to preside at a meeting of the panel.	10 1
	(2)	The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or easting vote.	18 19
12	Voting		20
		A decision supported by a majority of the votes cast at a meeting of a panel at which a quorum is present is the decision of the panel.	2:
13	Publ	lic meetings	2
		A panel may (unless the Minister or the council otherwise directs) conduct its meetings in public, and is required to do so for the conduct of any business that is required to be conducted in public by a direction of the Minister or the council.	2: 2: 2: 2:
14	Tran	saction of business outside meetings or by telephone etc	2
	(1)	A panel may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the panel for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the panel.	25 30 31 31
	(2)	A panel may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.	3: 3: 3: 3:
	(3)	For the purposes of:	3
		(a) the approval of a resolution under subclause (1), or	3
		(b) a meeting held in accordance with subclause (2),	35
		the chairperson and each member of the panel have the same voting rights as they have at an ordinary meeting of the panel.	4

Notices of Motion

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(4) A resolution approved under subclause (1) is to be recorded in the minutes of

		the m	etings of the panel.	•	
	(5)	Paper subcl conce	use (1) by electron	ated among the members for the purposes of nic transmission of the information in the papers	:
15	Discl	osure	of pecuniary intere	ests	
	(1)	If:			•
		(a)	a member of a pa considered or about	anel has a pecuniary interest in a matter being to be considered at a meeting of the panel, and	;
		(b)		to raise a conflict with the proper performance of the relation to the consideration of the matter,	10 11
		the m members panel	mber must, as soon er's knowledge, dis	as possible after the relevant facts have come to the sclose the nature of the interest at a meeting of the	1: 1: 1-
	(2)	A me		ry interest in a matter if the pecuniary interest is the	1: 10
		(a)	the member, or		1
		(b)	the member's spous a partner or employ	se or de facto partner or a relative of the member, or yer of the member, or	1; 1;
		(c)		body of which the member, or a nominee, partner or ember, is a member.	20 21
	(3)		ver, a member is no d to in subclause (2	ot taken to have a pecuniary interest in a matter as 2) (b) or (c):	2:
		(a)		unaware of the relevant pecuniary interest of the artner, relative, partner, employer or company or	24 29 20
		(b)		ember is a member of, or is employed by, a council or is employed by the Crown, or	2'
		(c)	company or other b	ember is a member of, or a delegate of a council to, a body that has a pecuniary interest in the matter, so her has no beneficial interest in any shares of the	29 30 33 33
	(4)			or at a meeting of the panel that the member, or a relative, partner or employer of the member:	3: 3-
		(a)	is a member, or is i body, or	in the employment, of a specified company or other	3: 3(
		(b)	is a partner, or is in	the employment, of a specified person, or	3
		(c)	has some other spe other body or to a s	ecified interest relating to a specified company or specified person,	34 35
		that c	mpany or other bod	of the nature of the interest in any matter relating to dy or to that person which may arise after the date of is required to be disclosed under subclause (1).	44 4 4:
	(5)	panel	ınd that record must	ure made under this clause must be recorded by the tbe open at all reasonable hours to inspection by any fee determined by the panel.	4; 4; 4;
	(6)			l has disclosed the nature of an interest in any matter, less the Minister or the panel otherwise determines:	41 41

Notices of Motion

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 [NSW]
Schedule 1 Amendment of Environmental Planning and Assessment Act 1979 No 203

			(a) be present during any deliberation of the panel with respect to the matter, or	1 2
			(b) take part in any decision of the panel with respect to the matter.	3
		(7)	For the purposes of the making of a determination by the panel under subclause (6), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:	4 5 6
			(a) be present during any deliberation of the panel for the purpose of making the determination, or	7 8
			(b) take part in the making by the panel of the determination.	9
		(8)	A contravention of this clause does not invalidate any decision of the panel.	10
	16	Code	e of conduct	11
		(1)	The Minister may approve a code of conduct that is applicable to members of panels.	12 13
		(2)	A code of conduct may relate to any conduct (whether by way of act or omission) in carrying out a member's functions that is likely to bring the panel or its members into disrepute.	14 15 16
		(3)	The Minister may authorise a panel to vary a code of conduct in relation to the members of that panel.	17 18
[13]	Sche	dule 6	6 Savings, transitional and other provisions	19
	Incer	t at the	e end of the Schedule, with appropriate Part and clause numbering:	20
	111.301	t at tite	of the selection, with appropriate 1 and shade immediate.	20
	Par		Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Act 2017	20 21 22 23
		t	Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels	21 22
		t	Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Act 2017	21 22 23
		t	Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Act 2017	21 22 23 24
		t	Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Act 2017 nitions In this Part: amending Act means the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Act	21 22 23 24 25 26 27
		t	Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Act 2017 nitions In this Part: amending Act means the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Act 2017.	21 22 23 24 25 26 27 28
		t	Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Act 2017 nitions In this Part: amending Act means the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Act 2017. existing local panel means: (a) an independent hearing and assessment panel constituted by a relevant council, as at 1 September 2017, under section 23I (as in force before	21 22 23 24 25 26 27 28 29 30 31
		t	Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Act 2017 In this Part: amending Act means the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Act 2017. existing local panel means: (a) an independent hearing and assessment panel constituted by a relevant council, as at 1 September 2017, under section 23I (as in force before the substitution of that section by the amending Act), or (b) any other panel constituted by a relevant council, as at 1 September 2017, under the Local Government Act 1993 to advise on development applications or to determine development applications as a delegate of the council. relevant council means:	21 22 23 24 25 26 27 28 29 30 31 32 33 34
		t	Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Act 2017 nitions In this Part: amending Act means the Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Act 2017. existing local panel means: (a) an independent hearing and assessment panel constituted by a relevant council, as at 1 September 2017, under section 23I (as in force before the substitution of that section by the amending Act), or (b) any other panel constituted by a relevant council, as at 1 September 2017, under the Local Government Act 1993 to advise on development applications or to determine development applications as a delegate of the council.	21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36

Notices of Motion

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 [NSW]
Schedule 1 Amendment of Environmental Planning and Assessment Act 1979 No 203

EXIS	ting local panels to continue as local planning panels	1
(1)	An existing local panel is taken to have been constituted by the relevant council as a local planning panel under section 23J (as substituted by the amending Act).	2 3 4
(2)	The members of the existing local panel (as at 1 September 2017) are taken to have been appointed by the relevant council as members of the local planning panel. Any such member may not be removed from office by the council without the approval of the Minister.	5 6 7 8
(3)	Subclause (2) ceases to have effect on 1 March 2018.	9
Inter	im arrangements for councils that do not have existing local panel	10
(1)	This clause applies in relation to a relevant council that has not constituted an existing local panel as at 1 September 2017.	11 12
(2)	A relevant council is not required to constitute a local planning panel under section 23J (as substituted by the amending Act) until 1 March 2018.	13 14
Regi	onal panel amendments do not affect pending matters	15
	The amendments made by the amending Act in relation to regional panels do not affect any application pending on the commencement of those amendments or any decision made under the Act before that commencement.	16 17 18
Exte	nsion of period for instituting local government election offences	19
	The extension from 12 months to 3 years of the period within which proceedings for offences in connection with the conduct of local government elections may be commenced (as a consequence of the amendment to section 693 of the <i>Local Government Act 1993</i> made by the amending Act) applies to offences committed after the commencement of the amending Act.	20 21 22 23 24
Savi	ngs and transitional regulations	25
(1)	This clause applies to regulations made under Part 1 of this Schedule that contain provisions of a savings or transitional nature consequent on the enactment of the amending Act.	26 27 28
(2)	The provisions of those regulations have effect despite anything to the contrary in this Part.	29 30
(3)	The regulations may make separate savings and transitional provisions or amend this Part to consolidate the savings and transitional provisions.	31 32

Notices of Motion

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 [NSW]
Schedule 2 Amendment of Environmental Planning and Assessment Regulation 2000

		Amendment of Environmental Planning and Assessment Regulation 2000	1 2
Part	6, Divi	sion 16	3
Inser	t after	Division 15 of Part 6:	4
Divi	sion	16 Provisions relating to local planning panels exercising consent authority functions	5 6
124H	Deve	lopment applications where land is in 2 or more local government areas	7
		If a single local planning panel has been established for 2 or more councils, a separate development application for proposed development situated in the areas of more than 1 of those councils must be lodged with each council for an area in which the proposed development is situated.	8 9 10 11
1241	Proc	edural matters related to determination of development applications	12
	(1)	A local planning panel may, for the purpose of determining a development application (or an application to modify a development consent):	13 14
		(a) obtain assessment reports, in addition to any assessment report or other information provided by a relevant council in dealing with the application, and	15 16 17
		(b) obtain other technical advice or assistance as the panel thinks fit.	18
	(2)	If a development consent is granted by a local planning panel subject to a condition referred to in section 80 (3) or 80A (2) of the Act, the panel is taken to be satisfied as to a matter specified in the condition if the council for the area in which the land on which the development is to be carried out notifies the chairperson of the panel in writing that the matter specified in the condition has been satisfied.	19 20 21 22 23 24
124J	Proc cons	edural matters relating to determination of applications to modify ents	25 26
		A local planning panel may carry out consultation for the purposes of section 96 (2) (b) of the Act by directing the general manager of a council for an area in which the development the subject of the consent is to be carried out to consult with the relevant Minister. public authority or approval body on behalf of the panel.	27 28 29 30 31

Notices of Motion

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 [NSW]
Schedule 3 Amendment of State Environmental Planning Policy (State and Regional Development) 2011

Schedule 3 A P		Amendment of State Environmental Planning Policy (State and Regional Development) 2011	
[1]	Clause 4 Def	initions	;
	Omit "Schedu	ele 4A to the Act" from the definition of sensitive coastal location.	
	Insert instead	"Schedule 7".	;
[2]	Clause 20 De	velopment to which Part applies	
	Omit "Schedu	le 4A to the Act". Insert instead "Schedule 7".	
[3]	Clause 22 Sta capital invest	aged development functions for development exceeding minimum tment values	;
	Omit "Schedu	tle 4A to the Act". Insert instead "Schedule 7".	10
[4]	Schedule 7		1:
	Insert at the en	nd of the Policy:	13
	Schedule	Development for which regional panels may be authorised to exercise consent authority functions of councils	1; 1; 1;
	1 Definiti	ions	10
	(1) I	n this Schedule:	1
		apital investment value has the same meaning as in the regulations under the	1: 1:
	_	oastal zone has the same meaning as in the Coastal Management Act 2016.	20
	(Crown development means development carried out by or on behalf of the Crown (within the meaning of Division 4 of Part 4 of the Act).	2: 2:
	a a a	co-tourist facility means a building or place used for tourist and visitor ecommodation, function centres or environmental facilities that is located in natural environment and is primarily used for activities involving education bout, or the interpretation, cultural understanding or appreciation of, the atural environment.	23 24 24 20 21
	n	netropolitan coastal zone means that part of the coastal zone between the orthern boundary of the local government area of Newcastle City and the outhern boundary of the local government area of Shellharbour City.	29 29 30
		ail infrastructure facilities has the same meaning as it has in Division 15 of art 3 of State Environmental Planning Policy (Infrastructure) 2007.	3: 3:
		oad infrastructure facilities has the same meaning as it has in Division 17 of Part 3 of State Environmental Planning Policy (Infrastructure) 2007.	3: 34
		ensitive constal location means any of the following which occur within the oastal zone:	3: 3(
	(a) land within 100m above mean high water mark of the sea, a bay or an estuary,	3°
	(b) a coastal lake,	3
	((e) a declared Ramsar wetland within the meaning of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth	4: 4: 4:

Notices of Motion

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 [NSW]
Schedule 3 Amendment of State Environmental Planning Policy (State and Regional Development) 2011

		(d)	a declared World Heritage property within the meaning of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth,	1
		(e)	land declared as a marine park or an aquatic reserve under the Marine Estate Management Act 2014,	į
		(f)	land within 100m of any of the following:	6
			(i) the water's edge of a coastal lake,	7
			(ii) land to which paragraph (c), (d) or (e) applies,	8
			(iii) land reserved under the National Parks and Wildlife Act 1974,	9
			(iv) land to which State Environmental Planning Policy No 14— Coastal Wetlands applies,	10 11
		(g)	residential land (within the meaning of State Environmental Planning Policy No 26—Littoral Rainforests) that is within a distance of 100m from the outer edge of the heavy black line on the series of maps held in the Department and marked "State Environmental Planning Policy No 26—Littoral Rainforests (Amendment No 2)".	12 13 14 15 16
		subd	livision of land does not include a boundary adjustment, a strata ivision, or a community title subdivision associated with another clopment that has been approved.	17 18 19
	(2)	samo	ds and expressions in this Schedule have (subject to subclause (1)) the comeaning as they have in the standard instrument prescribed by the dard Instrument (Local Environmental Plans) Order 2006.	20 21 22
2	Excl	uded (development	23
			elopment of a class or description otherwise set out in this Schedule is uded from this Schedule if it is:	24 25
		(a)	complying development, or	26
		(b)	development for which development consent is not required, or	27
		(c)	development that is State significant development, or	28
		(d)	development for which a person or body other than a council is the consent authority, or	29 30
		(e)	development within the area of the City of Sydney.	31
3	Gene	eral de	evelopment over \$30 million	32
		Deve	elopment that has a capital investment value of more than \$30 million.	33
4	Cou	ncil re	lated development over \$5 million	34
		Deve	elopment that has a capital investment value of more than \$5 million if:	35
		(a)	a council for the area in which the development is to be carried out is the applicant for development consent, or	36 37
		(b)	the council is the owner of any land on which the development is to be carried out, or	38 39
		(c)	the development is to be carried out by the council, or	40
		(d)	the council is a party to any agreement or arrangement relating to the	41
			development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).	42 43 44

Notices of Motion

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 [NSW]
Schedule 3 Amendment of State Environmental Planning Policy (State and Regional Development) 2011

5	Crown development over \$5 million		
	Crown development that has a capital investment value of more than \$5 million.	2 3	
6	Private infrastructure and community facilities over \$5 million	4	
	Development that has a capital investment value of more than \$5 million for any of the following purposes:	5 6	
	 (a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities, 	7 8 9 10	
	(b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.	11 12 13	
7	Eco-tourist facilities over \$5 million	14	
	Development for the purpose of eco-tourist facilities that has a capital investment value of more than \$5 million.	15 16	
8	Particular designated development	17	
	Development for the purposes of:	18	
	(a) extractive industries, which meet the requirements for designated development under clause 19 of Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2000</i> , or	19 20 21	
	(b) marinas or other related land and water shoreline facilities, which meet the requirements for designated development under clause 23 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000, or	22 23 24 25	
	(e) waste management facilities or works, which meet the requirements for designated development under clause 32 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000.	26 27 28	
9	Coastal subdivision	29	
	Development within the coastal zone for the purposes of subdivision of the following kind:	30 31	
	 subdivision of land for any purpose into more than 100 lots, if more than 100 of the lots will not be connected to an approved sewage treatment work or system, 	32 33 34	
	(b) subdivision of land for residential purposes into more than 100 lots, if the land:	35 36	
	(i) is not in the metropolitan coastal zone, or	37	
	(ii) is wholly or partly in a sensitive coastal location,	38	
	(c) subdivision of land for rural-residential purposes into more than 25 lots, if the land:	39 40	
	(i) is not in the metropolitan coastal zone, or	41	
	(ii) is wholly or partly in a sensitive coastal location.	42	
10	Development subject to delays in determination	43	
	Development that has a capital investment value of more than \$10 million but less than \$30 million:	44 45	

Notices of Motion

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 [NSW]
Schedule 3 Amendment of State Environmental Planning Policy (State and Regional Development) 2011

		(a) for which a development application to the relevant council has been lodged but not determined within 120 days after the application was lodged, and	1 2 3
		(b) that is the subject of a written request to that council by the applicant for the application to be dealt with by a regional panel,	4
		unless the chairperson of the regional panel concerned determines that the delay in determining the development application was caused by the applicant.	€ 7
11	Dev	elopment in council areas where development assessment unsatisfactory	8
	(1)	Development within the area of a particular council for particular purposes designated by the Minister by order published on the NSW legislation website.	9 10
	(2)	Such an order cannot be made unless the Minister is satisfied that the performance of the council concerned in dealing with development matters has not met applicable performance criteria.	11 12 13

Notices of Motion

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 [NSW]
Schedule 4 Amendment of Parliamentary Electorates and Elections Act 1912 No 41

ichedule 4		Amendment of Parliamentary Electorates and Elections Act 1912 No 41	;
Sect	ion 21	CA	;
Inser	t after	section 21C:	
21CA	21CA Enforcement functions of Electoral Commission with respect to local government elections		:
	(1)	The Electoral Commission may institute proceedings for offences under the Local Government Act 1993 in connection with the conduct of local government elections. This subsection operates to extend and not limit the persons who may institute proceedings for those offences.	10
	(2)	A member of staff of the Electoral Commission is an authorised person for the purposes of section 679 (Penalty notices for certain offences) of the <i>Local Government Act 1993</i> in connection with offences referred to in subsection (1).	1: 1: 1:
	(3)	For the purpose of ensuring compliance with the provisions of the Local Government Act 1993 relating to local government elections, the Electoral Commission may exercise any investigative or other functions the Electoral Commission has under the Election Funding, Expenditure and Disclosures Act 1981 for the purpose of ensuring compliance with that Act.	1: 10 1: 1: 1:
	(4)	Accordingly, a reference in sections 110, 110A and 110B of the <i>Election Funding, Expenditure and Disclosures Act 1981</i> to "this Act" is, in connection with the conduct of local government elections, taken to be a reference to the <i>Local Government Act 1993</i> and the regulations under that Act.	20 21 21 23
	(5)	This section extends to local government elections held before the commencement of this section.	2 ⁴
	(6)	In this section: local government election means an election under the Local Government Act 1993 for the office of councillor or mayor under that Act (other than an election of mayor by councillors)	20 20 20

Notices of Motion

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 [NSW]
Schedule 5 Amendment of Local Government Act 1993 No 30

Schedule 5	Amendment of Local Government Act 1993 No 30	1
Section 693	Time for bringing proceedings concerning electoral offences	2
Omit "12 mo	nths". Insert instead "3 years".	3

Notices of Motion

AT - 2 Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017 - Overview



Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017

What are we doing?

Changing the planning law (Environmental Planning and Assessment Act 1979) so that all Greater Sydney and Wollongong councils set up a panel to decide local development applications.

Why are we setting up local planning panels?

Councils decide if new homes and buildings should be built in their area. However, some decisions have not been made fairly or in line with the council's rules because of inappropriate relationships between councils and developers.

The Independent Commission Against Corruption (ICAC) has investigated at least 20 planning decisions which potentially did not meet the rules. Fifteen investigations were into Greater Sydney councils. Wollongong Council has also been investigated.

The risk of corruption can be reduced when planning decisions are made by panels of experts who are independent of the council. The aim is that the panel will make better decisions, that meet council's rules and without being influenced.

Fifteen councils already have a local planning panel, currently called Independent Hearing and Assessment Panels or IHAPs. These councils include Wollongong Council, which set up its panel in response to corruption findings.

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017



Notices of Motion



Who will have a panel?

All councils in Greater Sydney will have to set up a panel. This is where the greatest development pressure is. Wollongong City Council will also have to retain a panel. Appendix A shows the councils which will have to have panels.

Other councils can set up a panel if they choose. Councils can also share a panel if this is better or cheaper for them.

What will panels look like?

Local planning panels will have four people. The Department of Planning will set up a pool of experts, for example architects, lawyers or engineers. These experts will be approved by the Minister for Planning, to ensure panel members are qualified and do not have conflicts of interest.

The council will choose two experts to sit on the panel. Another expert will be chosen by the Minister to be the chair of the group and lead the meetings. This person will have also worked in law or government. A fourth person will be a community representative, chosen by the council to speak on behalf of the people who live in the area of the proposed new development.

Councillors and mayors will not be allowed to be on the panels in their local government area, as this conflicts with the aim of having independent experts make the technical decisions about individual applications.



Local planning panels - how members are appointed



Members will be on the panel for three years, and can sit on the same panel for a maximum of six years. Members can sit on more than one panel.

All panels will have the same rules for meetings, a code of conduct for members and making decisions.

What will council and the panels do?

Council will focus on setting the rules for new development in their area.

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017

Notices of Motion



Most applications (around 95%) for new buildings, such as houses, will still be decided by council planners. Local planning panels will decide the most risky or sensitive applications. These are set out in the following table.

	What will local planning panels decide?	
Value	Development applications with a value of between more than \$5 million but less than \$30 million.	
Conflict of interest	Development applications for which the applicant or owner is the council, a councillor, a member of a councillor's family, a member of council staff, or a state or federal member of Parliament.	
Contentiousness Development applications that receive 10 or more objections from different households.		
Strategic importance	Development applications accompanied by a proposed voluntary planning agreement.	
Departure from development standards	Development applications seeking to depart by more than 10% from a development standard.	
High-risk development types	Development applications associated with a higher risk of corruption: residential flat buildings assessed under SEPP 65 demolition of heritage items licensed places of public entertainment and sex industry premises designated development, as set out in the Environmental Planning and Assessment Regulation 2000.	
Modifications	Modification applications that meet the above criteria.	

Applications that are of very high value, over \$30 million, will be decided by regional planning panels. This increases the current \$20 million limit so that more decisions are made by the local planning panel or council staff.

Some case studies of how these changes will affect development applications are set out at Appendix B.

Councils will also have to seek the panel's advice on 'planning proposals', such as whether to change what can be built on certain land, for example changing factories to houses.

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017

Notices of Motion



The following image shows the strategic role of councils and who would decide a development application, either council staff, the local panel or a regional panel.

How local developments will be determined



Strategic Direction

The council

- · Sets the vision and future direction of the area.
- Sets the rules about local development through the local environmental plan and development control plans.
 - · Monitors local panel performance.

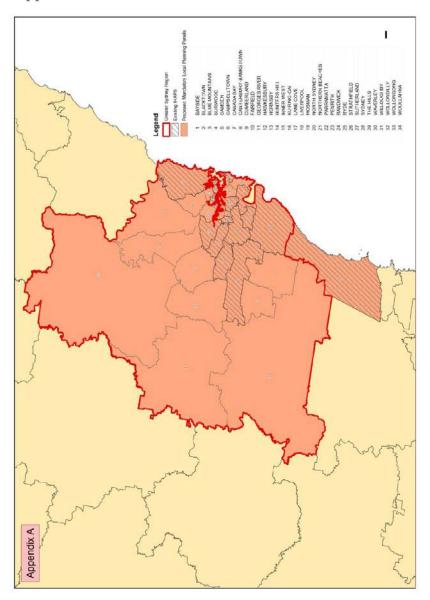


Lodgement Assessment Determination Questions asked to decide how your DA is determined Lodge DA with council 1. Is the value of your DA more than \$5 million? Are you a councillor, a member of a councillor's family, a member of council staff, or a state or federal member of Parliament? 3. Did your DA receive 10 or more 4. Are you and the council entering İİİİ a voluntary planning agreement? An additional 5. Is your DA outside the question is asked development standard by more than 10%? 7. Is the value of your DA more than 6. Is your DA considered a high \$30 million? risk development?

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017



Appendix A



Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017



Appendix B

Case study 1: New fence

- John is proposing to install a new front fence for his house.
- The proposed fence meets the council's local development controls, which are set out in its Development Control Plan.
- The construction value of the fence is \$30,000.
- One person, the adjoining neighbour, has objected.
- Under the proposal this matter would be determined by council staff under delegation as it does not meet any of the proposed thresholds for referral to a local planning panel.

Case study 2: Residential Flat Building

- Erik is proposing to build a residential flat building of 5 stories, which has 20 units.
- The construction value of the development is \$6.5 million.
- The proposal breaches the council's Local Environmental Plan controls by more than 10% in relation to its proposed floor space area.
- 13 objections have been received.
- Under this proposal the matter would be determined by the local planning panel as a number of the thresholds for referral to the panel have been triggered (value, contentiousness, varying a development standard by more than 10%).

Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017

Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meetings and Responses - (79351)

REPORT:

Questions - 8 August 2017

#	Councillor	Question	Response
1	Tree	Enquired as to whether the meeting with the RMS regarding the Grose River crossing has happened or when it will be happening.	The General Manager advised that Council formally considered this matter at its meeting on 25 June 2017. Subsequent to that meeting, Council staff contacted all parties and advised them of the outcome. State Government representatives are currently arranging a further meeting to progress the matter. In the meantime a regular series of meetings have been scheduled with the developer to progress this and other matters associated with the development of the site. Regular updates will also be scheduled for Councillors regarding this and other matters associated with the development of the site.
2	Tree	Enquired as to whether training is available for the Mayor in regard to the execution of her civic duties.	The General Manager advised that Local Government NSW provides a range of training programs for Councillors across a range of areas and in a range of forums, for example: Candidate Briefings Mayors' weekend seminar Media Skills Councillor weekend Executive Certificate for Elected Member Social media for Councillors Further details can be found at http://www.lgnsw.org.au/member-services/councillor-support

Questions for Next Meeting

#	Councillor	Question	Response
3	Wheeler	Requested if Council staff could investigate the damage done to the Sackville Aboriginal Reserve by trail bikes.	The Director Infrastructure Services advised that the damage has been investigated and will be discussed with the owners of the site regarding fencing and gates.
4	Reynolds	Requested an update on his enquiry on 28 March 2017 relating to the installation of bus shelters at Pecks Road, North Richmond.	The Director Infrastructure Services advised previously that shelters are generally not provided for school students use as such usage is usually temporary. The issue was scheduled to be discussed at the Local Traffic Committee meeting of 14 August 2017.
5	Garrow	Requested that Council clarify its position on waste disposal in particular those services that are outsourced to contractors.	The Acting Director City Planning advised that Council has engaged the following contractors to collect residential waste: • Cleanaway - Household kerbside collection • JJ Richards - Garden organics - Recycling waste All of these services are available to households that currently have a general waste service, with the exception of green waste which is not available to the majority of rural areas. Existing contracts have performance criteria, including the provision of audit reports. All contracts are due to expire in July and August 2019, and expressions of interest will be called for six months prior to the expiry of these contracts. The contracts cover a period of seven to ten years. Preparation of future contract provisions has not commenced.

Questions for Next Meeting

#	Councillor	Question	Response
6	Ross	Enquired as to when Council would receive a response to outstanding Notices of Motion.	The General Manager advised that Council staff are currently reviewing existing data bases to identify a single process that will actively track all Council resolutions over time in relation to matters such as: • actioning decisions – such as making a submission, developing a policy or preparing a further report • following up issues – such as monitoring a "Question for the next meeting" that could not be fully answered at the time it was originally asked • identifying an initiative for consideration when the next budget is being prepared • adopting a Plan or Strategy and programming it for implementation over time. Once the single process has been developed, regular reports will be provided to Councillors identifying the status of all outstanding matters. An important point to note here is that staff have to deal with new or emerging issues – such as Notices of Motion, requests for reports, further investigations etc. in the context of the annual work programs that is adopted by Council as part of the annual budget cycle. As such, staff are always looking for opportunities to incorporate new or emerging work into the existing works program, so as to maximise efficiency in the use of available resources. Notwithstanding the above, a detailed update is being prepared for your information.
7	Rasmussen	Enquired as to whether Council can renew the reflectors on the power poles in Yarramundi Lane.	The Director Infrastructure Services advised the instructions had been

Questions for Next Meeting

#	Councillor	Question	Response
8	Lyons-Buckett	Requested if addresses that receive more than one rates notice can receive a single set of documentation.	The Director Support Services advised that owners of multiple properties do receive a single set of documentation for those properties owned by them within the Council's area, provided the owner and postal details are identical across the relevant properties in Council's records.

000O END OF REPORT O000

CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

Item: 155 GM - Quotation for Consultancy Services - Review of Council's Fit For The

Future Proposal - (79351) CONFIDENTIAL

Previous Item: Item 211 - Ordinary, 11 October 2016

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 quotations for consultancy services 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.

CONFIDENTIAL REPORTS

Item: 156 GM - Tender for the Provision of Internal Audit Services to Blue Mountains
City Council and Hawkesbury City Council - (79351, 128732) 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 tenders for the supply of goods and/or services to Council and it is considered that the release of information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

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

CONFIDENTIAL REPORTS

Item: 157 GM - Hawkesbury City Council - Organisation Restructure - (79351)
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)(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.

CONFIDENTIAL REPORTS



ordinary meeting

end of business paper

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.