



# Ordinary Meeting

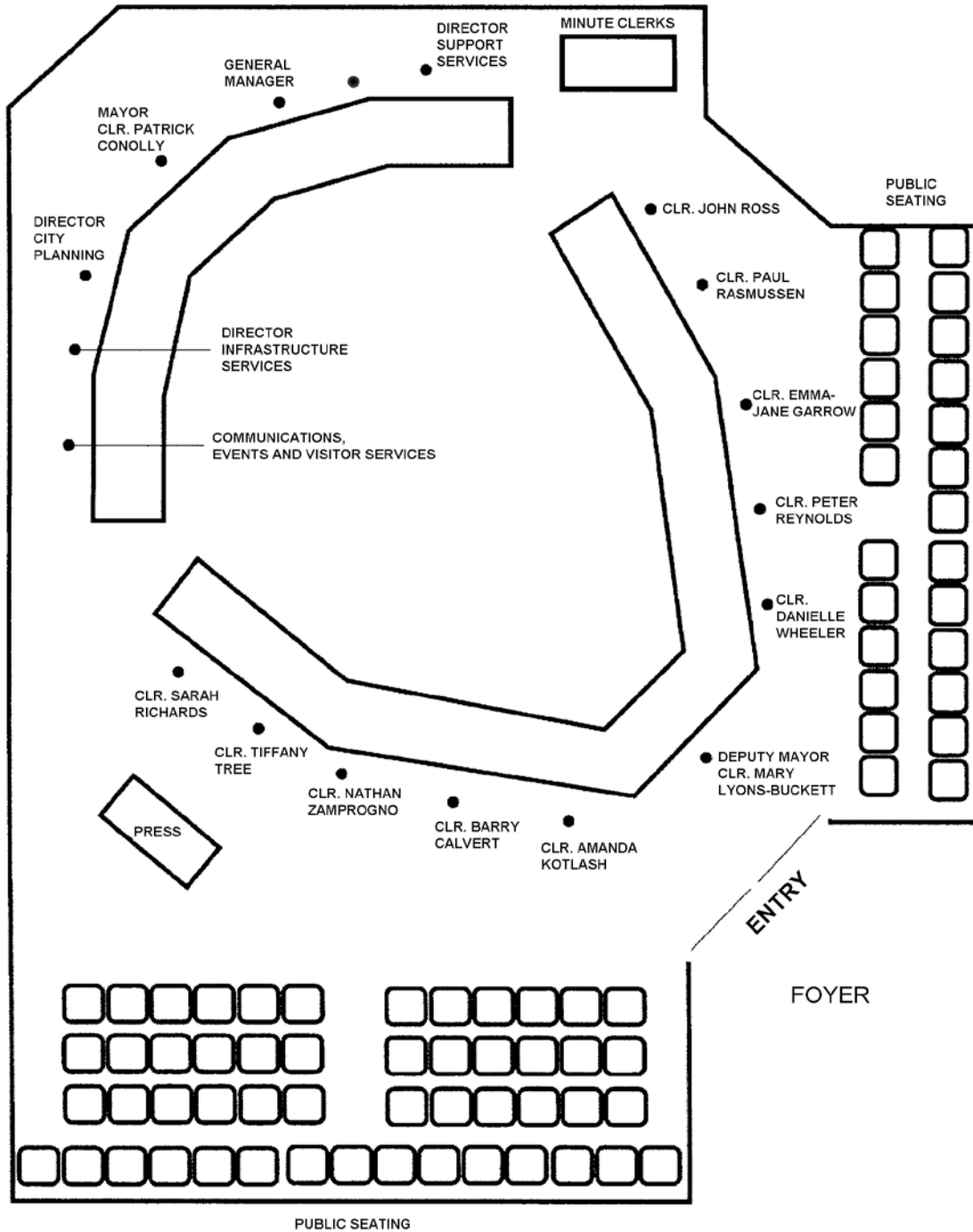
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Date of meeting: 09 November 2021  
Location: By audio-visual link  
Time: 6:30 p.m.

**BUSINESS PAPER**

# Mission Statement

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





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**ORDINARY MEETING**  
**Procedural Matters**  
**Meeting Date: 09 November 2021**

**PROCEDURAL MATTERS**

**Welcome**

The Mayor, Councillor Patrick Conolly will acknowledge the Indigenous Heritage.

The General Manager will address the Council meeting, mentioning:

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

**Attendance**

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

**Apologies and Leave of Absence**

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

**Declaration of Interest**

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

**Acknowledgement of Official Visitors to the Council**

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

**ORDINARY MEETING**

**Procedural Matters**

**Meeting Date:** 09 November 2021



Ordinary

Section 1

Confirmation of minutes

**ORDINARY MEETING**

**SECTION 1 - Confirmation of Minutes**

**Meeting Date:** 09 November 2021

**SECTION 1 - Confirmation of Minutes**



# Ordinary Meeting

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Date of meeting: 26 October 2021  
Location: By audio-visual link  
Time: 6:30 p.m.

MINUTES



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## **ORDINARY MEETING**

**Minutes:** 26 October 2021

Minutes of the Ordinary Meeting held by Audio-Visual Link, on 26 October 2021, commencing at 6:31pm.

### **Welcome**

The Mayor, Councillor Patrick Conolly acknowledged the Indigenous Heritage.

The General Manager addressed the Council meeting, mentioning:

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

### **ATTENDANCE**

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

**ALSO PRESENT:** General Manager - Elizabeth Richardson, Director City Planning - Linda Perrine, Acting Director Infrastructure Services - Emma Galea, Director Support Services - Laurie Mifsud, Acting Chief Financial Officer - Vanessa Browning, Manager Strategic Planning - Andrew Kearns, Manager Corporate Communication - Suzanne Stuart, Manager Community Planning and Partnerships - Meagan Ang, Manager Design and Mapping Services - Christopher Amit, Manager Corporate Services and Governance - Charles McElroy and Administrative Support Officer - Jodie Tillinghast.

### **APOLOGIES AND LEAVE OF ABSENCE**

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

### **DECLARATIONS OF INTEREST**

Councillor Garrow declared an interest on Item 215.

### **Acknowledgement of Official Visitors to the Council**

There were no official visitors to the Council.

## ORDINARY MEETING

Minutes: 26 October 2021

### SECTION 1 - Confirmation of Minutes

#### 270 RESOLUTION:

RESOLVED on the motion of Councillor Rasmussen and seconded by Councillor Zamprogno that the Minutes of the Ordinary Meeting held on the 12 October 2021, be confirmed.

#### Statement by the Mayor, Councillor Patrick Conolly

The Mayor, Councillor Conolly addressed Council to make the following statement:

It was brought to my attention after the last meeting that during consideration of the Rural Boundary Clearing Code, I interrupted Councillor Wheeler during her time speaking to clarify a point in the debate. The debate on the matter had become quite heated and there were a number of interruptions from Councillors. Clearly I should have done better to keep the meeting in order, and I should have waited till after Councillor Wheeler was finished speaking to clarify any point in the discussion. I apologise to Councillor Wheeler for interrupting her.



**ORDINARY MEETING**

**Minutes: 26 October 2021**

**SECTION 2 – Mayoral Minutes**

**Item: 202                      MM - Community Request for Skate Park or BMX Track in Bligh Park - (125610)**

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RESOLVED on the motion of the Mayor, Councillor Conolly.

***Refer to RESOLUTION***

**271 RESOLUTION:**

RESOLVED on the motion of the Mayor, Councillor Conolly.

That Council:

1. Acknowledge the request from the Bligh Park Community for the provision of a skate park or BMX track in Bligh Park.
2. Be provided with a report that includes:
  - An assessment of the suitability of potential sites in Bligh Park including Colonial Reserve
  - An estimate of the cost
  - Potential funding sources, including grants and inclusion in a future Delivery Program
  - Actions Council could take to make this a 'shovel ready' project that could be eligible to be grant funded.

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

**Against the Motion:** Nil.

**Absent:** Nil.

## ORDINARY MEETING

Minutes: 26 October 2021

### SUPPLEMENTARY REPORT

**Item: 215**

**MM2 - Warragamba Dam Raising Project - (125610)**

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

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Ms Jocelyn Howden addressed Council. speaking against the recommendation in the business paper.

A MOTION was moved by the Mayor, Councillor Conolly.

That Council prepare a submission in response to the Warragamba Dam Raising Project EIS, to highlight the importance of the project to the Hawkesbury-Nepean Valley.

The submission should consider matters such as:

- The estimated number of buildings and quantum of damage to buildings within the Hawkesbury River floodplain within the Hawkesbury local government area at risk of potential flooding in various design flood events, including 1 in 5, 1 in 20, 1 in 50, 1 in 100, 1 in 200, 1 in 500 and Probable Maximum Flood, and the reduction of the number of buildings and damage to buildings that the Warragamba Dam Raising project could potentially achieve
- The significant limitations and disadvantages of the alternative options for flood mitigation, as examined in the Hawkesbury-Nepean Valley Flood Risk Management Strategy - Resilient Valley, Resilient Communities, and in the Environmental Impact Statement
- The role of the range of targeted actions across the nine outcomes contained within the Hawkesbury-Nepean Valley Flood Risk Management Strategy - Resilient Valley, Resilient Communities
- The fact that the Hawkesbury-Nepean Valley is considered to have the highest flood risk in Australia
- The legislative changes that would be required for the Warragamba Dam to be used for permanent water storage in the future, given concerns that the raised Dam could lead to the use of the increased height for water storage purposes as opposed to the stated intention of flood mitigation
- That it is currently not feasible for many of our residents to access flood insurance
- The very small proportion of the Blue Mountains World Heritage Area that would be affected by temporary inundation in the event of a major flood event, and that the project includes significant offsets to ensure there are no material impacts on biodiversity, and has also assessed the potential impacts on Aboriginal Cultural Heritage
- Council's Flood Policy 2020, which recognises the need for a collaborative approach to floodplain management across the Hawkesbury-Nepean Valley and demonstrates our commitment to providing up to date and relevant, best practice controls based on consideration of flood hazard and risks
- The lack of proper provision for infrastructure in times of flooding
- The lack of electricity supply and emergency services west of the river during floods
- Council's concerns about development along evacuation routes including in neighbouring local government areas.
- Council requiring the Regional Land Use Study, Cumulative Overland Flood Study, and post-flood release information.

## ORDINARY MEETING

Minutes: 26 October 2021

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

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

**Absent:** Councillor Garrow.

The Motion was lost.

## ORDINARY MEETING

Minutes: 26 October 2021

### SECTION 3 – Reports for Determination

#### PLANNING DECISIONS

**Item: 203**                      **CP - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 457 Bells Line of Road, 79 and 95 Bells Lane, Kurmond - (95498, 124414)**

**Directorate:**                City Planning

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Ms Janice Hopkins addressed Council speaking for the recommendation in the business paper.

Mr Michael Want addressed Council speaking against the recommendation in the business paper.

#### **MOTION:**

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

***Refer to RESOLUTION***

#### **272 RESOLUTION:**

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

That Council:

1. Receive and note the outcome of consultation on the Planning Proposal and supporting documentation for 457 Bells Line of Road, 79 and 95 Bells Lane, Kurmond.
2. Proceed with the making of the plan to amend the Hawkesbury Local Environmental Plan 2012 in order to permit the subdivision of 457 Bells Line of Road, 79 and 95 Bells Lane, Kurmond into a total of nine lots with minimum lot size of not less than 4,000m<sup>2</sup>, 9,100m<sup>2</sup> or 1 hectare.
3. Submit the adopted Lot Size Map and Restricted Lot Yield map and supporting planning documentation to the Department of Planning, Industry and Environment for preparation and finalisation of a draft Instrument to give effect to the Planning Proposal.
4. Adopt and make the proposed amendment to the Hawkesbury Local Environmental Plan 2012 as outlined in this report, under the authorisation for Council to exercise delegation issued by the "Gateway" determination, upon receipt of the final Instrument from the Department of Planning, Industry and Environment.
5. Following the making of the plan advise the Department of Planning, Industry and Environment that the Plan has been made and request notification of the Plan on the NSW Legislation website.
6. Publicly exhibit the Draft Voluntary Planning Agreements attached as Attachments 3, 4 and 5 to this report for a minimum of 28 days and report back to Council following public exhibition.

## ORDINARY MEETING

Minutes: 26 October 2021

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

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

**Against the Motion:** Councillors Rasmussen and Ross.

**Absent:** Nil.

## ORDINARY MEETING

Minutes: 26 October 2021

### GENERAL MANAGER

**Item: 204**                      **GM - Ordinary Council Meetings 2022 - (79351)**

**Directorate:**                General Manager

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#### **MOTION:**

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

***Refer to RESOLUTION***

#### **273 RESOLUTION:**

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

That:

1. Council set dates for the holding of ordinary meetings of Council for the months of January, February and March 2022, as contained in Attachment 1 to this report.
2. The set ordinary meetings for the months of January, February and March 2022 commence at 6.30pm and take place in the Council Chambers, or by audio-visual link to the extent permitted by law.
3. A further report be submitted to Council in January 2022 regarding a review of Council's Code of Meeting Practice.

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

**Against the Motion:**        Nil.

**Absent:**                        Nil.

## ORDINARY MEETING

Minutes: 26 October 2021

### SUPPORT SERVICES

**Item: 205**                      **SS - Investment Report - September 2021 - (95496, 96332)**

**Previous Item:**            097, Ordinary (25 May 2021)

**Directorate:**               Support Services

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#### **MOTION:**

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

*Refer to RESOLUTION*

#### **274 RESOLUTION:**

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

That the Monthly Investment Report for September 2021 be received and noted.

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

**Against the Motion:**      Councillor Ross.

**Absent:**                      Nil.

## ORDINARY MEETING

Minutes: 26 October 2021

**Item: 206**                      **SS - Payment of Expenses and Provision of Facilities to Councillors Policy - (95496)**

**Previous Item:**            113, Ordinary (15 June 2021)  
                                 133, Ordinary (13 July 2021)  
                                 143, Ordinary (27 July 2021)

**Directorate:**                Support Services

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### **MOTION:**

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

***Refer to RESOLUTION***

### **275 RESOLUTION:**

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

That Council adopt the Payment of Expenses and Provision of Facilities to Councillors Policy, attached as Attachment 1 to the report.

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

**Against the Motion:**        Nil.

**Absent:**                        Nil.



## ORDINARY MEETING

Minutes: 26 October 2021

### SECTION 4 – Reports of Committees

**Item: 207**                      **ROC - Local Traffic Committee - 11 October 2021 - (80245, 95495)**

**Directorate:**                Infrastructure Services

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**MOTION:**

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

***Refer to RESOLUTION***

**276 RESOLUTION:**

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

That Council receive and note the Minutes of the Local Traffic Committee Meeting held on 11 October 2021.

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

**Against the Motion:**        Nil.

**Absent:**                            Nil.

## ORDINARY MEETING

Minutes: 26 October 2021

### SECTION 5 – Notices of Motion

**Item: 208**                      **NM1 - Domestic Violence Funding - (79351, 138882)**

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Ms Maria Losurdo addressed Council speaking for the recommendation in the business paper.

**MOTION:**

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

*Refer to RESOLUTION*

**277 RESOLUTION:**

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

That Council:

1. Notes the recent funding announcement from the NSW State Government to provide \$485.3 million to expand services for women and children fleeing domestic violence.
2. Notes that the Hawkesbury has few service options for victim survivors of domestic violence lacks basic after-hours and emergency supports, and lacks emergency housing for people fleeing domestic violence and that the lack of an integrated public transport system hinders access to out of area services.
3. Consistent with Council's Domestic Violence Action plan, works with the State Member for Hawkesbury, the Honourable Robyn Preston, and local agencies, including but not limited to, The Women's Cottage, LinkWentworth Community Housing, and Merana Aboriginal Community Association, to secure funding to provide much needed services in the Hawkesbury including emergency housing.

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

**Against the Motion:**              Nil.

**Absent:**                                  Nil.

## ORDINARY MEETING

Minutes: 26 October 2021

### Item: 209                      NM2 - March 2021 Flood - (138885, 79351)

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

That:

1. The elected body and community be provided with a comprehensive report detailing the impact of this year's flooding upon all Council's assets across the entire City landscape.
2. Asset types to be segregated into recognised descriptive groupings, with supportive addenda disclosing specific locations /precincts affected.
3. The assessed financial impairment in each instance, inclusive of costs associated with removal/disposal, engineering/building consultants/services, security, traffic control, and alike incurred up to the point where an affected asset is able to be reinstated to its original or re-designed useful service availability for the community, (with requisite funding provided).
4. A preliminary assessment of the financial impact upon Council's resources of the total costs associated with reinstatement/replacement of fill affected assets, based solely upon funding being drawn from Council's own "untied" internal reserves.
5. A statement as to whether internal or external sources have been relied upon in determining those financial impact assessments, together with anticipated future validity up to 31 December 2022, of the three current known major transport link infrastructure works, (Greens Road; Colo River Bridge).

It was requested by Councillor Wheeler that this motion be dealt with in seriatim.

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

That:

1. The elected body and community be provided with a comprehensive report detailing the impact of this year's flooding upon all Council's assets across the entire City landscape.

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

**Against the Motion:**              Councillors Calvert, Kotlash, Rasmussen, Richards, Tree and Zamprognio.

**Absent:**                                  Nil.

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

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

That:

2. Asset types to be segregated into recognised descriptive groupings, with supportive addenda disclosing specific locations /precincts affected.

## ORDINARY MEETING

Minutes: 26 October 2021

**For the Motion:** Councillor Ross

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

**Absent:** Nil.

The Motion was lost.

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

That:

3. The assessed financial impairment in each instance, inclusive of costs associated with removal/disposal, engineering/building consultants/services, security, traffic control, and alike incurred up to the point where an affected asset is able to be reinstated to its original or re-designed useful service availability for the community, (with requisite funding provided).

**For the Motion:** Councillor Ross

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

**Absent:** Nil.

The Motion was lost.

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

That:

4. A preliminary assessment of the financial impact upon Council's resources of the total costs associated with reinstatement/replacement of fill affected assets, based solely upon funding being drawn from Council's own "untied" internal reserves.

**For the Motion:** Councillor Ross

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

**Absent:** Nil.

The Motion was lost.

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

That:

5. A statement as to whether internal or external sources have been relied upon in determining those financial impact assessments, together with anticipated future validity up to 31 December 2022, of the three current known major transport link infrastructure works, (Greens Road; Colo River Bridge).

## ORDINARY MEETING

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**For the Motion:** Councillor Ross

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

**Absent:** Nil.

The Motion was lost.

## ORDINARY MEETING

Minutes: 26 October 2021

### Item: 210                      NM3 - Road Assets - (138885, 79351)

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A MOTION was moved by Councillor Ross.

That:

1. Staff release the document(s) which supported Council's 30.June.2020 revaluation of its road assets by \$326,475,000 gross, and increased future amortization costs by approx. \$6,000,000 p/a, as per its audited General Purpose Financial Statements – F.20, (note #IO[a]).
2. Staff release report(s) obtained subsequently, dealing with proposed amortization of road assets using alternate criteria, as indicated in the March 2021 QBRS statement at Council's Meeting of 17 May 2020.
3. That staff detail road works projects undertaken during the Year Ending 30 June 2021, in both the "renewal" and additions" categories, disclosing type, work location, contractor, specifications re: base replacement, if any, compaction, depth and relevant characteristics of seal attributes and the cost/square metre within treated zone(s), other relevant factors affecting project costs, excluding traffic control.

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

**ORDINARY MEETING**

**Minutes:** 26 October 2021

**Item: 211                      NM4 - Revised 2021/2022 Operational Plan - (138885)**

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

That at the next meeting of Council, the Responsible Accounting Officer table a revised Operational Plan for the current financial year ending 30 June 2022.

**For the Motion:**                      Councillors Reynolds and Ross.

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

**Absent:**                                  Nil.

The Motion was lost.

## ORDINARY MEETING

Minutes: 26 October 2021

### QUESTIONS FOR NEXT MEETING

**Item: 212**                      **Response to Councillor Question Taken on Notice at Council Meeting of the 28 September 2021 - (79351)**

**Previous Item:**            200, Ordinary (12 October 2021)

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There was no comment on the response to the Question Taken on Notice at the Council Meeting on 28 September 2021.

**Item: 213**                      **Response to Councillor Question Taken on Notice at the Council Meeting - 12 October 2021 - (79351)**

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There was no comment on the response to the Question Taken on Notice at the Council Meeting on 12 October 2021.

**Item: 214**                      **Questions with Notice - 26 October 2021**

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Further questions and answers and comments to Councillor Questions with Notice listed in the Business Paper, were provided.

The meeting terminated at 9:45pm.

Submitted to and confirmed at the Ordinary meeting held on 9 November 2021.

.....  
Mayor



Ordinary

Section **2**

Mayoral minutes

**ORDINARY MEETING**  
**SECTION 2 – Mayoral Minute**  
**Meeting Date:** 09 November 2021

**SECTION 2 – Mayoral Minutes**

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

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

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

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

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

Ordinary

Section

3

Reports  
for determination

**ORDINARY MEETING**

**SECTION 3 – Reports for Determination**

**Meeting Date:** 09 November 2021

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 November 2021**

**SECTION 3 - Reports for Determination**

**CITY PLANNING**

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

**Previous Item:**            173, Ordinary (14 September 2021)

**Directorate:**              City Planning

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**PURPOSE OF THE REPORT:**

The purpose of this report is to advise Council of the outcome of the public exhibition of the Draft Development Assessment Policy.

**EXECUTIVE SUMMARY:**

Council at its Ordinary Meeting on 14 September 2021 resolved to place on exhibition a draft Development Assessment Policy.

The purpose of the Development Assessment Policy is to deliver an improved development assessment process for Council's customers. This Policy will do this by:

- Providing customer-focused services and communicating about the development assessment process to potential applicants
- Providing greater transparency about the process of lodging and assessing DAs and Pre-DA advice applications
- Supporting continuous improvement and enhance the effectiveness and efficiency of the development assessment process, and
- Establishing clear directions and timeframes for additional information requests.

The Draft Development Assessment Policy was publicly exhibited from Thursday, 30 September 2021 to Friday, 29 October 2021 and received one submission. This submission is detailed in the report. Proposed amendments to the draft policy are displayed via track changes.

**RECOMMENDATION:**

That Council:

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

## ORDINARY MEETING

### SECTION 3 – Reports for Determination

Meeting Date: 09 November 2021

#### BACKGROUND

The NSW Government's 'Development Assessment Best Practice Guide' (2017) promotes best practice principles that assist in the timely determination of development applications.

The purpose of the Development Assessment Policy is to deliver an improved development assessment process for Council's customers. The Policy will communicate Council's expectations, provide transparency in the development assessment process and establish a framework for the efficient assessment of Development Applications under the Environmental Planning and Assessment Act 1979.

#### Relevant Legislation

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000

#### DISCUSSION

This Policy will identify how Council will manage the assessment of applications and assist in the delivery of a consistent, equitable and efficient development assessment service.

This Policy will apply to all stages of the development application process including:

- Pre-lodgement
- Lodgement
- Application assessment
- Post determination options.

#### COMMUNITY ENGAGEMENT

The Draft Development Assessment Policy was publicly exhibited from Thursday, 30 September 2021 to Friday, 29 October 2021.

Details of the public exhibition were advertised on Council's website and promoted through Council's Facebook page and 'Your Hawkesbury-Your Say' online engagement site.

A stakeholder session was held on 14 October 2021 and 18 people participated. This session comprised planning consultants and other consultants that undertake a lot of work for our community.

One formal submission was received during the public exhibition of the Draft Development Assessment Policy and comments were made during the stakeholder session. The details of feedback received and Council's responses are as follows:

Submission	Council's Response
Hawkesbury isn't alone in struggling with Development Applications assessment workloads. We are experiencing delays in lodgement of Development Applications through the portal with a number of Councils.	The three following comments and insight provided are appreciated.  Please be advised that no changes are required to the Draft Policy.
Certainty is more important to the development industry than any other time – within reason the industry expects quality assessment will take time from more complex applications. The work on the Local Environment Plan and Development Control Plan and policies such as this is invaluable. When the rules are known then more resources can be employed from day one to lodge a polished submission in lieu of an ambit claim.	

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Submission	Council's Response
Getting the balance right with respect to efficiently dealing with Development Applications, standardising procedures, and achieving the best development outcome is hard. So thank you for putting your mind to this.	
Draft Development Application conditions presented to applicants greatly assist in reducing \$4.55 modifications making more efficient use of scarce Council (and private sector) resources.	Please be advised that this practice will be used on a more regular basis. This change in practice will be reflected in day to day operations and as such no changes to the Draft Policy are required.
Upfront triage during the 14 days could focus on whether information is provided or not.	This support of the proposed process change as per the draft policy is valuable. Therefore the policy does not require an amendment.
The Requests for Information could then focus on whether the information submitted, and the proposal itself, is acceptable to Council. A 21 day Requests for Information period makes sense for less complex Development Applications – it isn't feasible for the bigger Development Applications.	The Policy has been amended to allow more time for Requests for Information for more complicated development applications.
Whole of Council consolidated Requests for Information are welcome and more efficient for Applicants however they need to ensure they aren't a collation of comments without an assessment as to whether they're consistent (ie. they don't include conflicting requests).	Council Officers are looking to provide consolidated requests for information and will look to ensure they are clear and not contradictory. This is reflected in the Draft Policy and no further amendment is required.
There is a potential to impose conditions as a default position in lieu of seeking amended plans and documents.	The tool of imposing conditions is used currently and can be considered more regularly. As such no changes are required to the Draft Policy.
Assumed concurrence is a tool we would like to see more councils take advantage to minimise delays presented by external agencies.	Assumed concurrence is a tool that has not been readily used at Hawkesbury Council. It will be used more regularly especially if Council and the applicant have been waiting a long time for concurrence from State Agencies. As such no changes are required to the Draft Policy.
The policy needs to reference the planning regulations.	The Policy has been amended to include the Environmental Planning and Assessment Regulation 2000.

**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

- 1.2 Communication and engagement - Encourage an informed community and enable meaningful engagement.
  - 1.2.1 Provide open and clear lines of communication with the community that use the most current forms of digital technology.
  - 1.2.2 Council's communication will be enhanced to ensure community awareness and understanding of the role Council plays in everyday life in the Hawkesbury.

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Our Future

5.1 Strategic Planning Governance - Encourage informed planning, balanced growth and community engagement

5.1.1 Council's planning is integrated and long term.

5.1.2 Council's decision making on all matters is transparent, accessible and accountable.

5.1.3 Council will continually review its service provision to ensure best possible outcomes for the community.

5.1.4 Encourage increased community participation in planning and policy development.

**FINANCIAL IMPACT**

There are no financial implications of this proposed Development Assessment Policy.

**FIT FOR THE FUTURE STRATEGY CONSIDERATIONS**

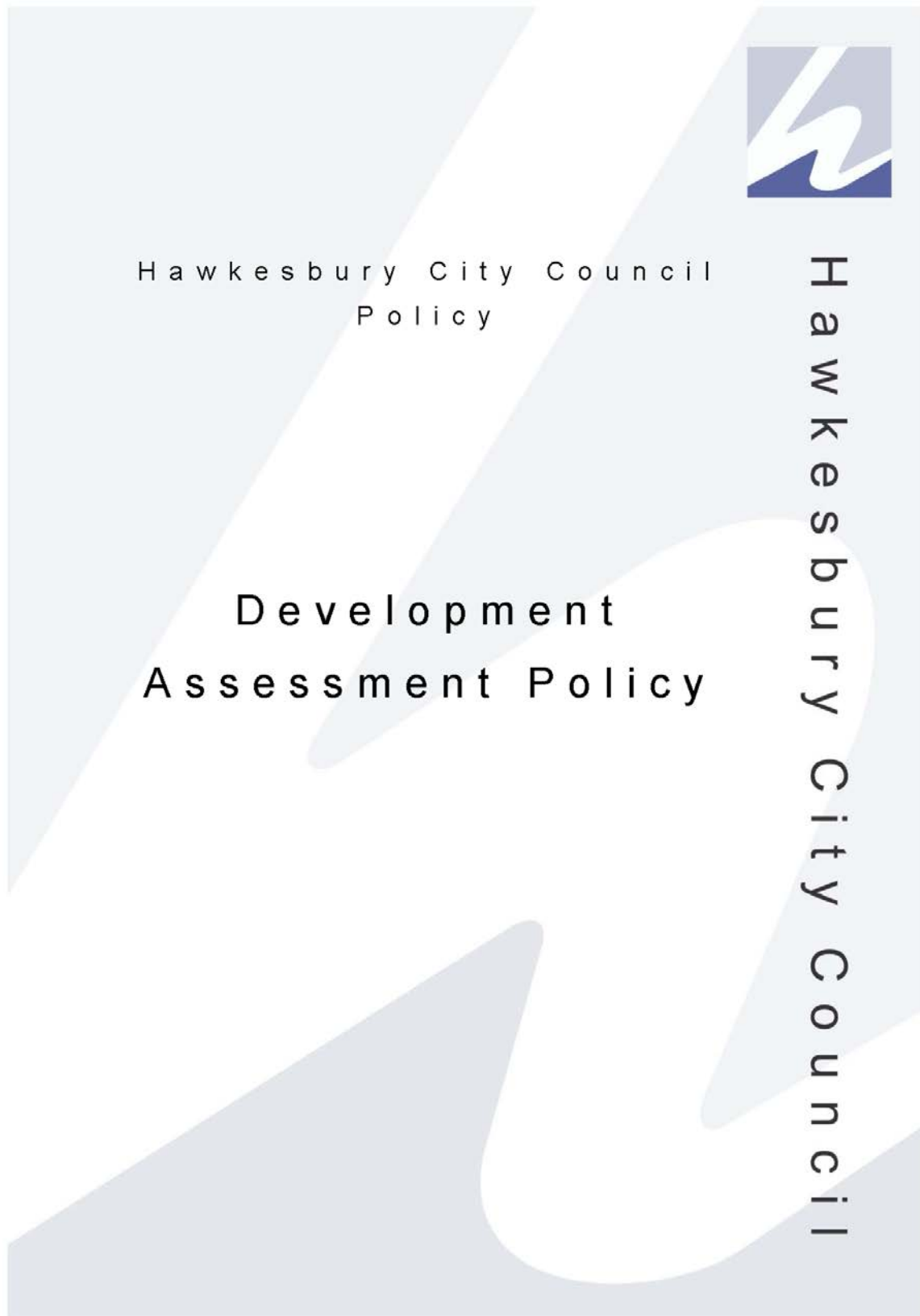
The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future benchmarks.

**ATTACHMENTS:**

**AT - 1** Development Assessment Policy.



AT - 1 Development Assessment Policy



**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date:** 09 November 2021

<b>Division:</b>	City Planning	<b>Policy Number:</b>	Enter No
<b>Branch:</b>	Development Services	<b>Adopted Date:</b>	Enter Date
<b>Responsible Officer:</b>	Manager Development Services	<b>Next Review Date:</b>	Enter Date
<b>Director:</b>	City Planning	<b>Version:</b>	1

**ORDINARY MEETING**  
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**HAWKESBURY CITY COUNCIL POLICY**  
**DRAFT Development Assessment Policy**

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**HAWKESBURY CITY COUNCIL POLICY**  
**DRAFT Development Assessment Policy**

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**1. TITLE**

Development Assessment Policy

**2. PURPOSE**

The purpose of this Policy is to deliver an improved Development Assessment process for Council's customers. This policy will do this by:

- Providing customer-focused services and communicating about the development assessment process to potential applicants
- Providing greater transparency about the process of lodging and assessing Development Application and Pre-Development Application advice applications
- Supporting continuous improvement and enhance the effectiveness and efficiency of the development assessment process, and
- Establishing clear directions and timeframes for additional information requests.

Council will assess applications based on their merit and having regard to the provisions of the Environmental Planning and Assessment Act 1979, Local Environmental Plans and Development Control Plans as well as other relevant environmental planning instruments, codes and policies.

The objectives of this policy are to:

- a) Support continuous improvement of the delivery of the development assessment services.
- b) Achieve and enhance the effectiveness and efficiency in the assessment and decision making processes.
- c) Ensure applicants are aware of the requirement to provide quality and complete assessment ready applications, and that any additional information required or requested will have an associated deadline. All of which will assist in meeting reduced assessment times.
- d) Allow applicants to resolve issues prior to determination within a specified timeframe.

**3. SCOPE**

This policy will apply to all stages of the Development Application process including:

- Pre-lodgement
- Lodgement
- Application assessment
- Post determination options

The policy will take effect once formally adopted by Council.

**Out of scope**

This policy does not relate to Building Information Certificates, Construction Certificates, Occupation Certificates, Sub division certificates, applications lodged under the Local Government Act 1993.

**4. BACKGROUND**

A Development Application (DA) is a formal application for development that requires assessment under the NSW Environmental Planning and Assessment Act 1979 ("the Act").

Applications to modify a development consent and applications to review the determination of a development application are subject to the same requirements as DAs as described in this Policy.

Prior to lodging a DA, Council encourages applicants to seek formal Pre-DA advice for some types of development. The aim of the Pre-DA is to discuss development concepts with Council's assessment planners to obtain guidance on the key considerations related to the development prior to lodging a DA.

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The principal purpose of this Policy is to identify Council's expectations and provide transparency in the development assessment process.

**5. POLICY DETAILS**

The following steps outline the broad process for a development application.

**STEP 1 - Pre-Lodgement**

Delivery of a customer-focussed Development Application service within reasonable timeframes is only possible when applicants furnish appropriate and assessment-ready applications at the time of lodgement.

To aid in this Council provides checklists online via Council's website, for customers to consider and complete prior to lodgement. The fact sheets and checklists will provide details for applicants on what information Council requires to accept an application. Development Application and related applications will not be accepted for lodgement if they are inadequate in information, inconsistent, incomplete, or the required fee is not paid in full.

Development Control Plans and other applicable policies will also be freely available on Council's website. Local Environmental Plans are available on the NSW Legislation website (links are available on Council's website).

**Pre-DA Meeting**

Council provides site-specific advice for applicants who seek formal, paid advice prior to the lodgement of a Development Application through a Pre- Development Application meeting. Written feedback will be provided subsequent to these meetings.

All applicants are encouraged to utilise this service.

This enables applicants to discuss development concepts with Council's senior assessment planners to obtain guidance regarding the key considerations related to the development.

The application form outlines the information required prior to the meeting in order to enable Council staff to provide the most effective advice.

Council will contact the applicant with a meeting appointment.

Once plans have been received, the application may also be referred to other specialists within Council, such as engineers. Written advice will be issued by a Planning officer subsequent to the meeting.

An additional Pre- Development Application meeting maybe required when applicants prepare early concept plans for Council to consider. In this case we also advise that a comprehensive Pre-DA meeting is required prior to submitting the final DA so that any amendments can be made based on the advice from Council planners.

The benefits of a Pre- Development Application meeting include a dedicated Planning officer through the process, the opportunity to refine applications prior to lodgement, and subsequent more rapid assessment of lodged Development Application that have already received substantial input.

**STEP 2 - Lodgement**

Applications are required to be lodged via the NSW Planning Portal.

Planning officers will review applications and associated documentation submitted via the Planning Portal to ensure completeness prior to accepting applications for lodgement. An application is not deemed lodged until it is accepted by Council and the full application fees are paid.

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During the review, applications that are unclear, illegible or fail to provide required information will be returned pursuant to the relevant legislation.

However, there are circumstances where an application may be close to being ready for acceptance but the officer has identified that there is some information or clarification required. The applicant will be made aware of this and Council officers will work with them to make sure the application is assessment ready before being accepted.

**STEP 3 – Application Assessment**

Allocation: The application is allocated to a Planning Officer.

Community Consultation:

Where required, notification of the application will occur inviting comment / submissions. While Council encourages respondents to make submissions during the notification period Planning Officers will consider any submissions that are made until determination.

Internal and External Referrals:

Applications will be referred to Council's specialists for comment where appropriate who will provide advice to the Planning Officer. Referrals will be made to external agencies in some circumstances. The Planning officer will collate all referral responses prior to the determination of an application or requesting additional information where required.

Requests for Additional Information or Amendments

If an application does not have sufficient information the Planning officer will request the information and allow for 21 days for the information to be submitted. Applicants will be advised that if the information cannot be provided in complete form within 21 days the application should be withdrawn. If the information is not provided within 21 days the application will be determined based on the original information.

Applicants are able to discuss their options to address the issues raised with the Planning Officer at this point by telephone or in a meeting if necessary.

[For more complicated applications extensions of 7 to 14 days may be considered following a formal request outlining the reasons for the extension. This request will be considered by the assessing officer in consultation with the Manager Development Services.](#)

~~Further Extensions to the 21 days' timeframe~~ will only be granted in rare and exceptional circumstances. Requests for an extension of time will be formally considered by the Development Panel and / or Director.

If any proposed amendments to the application result in increased environmental impacts the application may be re-notified to the surrounding properties. Where required, additional fees will be charged for amending an application and for the re-notification of the application.

**STEP 4 – Post Determination Options**

**4A Review of Determination**

After the determination of a Development Application, applicants have the opportunity to seek a review of determination under Section 8.2 of the Act. If an application is refused, the applicant may request a review of determination. Any Review of Determination application will be determined by another Planning officer not subordinate to the officer who determined the original application.

A review of determination must be completed within the statutory time-frames of the determination of the original application under Section 8.3(2) of the Act. Applicants should ensure that they submit their review application within two months of the determination in order to allow Council to conduct the review in most circumstances.

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**4B Modification of consent**

After the determination of a Development Application applicants that have obtained approval have the opportunity to submit an application for modification of consent under Section 4.55 of the Act. If an applicant wishes to vary the conditions imposed on a development consent, Planning Officers will be available to discuss the conditions and wherever possible the same Planning Officer will consider the application for modification of consent.

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**4C Other Options**

Should an application be determined as a refusal, applicants are able to lodge a new application with the benefit of the detailed assessment within the Planning Officer's report of the original application in order to address the issues. Applicants are also able to lodge an appeal to the Land and Environment Court, noting however that in most circumstances this is a longer and more expensive process.

**6. ROLES AND RESPONSIBILITY**

Authorised Officer	Roles & Responsibilities
Planning Officers	Undertake assessment of all development applications in relation to this policy
Co-ordinator Town Planning	Co-ordinate the consistent implementation of the policy
Manager Development Services	Ensure that the staff have the systems and processes in place to meet the policy purpose.
Director City Planning	Retain overall oversight of the policy and its implementation.



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**7. RELATED DOCUMENTS**

**Legislation**

- Development Assessment Protocols
- Hawkesbury City Council's Local Environment Plan 2012
- Hawkesbury City Council's Development Control Plan
- [Environmental Planning and Assessment Act 1979](#)
- [Environmental Planning and Assessment Regulation 2000](#)
- Other relevant environmental planning instruments, codes and policies.

**Procedures**

- Development Assessment Protocol

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**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
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**Item: 217**                      **CP - Local Heritage Assistance Fund 2021/2022 - Minor Maintenance/Conservation Works to Heritage Listed Properties within the Hawkesbury Local Government Area - (95498, 124414)**

**Directorate:**                City Planning

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**PURPOSE OF THE REPORT:**

The purpose of this report is to consider and determine applications for funding under the Hawkesbury Local Heritage Assistance Fund 2021/2022.

**EXECUTIVE SUMMARY:**

The Local Heritage Assistance Fund is funded each year by Council and Heritage NSW, with the majority of the program being funded by Council. The 2021/2022 program was open to minor maintenance/conservation works to all heritage listed properties within the Hawkesbury local government area.

Council invited owners/managers of heritage listed properties to apply for funding to undertake minor maintenance/conservation works to Heritage listed properties within the Hawkesbury local government area.

Council received a total of 27 applications, which is the highest number of applications received since the program commenced. The increasing level of interest from heritage property owners is highly encouraging, and also reflects the increased emphasis placed on promotion of the program that has been recommended and encouraged by the Heritage Committee.

The applications have been assessed for compliance with the grant application criteria by a panel consisting of Council's Heritage Advisor and Council staff. Of the 27 applications received, two of the applications did not meet the funding criteria in that they had not supplied required quotes or descriptions of the works that were proposed to be undertaken. They have been unable to provide these details and demonstrate that the works can be completed within the required time limitations set by Heritage NSW.

Council Officers will liaise with these two applicants to inform them of why their applications have been unsuccessful, and to assist them in being better prepared to submit a complying application in the next round of Local Heritage Assistance Grant Funding program in 2022.

This report recommends that Council approve financial assistance for a total of 25 successful applicants, as detailed in this report.

**RECOMMENDATION:**

That Council approve grant funding under Section 356 of the Local Government Act 1993 for each of the 25 successful applicants that have met the grant funding criteria in Table 1 in the report, under the terms of the Local Heritage Assistance Fund 2021/2022.

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## **BACKGROUND**

The Hawkesbury Community Strategic Plan 2017-2036 recognises the importance of conservation and promotion of the Hawkesbury's heritage and history for current and future generations.

The Hawkesbury Heritage Strategy 2021-2024 provides an effective framework for Council to achieve its commitment to conservation and management of unique and diverse heritage assets and character within the Hawkesbury.

In order to promote awareness and a positive attitude of the community to heritage and encourage and assist the conservation and restoration of the Hawkesbury's significant heritage, each year, Council assisted by Heritage NSW runs a Local Heritage Assistance Fund.

The Local Heritage Assistance Fund program has previously had a different theme each year, but this year's program focussed on minor maintenance/conservation works to heritage listed properties within the Hawkesbury local government area in accordance with the Heritage Strategy 2021-2024.

All owners and managers of locally listed properties within the Hawkesbury local government area were advised in writing of the Local Heritage Assistance Fund 2021/2022, and encouraged to apply for funding. Application forms and guidelines on how to apply for funding assistance were made available on Council's website during the funding application period. Facebook posts were released, and a public notice on the Local Heritage Assistance Fund 2021/2022 was placed in The Courier.

As with previous years funding programs, the funding available for any one applicant/property has been set at \$2,000.

Funding is offered on a dollar for dollar basis (\$1 of private funding for each \$1 of grant funding) to enable funded works to be undertaken.

Any expenditure in excess of the amount granted under the program will need to be met by applicants. It should be noted that the funding allocation amounts were aimed at encouraging minor works that do not require formal approval from Council. This is due to time constraints imposed by Heritage NSW for Council to complete the grant funding program, and also to enable as many properties as possible to be beneficiaries of the funding.

## **Applications for Funding**

In total, 27 applications were received for funding under the Local Heritage Assistance Fund 2021/2022. Table 1 below summarises the applications received, and the grant funding sought.

**Table 1: Summary of Applications Under the Local Heritage Assistance Fund 2021/2022**

<b>Heritage Listed Residential Property</b>	<b>Proposal</b>	<b>Total project cost (\$)</b>	<b>Financial Assistance Sought</b>	<b>Applicant's Contribution</b>
888 Sackville Road, Sackville	Repaint all windows and front and side door and all exterior wood work	\$10,000.00	\$2,000.00	\$8,000.00
162 George Street, Windsor	Renovations if DA approved which has not yet been submitted - no details of works proposed	\$150,000.00	\$2,000.00	\$148,000.00
*Does not meet grant funding criteria*				

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<b>Heritage Listed Residential Property</b>	<b>Proposal</b>	<b>Total project cost (\$)</b>	<b>Financial Assistance Sought</b>	<b>Applicant's Contribution</b>
2/16 Charles Street, North Richmond	Paint picket fence and façade of house, repair broken decking and paint, paint front verandah slab	\$900.00	\$450.00	\$450.00
94 The Terrace, Windsor	Paint front verandah exterior including wrought iron lacework windows and shutters, front door and timber beams	\$2,940.00	\$1,470.00	\$1,470.00
102 March Street, Richmond	Replace roofing iron on front verandah	\$7,150.00	\$2,000.00	\$5,150.00
104 Bathurst Street, Pitt Town	Painting and repairing of underside of both front and back verandahs	\$4,620.00	\$2,000.00	\$2,620.00
25 North Street, Windsor	Internal repairs to plaster damage caused by March 2021 floods where 3m of water came into the dwelling	\$2,018.00	\$1,009.00	\$1,009.00
26 Market Street, Richmond	Murray Wing Roof repairs and gutter modifications to prevent water leaks	\$4,350.00	\$2,000.00	\$2,350.00
9 Chapel Street, Richmond	Repair and the provision of gutters and downpipes and repair flashings on chimney	\$4,000.00	\$2,000.00	\$2,000.00
742 Tizzana Road, Sackville	Repair leadlight windows	\$1,280.00	\$640.00	\$640.00
22 March Street, Richmond	Replace leaking roof sympathetic to heritage construction	\$11,000.00	\$2,000.00	\$9,000.00
21 Fairfield Avenue, Windsor	Repairs to slate roof and ridge capping and repair replace guttering and down pipes	\$5,680.00	\$2,000.00	\$3,680.00
130 Francis Street, Richmond	Recapping of Chimneys	\$600.00	\$300.00	\$300.00

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<b>Heritage Listed Residential Property</b>	<b>Proposal</b>	<b>Total project cost (\$)</b>	<b>Financial Assistance Sought</b>	<b>Applicant's Contribution</b>
1005 Grose Vale Road, Kurrajong	Prepare surfaces and paint windows and doors and external walls of the Church	\$12,375.00	\$2,000.00	\$10,375.00
578 Tizzana Road, Ebenezer	Repair damaged window shutters and repaint	\$4,000.00	\$2,000.00	\$2,000.00
283 George Street, Windsor	Paint exterior of heritage building	\$12,100.00	\$2,000.00	\$10,100.00
38 Eldon Street, Pitt Town	Restoration of 14 verandah posts by reinstating missing timber capitals	\$858.00	\$429.00	\$429.00
291 George Street, Windsor	Replace rotten barge and gable ends to roof and repair damaged timber windows and paint these repaired areas	\$6,200.00	\$2,000.00	\$4,200.00
1-5 Moses Street, Windsor	Repair of Rectory timber fence and Church sandstone fence	\$3,575.00	\$1,787.50.00	\$1,787.50
201, 203, 205 Windsor Street, Richmond	Clean and repaint bullnose verandah over three shop fronts	\$2,130.00	\$1,065.00	\$1,065.00
5 Putty Road, Wilberforce	Replace front verandah floor boards which have rotten due to weather exposure	\$13,970.00	\$2,000.00	\$11,970.00
439 Cattai Road, Cattai	Install damp course to sandstone walls that are being damaged by rising damp	\$78,278.60	\$2,000.00	\$76,278.60
7 Francis Street, Richmond	Repairs to and installation of timber cladding to the rear of the dwelling house and installation of new door and window mouldings (frames) to rear door and window of the dwelling house to match existing profiles.	\$5,000.00	\$2,000.00	\$3,000.00

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<b>Heritage Listed Residential Property</b>	<b>Proposal</b>	<b>Total project cost (\$)</b>	<b>Financial Assistance Sought</b>	<b>Applicant's Contribution</b>
61 Francis Street, Richmond	Repair and restore front verandah area. Verandah eave to be patched and repainted to match existing. Surrounding handrail and posts need stripping back where necessary, primed and repainted	\$3,212.00	\$1,606.00	\$1,606.00
4 Little Church Street, Windsor	Repair and restore the verandah	\$6,000.00	\$2,000.00	\$4,000.00
122 Lennox Street, Richmond	Repainting of external walls	\$3,600.00	\$1,800.00	\$1,800.00
1202 Settlers Road, St Albans *Does not meet grant funding criteria*	Repairs to verandah - no other details given. Wants heritage advice prior to getting quotes	Unknown		
<b>TOTAL</b>		<b>\$355,836.60</b>	<b>\$42,556.50</b>	<b>\$313,280.10</b>

**Assessment of Applications for Funding**

Applications were assessed by a panel comprised of Council's Heritage Advisor and relevant Council Officers. The following criteria were used in the evaluation:

- The eligibility of the subject site and the proposal
- The applicant's ability to demonstrate technical and financial responsibility in relation to the project and demonstrated ability to complete the project within six months from the date of funding confirmation
- The degree to which the applicant is financially contributing to the project given the limitations of the funding available
- Projects of demonstrated heritage value to the community
- Projects which are highly visible to the public
- The urgency of repairs required to preserve the heritage item from further deterioration
- Whether the applicants had received Local Heritage Assistance Funding in the previous three years.

Following assessment of the applications received, the applications for 162 George Street, Windsor and 1202 Settlers Road, St Albans were considered to be non-compliant with the grant funding criteria and are therefore not recommended for approval.

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### **Implementation**

Subject to endorsement by Council, all applicants will be advised in writing of the determination of their application. Successful applicants will be required to enter into an Agreement with Council which includes provisions for acceptance of the offer of funding, permission to commence work, time limits, details for claims for payment, and any special conditions relating to the project.

On completion of the work an inspection will be carried out by Council Officers and Council's Heritage Advisor to ensure that the work has been carried out in accordance with the Agreement. Upon satisfactory completion of the works and approval of Council's Heritage Advisor and Council Officers, the approved grant amount will be forwarded to the applicant.

### **Relevant Legislation**

Local Government Act 1993.

### **DISCUSSION**

The special character of the Hawkesbury derives from its unique historical background and the expression of this background in its interrelationship of buildings and places of heritage significance, their settings and landscapes. These irreplaceable and precious heritage items not only provide a window to the past, but also add character, appeal and interest to the Hawkesbury area. Therefore, Council is continuing with its leadership role in protecting and conserving Hawkesbury's heritage, promoting and encouraging the community's participation and interest in heritage conservation, and protection of significant heritage items within the Hawkesbury Local Government Area.

In order to continue with Council's leadership role in promoting, protecting and conserving the Hawkesbury's heritage, Council promotes and implements certain programs in relation to heritage conservation. The Local Heritage Assistance Fund Program is one of these programs designed to support and encourage the community in conservation and protection of Hawkesbury's unique heritage.

Continuing with the Local Heritage Assistance Fund program in future years is a key to promoting and supporting the Hawkesbury's heritage and making the Community aware of the importance of heritage conservation.

### **COMMUNITY ENGAGEMENT**

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

### **CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036**

The Local Heritage Assistance Fund 2021/2022 is consistent with the following Focus Area, Direction and Strategy within the Community Strategic Plan 2017-2036.

#### Our Community

#### **2.5 Cultural development and heritage**

- 2.5.3 Recognise, conserve and promote the areas of history and heritage for current and future generations.

#### **Conformance to Heritage Strategy**

Funding for minor maintenance/conservation works to heritage listed properties within the Hawkesbury local government area is consistent with Recommendation 5 Introduce a local heritage fund to provide small grants to encourage local heritage projects of the Hawkesbury Heritage Strategy 2021-2024.

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**FINANCIAL IMPACT**

The program is jointly funded between Council and Heritage NSW, with \$37,482.50 from Council, and \$5,500 from Heritage NSW. A minor increase in the original budgeted amount of Council's contribution has been required in order to fund the eligible applications, but which has been accommodated within the overall heritage budget.

As detailed in Table 1 above, the funding provided as part of this project is a catalyst for significant works to heritage items within the Hawkesbury local government area.

**FIT FOR THE FUTURE STRATEGY CONSIDERATIONS**

The proposal is aligned with Council's long-term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal will enable Council to continue to provide and maintain service levels to meet established community expectations as budgeted for in the Long-Term Financial Plan.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**



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**INFRASTRUCTURE SERVICES**

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

**Previous Item:**            250, Ordinary (8 December 2020)

**Directorate:**              Infrastructure Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to seek Council adoption of the exhibited Draft Pesticide Notification Plan, and to provide information regarding the use of pesticides by Council and its agencies.

**EXECUTIVE SUMMARY:**

The Pesticide Regulation requires all NSW public authorities, including Councils that use pesticides in outdoor public places, to prepare a Notification Plan in relation to their pesticide use and to give notice according to their plan.

The Draft Hawkesbury City Council Pesticide Notification Plan was reported to Council on 8 December 2020, to be placed on public exhibition. The Draft Plan was placed on public exhibition between 18 February and 19 March 2021. There were no submissions received during the exhibition period.

At its meeting on 8 December 2020, Council also resolved to receive information regarding the use of pesticides by Council and its agencies, including quantities and associated costs. The information requested has been compiled and is provided in this report for Council's information.

**RECOMMENDATION:**

That:

1. Council adopt the Pesticide Notification Plan, attached as Attachment 1 to this report.
  2. A notice be placed in the NSW Gazette and Council notices in accordance with the Pesticide Regulation 2017 and a copy of the Plan, be forwarded to the Department of Environment and Conservation for their notification.
  3. Council receive and note the information regarding the use of pesticides by Council and its agencies, including quantities and associated costs for the 2020/2021 financial year.
- 

**BACKGROUND**

The Draft Hawkesbury City Council Pesticide Notification Plan was reported to Council on the 8 December 2020. At that meeting Council resolved as follows:

*"That:*

1. *The Draft Pesticide Notification Plan, attached as Attachment 1 to the report be publically exhibited, seeking feedback from the community, for 28 days.*
2. *The matter be reported back to Council following the public exhibition period.*

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3. *A full list of all pesticides used by Council and its agencies, including the Hawkesbury River County Council and Hawkesbury Sports Council, including quantities used and cost for the period 2019/2020, be provided to Council."*

In accordance with Parts 1 and 2 of Council's resolution, the Draft Plan was placed on public exhibition between 18 February to 19 March 2021, and the outcome of the public exhibition is being reported back to Council.

There were no submissions received were received during the exhibition period.

In accordance with Part 3 of the resolution a full list of all pesticides used by Council and its agencies, including the Hawkesbury River County Council and Hawkesbury Sports Council has been compiled. The quantities used and associated costs are based on the 2020/2021 financial year, being the latest information available. Considerable resources and effort have been invested to address Part 3 of the resolution. The details provided in this report are based on the information available at this stage.

## **DISCUSSION**

### ***Exhibited Draft Pesticide Notification Plan***

The exhibited Draft Pesticide Notification Plan was based on a review of the 2016 Plan, by staff and Hawkesbury Sports Council.

The review indicated that the Plan was operating effectively and that there had been no complaints received regarding pesticide use. Based on the review no changes were made to the Plan.

In accordance with Council's Resolution the Draft Pesticide Notification Plan submitted to Council at its Meeting on 8 December 2020 was placed on public exhibition. No responses were received during the exhibition process, and therefore it is recommended that the Draft Pesticide Notification Plan, as exhibited, be adopted.

### ***Pesticides used by Council and its agencies***

#### **Pesticides used by Council**

The main chemicals stocked used by Council in undertaking its parks maintenance activities, and usage and associated costs for the 2020/2021 financial are summarised in Table1.

**Table 1 – Pesticide Usage and cost for the 2020/2021 financial year**

<b>Pesticide</b>	<b>Usage</b>	<b>Cost</b>
Glyphosate	791litres	\$6,559.00
Bow and Arrow (Broad Leaf herbicide)	80 litres	\$1,848.00
<b>TOTAL</b>		<b>\$8,407.00</b>

In regard to the use of glyphosate, it is to be noted that the specific product used by Council is safe to use around waterways, thereby minimising adverse environmental impacts. Council has also been trialling various other products with a view to reducing the use of this chemical. To date, it has been challenging to find a cost effective replacement product. Discussions with other councils indicate that the same challenge is being faced across the industry. As the market continue to evolve in regard to the availability and cost of alternate products to glyphosate, staff will continue to trial different products. In addition, maintenance processes are also being reviewed with a view to reducing the usage of any pesticides.

In addition to the above, minor amount of other pesticides are used during maintenance activities. Due to the ad hoc nature and minor nature of the usage, these items are not stocked in Council's stores. As records in regard to usage of these chemicals are manual and in various forms, establishing accurate usage and costs was challenging. In this regard, processes are being reviewed to ensure accurate and

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complete information is captured in a form that can easily be reported. Our chemical risk register allow for the following chemicals:

- Aqua sol Soluble Fertiliser
- Eco-oil
- Meta Slug and Snail Pellets
- Pest Oil Insect Control Spray
- Terraform Plant Establisher
- Triforine Rose Fungicide
- Yates Confidor Garden Insecticide
- Yates Rose Shield Black Spot & Insect Pest Killer.

**Hawkesbury River County Council (HRCC)**

HRCC have advised that they have actively sought to reduce herbicide usage over the past 10 years. The total cost of herbicides used in the Hawkesbury City Council area during 2020/2021 was \$1,664. In 2010/2011 it was \$3,974 (CPI adjusted).

HRCC keeps a minimum amount of herbicide in storage to meet operational needs. The storage facility is purpose built and meets NSW Environmental Protection Authority standards. All herbicides have been approved for their specific use by the national approval authority – Australian Pesticides and Veterinary Medicines Authority (APVMA).

Strict protocols are in place to use herbicide, and the process is internally audited. HRCC maintains its own Pesticide Use Notification Plan to guide how we use and communicate their use to residents.

Herbicide is only used when other weed control options are not feasible – such as biocontrol, mechanical removal or hand removal.

Herbicides are applied in a way to minimise the amount used and maximise their accuracy to the target species. This includes use of dropper bottle, gel, or low volume spray (backpack sprayer).

HRCC processes and work practices have led to a large reduction in herbicide use.

Table 2 lists the herbicides in stock at the HRCC storage facility as at the end of the 2020/2021 financial year. HRCC also maintains a detailed herbicide manifest to keep track of the chemical in storage. Operational day sheets are used to record herbicide use and include location, chemical, amount and weather conditions however these are manual and not centralised. As such establishing accurate usage and costs was not possible

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**Table 2: HRCC Herbicide Stocktake 2020/2021**

3/7/21			
		Stock take will be done as at 30 June each year	
<b>Qty</b>	<b>Litres/kg/g</b>	<b>Product</b>	<b>Unit price + GST</b>
5.4	l	Access (5 L)	\$130+
20	l	Affray 300 (20 L)	\$300+
4.75	g	All Clear DS (5 L)	\$155.3+
7.6	l	Amicide 700 (5 L)	\$95+
5	l	Bromicide 200 (20 L)	Registered with Chem Clear
10	l	Bronco Ma-X (20 L)	\$396+
20	l	Cyndan Algae- died 'B' (20 L)	Registered with Chem Clear
20	l	Earthcare Liquid wetter aid (20 L)	\$182.40+
40	l	Fairway (10 L)	\$196.27+
9	l	Fightback (10 L)	\$245+
4.64	l	Garlon 600 (5L)	\$160.3+
20	l	Generex Propnate	Registered with Chem Clear
650	g	GP Flurpropanate (750grams)	\$36.36+
5.6	l	Grazon Extra (20 L)	\$740+
20.1	l	Enviro Dye Blue (20 L)	\$480+
17	l	Kamba M (20 L)	\$350+
23.8	l	LI-700 (20 L)	Old
18.8	l	Longlife Pink foam (20 L)	Old
500	g	Associate Metsulfuron methyl	\$60+
825	g	Oz Crop Metsulfuron 600 WG (500grams)	\$45.41+
0.5	g	Pirimor	Registered with Chem Clear
20	L	Proponate	Registered with Chem Clear
18.8	l	Reglone (20 L)	\$401.2+
15	kg	Ronstar (15kg)	\$200+
8.5	l	Roundup Biactive (20 L)	\$151.2+
4	l	Starane Advanced (5 L)	\$370.3+
28.45	l	Spreadwet 1000 (20 L)	\$141.2+
453	g	Stinger (500 grams)	\$125+
20	l	Stomp 330E	Registered with Chem Clear
720	ml	Vigilant II gel (240ml per bottle)	\$40+

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**Hawkesbury Sports Council**

Hawkesbury Sports Council (HSC) provided the following usage for 2020/2021. Please note that as many of their herbicides and pesticides were stored at Bensons Lane, and therefore lost in the floods. HSC have therefore had to estimate the usage of some of these chemicals.

Chemical	Usage	Cost
Bronco	60L	\$1,974
Kamba M	140L	\$2,995
Monument	2L	\$2,118
Colloseum	1000kg	\$1,500
Glyphosate	20L	\$160
Sempra	1kg	\$780
Embargo	20L	\$2,688
MSMA	10L	\$325
Thumper	5L	\$400
Apollo	1L	\$320
Biff	20L	\$1,500
Columbus	20L	\$1,300
Casper	55kg	\$5,814
Max Elite	20L	\$2,800
Bow & Arrow Herbicide	10L	\$1,110
Broadside	20l	\$7,869
<b>TOTAL</b>		<b>\$33,653</b>

**COMMUNITY ENGAGEMENT**

The draft Pesticide Notification Plan was advertised in Hawkesbury Courier Council Public Notices on 18 February 2021 as well as through YourHawkesbury-YourSay from 18 February to 19 March 2021.

Once Council has adopted the Plan, Council is required to notify the Environment Protection Authority of this in writing as well as placing an advertisement in the Government Gazette identifying that we have updated our plan.

**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 Environment

- 3.1 The natural environment is protected and enhanced - Value, protect and enhance our unique natural environment
  - 3.1.1 Encourage effective management and protection of our rivers, waterways, riparian land, surface and ground waters, and natural eco-systems through local action and regional partnerships.

**FINANCIAL IMPACT**

There are no financial implications as a result of this report other than advertising costs. The cost of implementation including signage and record keeping is incorporated in the Parks and Recreation operational budget.

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**FIT FOR THE FUTURE STRATEGY CONSIDERATIONS**

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

**ATTACHMENTS:**

**AT - 1** Exhibited Draft Pesticide Notification Plan – *(Distributed under separate cover)*.

**oooO END OF REPORT Oooo**

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

**Directorate:**                Infrastructure Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to advise Council of a road naming proposal for new public roads associated with the Jacaranda Development in Glossodia.

**EXECUTIVE SUMMARY:**

The future subdivision at Glossodia known as Jacaranda will result in the creation of 35 new public roads.

An application has been received from the developer of the site requesting that the road naming process be commenced for the proposed 35 new public roads. The developer has provided a list of 45 names for the site. The names and layout of the proposed new roads attached as Attachments 1 and 2 to this report.

This report recommends that Council endorse public advertising for the road naming associated with the Jacaranda Development in Glossodia for a period of 28 days to seek comments on the proposal.

**RECOMMENDATION:**

That:

1. In accordance with the requirements of the NSW Roads Act 1993, the road names listed in Attachment 2 to the report related to the Jacaranda Development in Glossodia, be publically advertised for a period of 28 days, seeking comment on the proposed names.
  2. At the expiration of the public notification period outlined in Part 1 above, the following action be taken:
    - a) Should any submissions be received regarding the proposed Road Naming Proposal Jacaranda Development Glossodia, a further report be submitted to Council, or
    - b) Should no submissions be received, Council adopt the Road Naming Proposal as shown in Attachment 2 to this report.
- 

**BACKGROUND**

The future subdivision at Glossodia known as Jacaranda consisting of Lot 44 DP 214755, Lot 3 DP 230943, Lot 50 DP 751637, Lots 1–3 DP 784300, Lot 2 DP 533402, Lot 52 DP 1104504, Lot 20 DP 214753 and Lot 75 DP 214752, will result in the creation of 35 new public roads requiring naming.

An application has been received from the developer of the site requesting that the road naming process be commenced for the proposed 35 new public roads. The developer has provided a list of 45 names for the site based on two themes relating to: Purple Colour – Glossodia (named mostly after purple orchids and jacarandas being purple) and the Moons of our Solar System. The names and layout of the proposed new roads are provided in Attachments 1 and 2.

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**Relevant Legislation**

Roads Act 1993

**DISCUSSION**

The NSW Address Policy and User Manual (October 2019) applies to all roads in NSW regardless of custodianship and maintenance agreements. Under this Policy and User Manual, all roads shall be authoritatively named in accordance with the principles of road naming. Road naming is legislated under the New South Wales Roads Act 1993.

The purpose of developing the list of 45 names is to have an approved register of road names available for use which will assist in making the road naming process more efficient. It is envisaged that as a road is created, the developer will be able to select a name contained within the approved list. The list of names suggested is more than the number of roads currently proposed, which will ensure there is sufficient choice, as well as having additional names in the event that additional roads are added.

Pre-approval for the use of the 45 names has been sought and provided by the Geographical Names Board of New South Wales (GNB), which takes into account evaluating the surrounding Local Government Areas as well as the Hawkesbury Local Government Area for any duplication on similarity with existing road names.

The list of attached names conforms to the guidelines and principles of the New South Wales Road Naming Policy and it is recommended that public comment be sought under the requirements of the Roads Act 1993, for these names.

**COMMUNITY ENGAGEMENT**

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 Community Engagement Policy, the New South Wales Roads Act 1993, the New South Wales Roads Regulation 2018 and the NSW Address Policy and User Manual. The consultation required is for a period of 28 days and involves the following:

- Advertisement on Council's web page and social media site
- Notice created on the Geographical Names Board of New South Wales road naming portal.

**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 - Facilitate the delivery of infrastructure through relevant agencies and Council's own works
- 4.2.2 New development and infrastructure provision is aligned and meets community needs.

**FINANCIAL IMPACT**

There are no financial implications applicable to this report.

**FIT FOR THE FUTURE STRATEGY CONSIDERATIONS**

This matter is not specifically aligned with any Fit For The Future Strategies.



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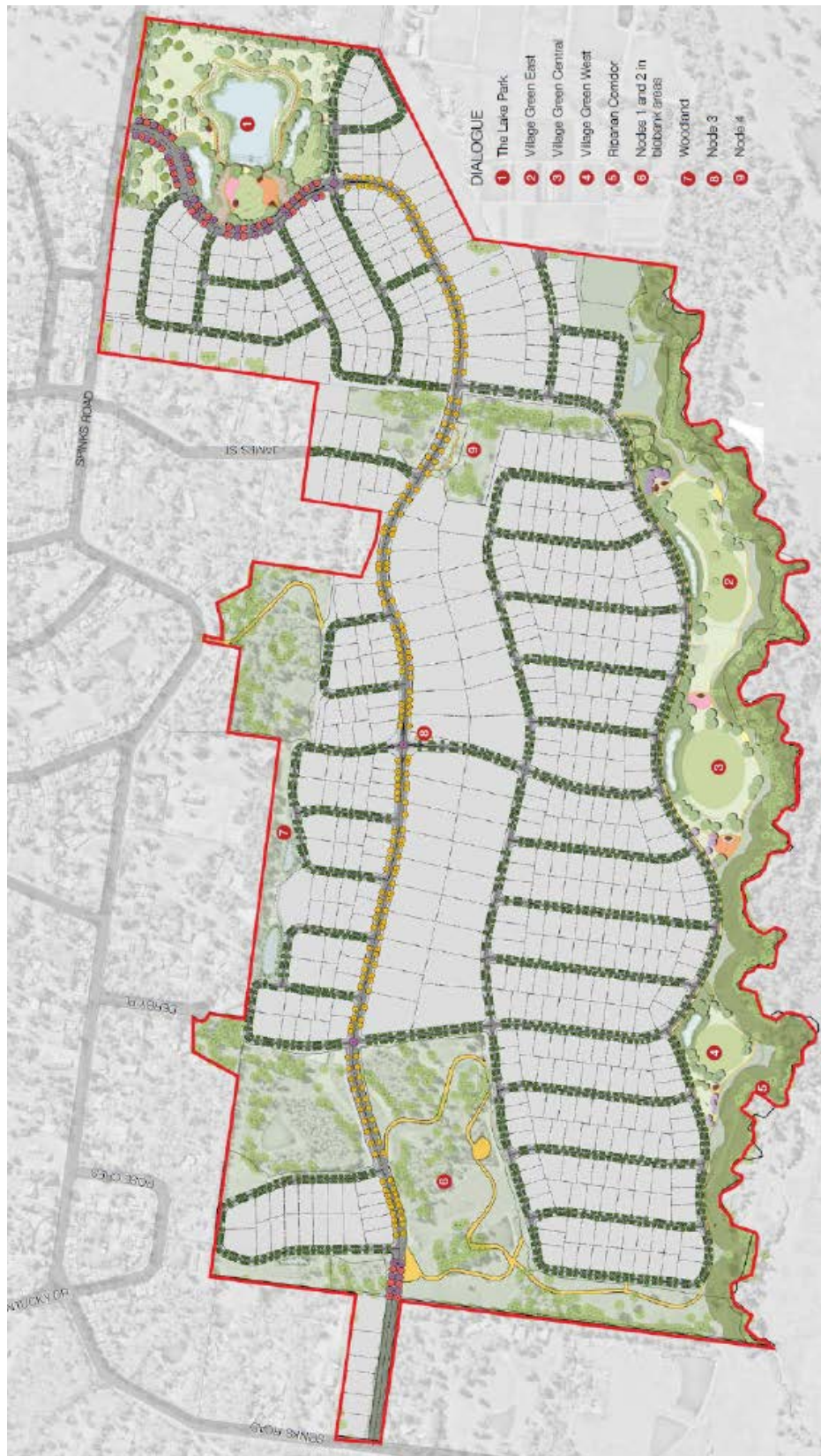
**ATTACHMENTS:**

**AT - 1**    Locality Plan.

**AT - 2**    List of Proposed Names.

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AT - 1 Locality Plan



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**AT - 2 List of Proposed Names**

#	Road Name	Theme
1	Amaranth	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
2	Amethyst	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
3	Ariel	Moons of our solar system
4	Bestia	Moons of our solar system
5	Byzantine	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
6	Charon	Moons of our solar system
7	Cordelia	Moons of our solar system
8	Cosmos	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
9	Cressida	Moons of our solar system
10	Despina	Moons of our solar system
11	Eminence	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
12	Ferdinand	Moons of our solar system
13	Foxglove	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
14	Ganymede	Moons of our solar system
15	Helene	Moons of our solar system
16	Himalia	Moons of our solar system
17	Indigo	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
18	Kari	Moons of our solar system
19	Lavender	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
20	Lilac	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
21	Liseran	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
22	Lupin	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
23	Magenta	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
24	Majorelle	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
25	Mangosteen	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
26	Mauvine	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple

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#	Road Name	Theme
27	Metis	Moons of our solar system
28	Namaka	Moons of our solar system
29	Neso	Moons of our solar system
30	Pandia	Moons of our solar system
31	Pandora	Moons of our solar system
32	Patriarch	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
33	Perdita	Moons of our solar system
34	Phlox	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
35	Phoebe	Moons of our solar system
36	Plum	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
37	Purpura	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
38	Tarvos	Moons of our solar system
39	Telesto	Moons of our solar system
40	Thistle	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
41	Tulip	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
42	Tyrian	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
43	Umbriel	Moons of our solar system
44	Violet	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple
45	Wisteria	Purple Colour - Glossodia named after mostly purple orchids + jacarandas being purple

**oooO END OF REPORT Oooo**

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

**Previous Item:**            198, Ordinary (12 October 2021)

**Directorate:**              Infrastructure Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to advise Council of the process proposed be undertaken to progress the implementation of an annual Emergency Management Charge commencing from the 2022/2023 financial year.

**EXECUTIVE SUMMARY:**

Council at its meeting on 12 October 2021 considered the Minutes of the Disaster and Emergency Committee meeting held on 7 September 2021 and resolved, in part:

*“That in relation to the Minutes of the Disaster and Emergency Committee Meeting held on the 7 September 2021:*

2.     *Endorse, in principle, the establishment of the position of a dedicated Emergency Management Coordinator, to provide oversight and control of Council's role and responsibilities in Emergency Management including Planning, Preparedness, Response and Recovery.*
3.     In regard to Point 3 of the Recommendation, Council receives and notes the information contained within this report in regard to details of the Emergency Management Coordinator role and the financial aspects of establishing the role on a permanent basis.”

In regard to Part 2 of the resolution above, the recruitment process for the Emergency Management Coordinator on a permanent basis has commenced.

In regard to Part 3, as detailed in the ROC report considered by Council at the meeting on 12 October 2021, sufficient funding remains from bushfire grant funding to cover approximately six months of the Emergency Management Coordinator role being in place. Taking into consideration the likely timing of appointment, it is anticipated that this would align with funding required in the current financial year. Ongoing funding for the role will be included in the annual Operational Plans.

As funding for emergency management resourcing and programs is not included in Council's Long-Term Financial Plan, it is recommended that Council seek to include an Emergency Management Charge to fund emergency service management, similar to the charge made by Blue Mountains City Council as an additional annual charge, which would apply to all properties in the local government area. The charge would generate recurring revenue to fund emergency services management.

The implementation of an annual Emergency Charge by Council requires a legislative change. This report outlines the proposed process to be undertaken to progress the implementation of an annual Emergency Management Charge commencing from the 2022/2023 financial year.

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**RECOMMENDATION:**

That Council:

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

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**BACKGROUND**

In light of recent natural disasters, it is becoming clear that the issue of coordinating the elements of Emergency Management across the continuum of Resilience, Planning, Response and Recovery is becoming an imperative in all areas of Australia. The growth and spread of populations into areas of heightened risk along with an awareness of the levels of risk and the need to plan for more extreme events, requires consideration of additional resourcing to manage each of these elements.

Council has a significant role in each of these aspects. Whilst traditionally the focus has been on the response phase and the agencies and functional areas response to the incident or emergency, the role of local government in mitigating loss, damage and other human and social impacts, in conjunction with other levels of government, is a critical aspect.

Throughout the most recent situations of bushfire, flooding and pandemic significant management and coordination of not only internal work, but also management and response to external agency and other organisations has been required. This includes grant management, disaster grants claim management project coordination and delivery and community engagement. Whilst a large range of grants have become available, generally for specific projects or programs and additional resources have been employed where eligible, there has been a significant extra workload for Council in coordinating many of the aspects of those projects, noting that internal costs are generally not considered eligible expenditures. The additional workload has impacted on other routine and strategic activities.

Advocacy has taken place in numerous forums and meetings with both State and Commonwealth agencies in regard to the desirability of having a permanent program to enable councils in general, and Hawkesbury specifically, to not only have dedicated staff but also resourcing to undertake ongoing planning and response works.

Whilst this advocacy for grant funding can continue, there is an immediate need to have suitably experienced staff engaged to maximise and optimise our emergency management activities, and minimise impacts on the other normal or routine business of Council.

The engagement of an Emergency Management Coordinator was endorsed by Council at its meeting on 12 October 2021. This role will have oversight of all aspects of Council's Emergency Management responsibilities and act as either the Local Emergency Management Officer or Deputy Local Emergency Management Officer.

Funding for the first six months of the role is available through existing grant funds. Ongoing funding in future annual Operational Plans has not been provided for in Council's Long Term Financial Plan. The

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inclusion of this funding will have the impact of reducing funding availability for other programs and projects.

To mitigate this funding shortfall it is proposed to implement an annual Emergency Management Charge which will generate ongoing revenue to fund the necessary ongoing resourcing and programs associated with all aspects of Emergency Management.

The provisions within the Local Government Act 1993 and the associated Regulations currently only allow Blue Mountains City Council to apply an annual Emergency Charge. A legislative change is required to enable Council to implement a similar charge.

It is intended that subject to Council's endorsement, and the necessary legislative changes, the proposed Emergency Management Charge would be included in the Draft 2022/2023 Operational Plan to be placed on public exhibition between April and May 2022.

**Relevant Legislation**

- Local Government Act 1993, Section 501
- Local Government (General) Regulation 2021, Clause 125

**DISCUSSION**

Section 501 of the Local Government Act 1993 stipulates the services that a council can impose an annual charge for:

***“501 For what services can a council impose an annual charge?”***

- (1) *A council may make an annual charge for any of the following services provided, or proposed to be provided, on an annual basis by the council*
  - *water supply services*
  - *sewerage services*
  - *drainage services*
  - *waste management services (other than domestic waste management services)*
  - *any services prescribed by the regulations.*
- (2) *A council may make a single charge for two or more such services.*
- (3) *An annual charge may be levied on each parcel of rateable land for which the service is provided or proposed to be provided”*

Clause 125 of the Local Government Regulation (General) 2021 stipulates that Blue Mountains City Council can apply an annual charge for emergency services:

***“125 Services for which an annual charge may be imposed (section 501)***

- (1) *Emergency services provided or proposed to be provided within the area of the Blue Mountains City Council are prescribed for the purposes of section 501 of the Act.*
- (2) *In this clause, emergency services includes (without limitation) bushfire and other fire services, civil emergency services, and management services associated with emergency services.”*

Staff have sought advice from the Office of Local Government in regard to the process to enable Hawkesbury City Council to implement an annual Emergency Management Charge similar to that charged by Blue Mountains City Council. The Office of Local Government advised that this legislation was introduced many years ago and that there was no formal process in place to request a change to the

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applicable legislative provisions. It was further indicated that as Local Government Act 1993 was reviewed recently, further amendments were unlikely to be made in the short term.

Whether the legislation is specifically changed for Hawkesbury City Council, or for all councils, it is considered that there is merit in pursuing a legislative change to allow the levying of an annual charge to fund emergency management resourcing and programs.

Council's Long-Term Financial Plan does not have provision for the Emergency Management Coordinator or any emergency preparedness or reactive activities and programs. Funding for the necessary resourcing and potentially an allowance for programs will be made in future Operational Plans. Without additional income being generated from an Emergency Management Services charge, this funding will come at the cost of other programs and projects.

It is recommended that a process whereby Council is able to impose an annual charge for Emergency Services is pursued. In light of the advice provided by the Office of Local Government, it is proposed to advocate for an urgent change to the applicable legislative provisions through the Minister for Local Government and the Member for Hawkesbury.

If successful in achieving the required legislative changes within the next six months, it is proposed that the annual Emergency Charge will be included in the Draft 2022/2023 Operational Plan to be placed on public exhibition between April and May 2022.

In the event that the legislative change is not achieved in the timeframe to be included in the Draft 2022/2023 Operational Plan, but is successful at a later stage, it is proposed that the annual charge for Emergency Management Services will be implemented in a future Operational Plan.

#### **COMMUNITY ENGAGEMENT**

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

The proposed annual Emergency Charge will be included in the Draft Operational Plan 2022/2023 to be placed on public exhibition between April and May 2022, subject to legislative provisions applicable at that time.

#### **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

- 1.3 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.
  - 1.3.3 Decisions relating to determining priorities will be made in the long term interests of the community.



**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 09 November 2021**

Our Community

- 2.1 Community safety is improved - Enable a shared responsibility for community safety and disaster management
  - 2.1.1 Meet the needs of our community through effective flood, fire and other natural disaster management plans that promote the protection of life, property and infrastructure.
  - 2.1.2 Make the Hawkesbury a friendly place where people feel safe.

**FINANCIAL IMPACT**

The matters raised in this report have direct financial implications.

The employment of the Emergency Management Coordinator will cost Council in the order of \$150K per annum. It is envisaged that additional funding will also need to be provided for various programs and activities across the areas of Resilience, Planning, Response and Recovery associated with emergencies, including natural disasters.

The proposed annual Emergency Charge of \$15 per property will generate in the order of \$402K in recurrent annual income. This income would be internally restricted to be used for the management of emergency services, including resourcing and programs, as detailed in this report.

It is considered that an annual charge of \$15 per property would not place a significant financial burden on ratepayers.

**FIT FOR THE FUTURE STRATEGY CONSIDERATIONS**

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal will enable Council to continue to provide and maintain service levels to meet established community expectations as budgeted for in the Long-Term Financial Plan.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**SECTION 3 – Reports for Determination**

**Meeting Date:** 09 November 2021

Ordinary

Section **4**

Reports  
of committees

**ORDINARY MEETING**

**SECTION 4 – Reports of Committees**

**Meeting Date:** 09 November 2021

**SECTION 4 – Reports of Committees**

No Reports of Committees.

Ordinary

Section 5

Notices of motion

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date:** 09 November 2021

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date:** 09 November 2021

**SECTION 5 – Notices of Motion**

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

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**Submitted by:** Councillor Wheeler

**NOTICE OF MOTION:**

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

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

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date:** 09 November 2021

**NOTE BY MANAGEMENT**

A report with Council's draft submission will be submitted for consideration at the 23 November 2021 Council meeting

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**



**ORDINARY MEETING****Questions for Next Meeting****Meeting Date:** 09 November 2021**QUESTIONS FOR NEXT MEETING****Item: 222****Questions with Notice - 9 November 2021 - (79351)****Questions - 9 November 2021**

#	Councillor	Question	Response
1	Zamprognio	When will the works to seal Brennans Dam Road and Old Stock Route Road commence when completion is anticipated? Do grant funds need to be acquitted before the end of the year?	<p>The Acting Director Infrastructure Services advised that the design for the project has been completed. Survey set out has been undertaken and works are now in progress. The drainage works component of the project will be undertaken in the first instance, with works scheduled to commence by week ending 27 November 2021. The works will be followed by road works which are expected to be completed by week ending 25 February 2022.</p> <p>These works form part of Phase 2 of the Stimulus Grant Program which was due for completion by 31 December 2021. The Department of Infrastructure, Transport, Regional Development and Communications advised Council that due to the exceptional and unforeseeable circumstances of natural disasters and the continuation of the COVID-19 Pandemic, an extension to the Eligible Construction Time Period to 30 June 2022 was available to Council.</p>

**oooO END OF REPORT Oooo**

**ORDINARY MEETING****Questions for Next Meeting****Meeting Date:** 09 November 2021**Item: 223****Response to Councillor Question Taken on Notice at the Council Meeting - 26 October 2021 - (79351)**

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The following question was raised from a Councillor regarding matters on the Council Meeting Business Paper of 26 October 2021. The question was taken on notice and the response is provided below.

#	Councillor	Question	Response
1	Lyons-Buckett	Is there an outstanding Council resolution around documenting the expenditure on conferences?	The Director Support Services advised that searches of previous Council Resolutions did not locate a resolution on this matter.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
**Confidential Reports**  
**Meeting Date:** 09 November 2021

**CONFIDENTIAL REPORTS**

No 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.