



Hawkesbury City Council

ordinary  
meeting  
business  
paper

date of meeting: 28 July 2020

location: by audio-visual link

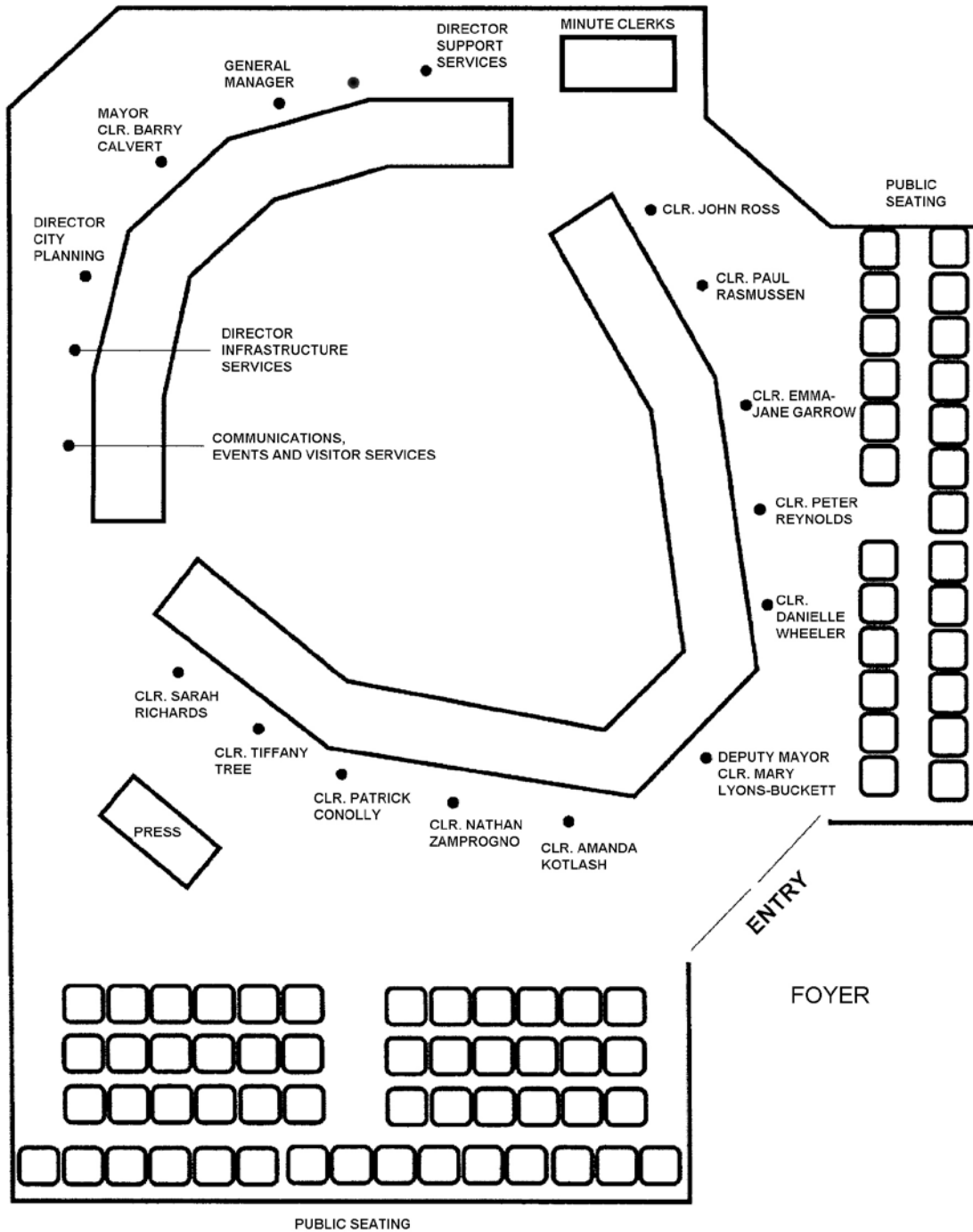
time: 6:30 p.m.



# mission statement

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

# Hawkesbury City Council





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**ORDINARY MEETING**  
**Procedural Matters**  
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**PROCEDURAL MATTERS**

**Welcome**

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

The General Manager will address the Council meeting, mentioning:

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

**Attendance**

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

**Apologies and Leave of Absence**

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

**Declaration of Interest**

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

**Acknowledgement of Official Visitors to the Council**

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

**ORDINARY MEETING**

**Procedural Matters**

**Meeting Date:** 28 July 2020



ordinary

section 1

confirmation of minutes

**ORDINARY MEETING**  
**SECTION 1 - Confirmation of Minutes**  
**Meeting Date:** 28 July 2020

**SECTION 1 - Confirmation of Minutes**



Hawkesbury City Council

# ordinary meeting minutes

date of meeting: 14 July 2020

location: by audio-visual link

time: 6:30 p.m.



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**Meeting Date:** 14 July 2020

## **ORDINARY MEETING**

**Minutes:** 14 July 2020

Minutes of the Ordinary Meeting held by audio-visual link, Windsor, on 14 July 2020, commencing at 6:38pm.

### **Welcome**

The Mayor, Councillor Barry Calvert acknowledged the Indigenous Heritage.

The General Manager addressed the Council meeting, mentioning:

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

### **ATTENDANCE**

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

**ALSO PRESENT:** General Manager - Peter Conroy, Director City Planning - Linda Perrine, Director Infrastructure Services - Jeff Organ, Director Support Services - Laurie Mifsud, Strategic Planning Manager - Andrew Kearns, Manager Communications, Events and Visitor Services - Suzanne Stuart, Manager Corporate Services and Governance - Charles McElroy and Administrative Support Coordinator - Tracey Easterbrook.

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

No apologies or leave of absence were received from Councillors.

Councillor Tree left the meeting at 9:14pm.

Councillor Tree returned to the meeting at 10:46pm.

Councillor Tree left the meeting at 11:08pm.

Councillor Zamprogno left the meeting at 12:35am on Wednesday, 15 July 2020.

### **DECLARATIONS OF INTEREST**

Councillor Lyons-Buckett declared an interest on Item 126.

Councillor Richards declared an interest on Items 126 and 127.

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

There were no official visitors to the Council.

## ORDINARY MEETING

Minutes: 14 July 2020

### SECTION 1 - Confirmation of Minutes

#### 151 RESOLUTION:

RESOLVED on the motion of Councillor Zamprogno and seconded by Councillor Rasmussen that the Minutes of the Ordinary held on the 30 June 2020, be confirmed.

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

That Condolences be brought forward in the order of business.

#### CONDOLENCES

#### 152 RESOLUTION:

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

That Christine Paine be permitted to address Council, concerning the passing of Mr Alan Aldridge.

#### 153 RESOLUTION:

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

That Council place on record the extraordinary contribution Mr Alan Aldridge made to the Hawkesbury Community, and extend its deepest sympathies to his family.

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

**Against the Motion:** Nil.

**Absent:** Nil.



## ORDINARY MEETING

Minutes: 14 July 2020

### MOTION:

A MOTION was moved by Councillor Garrow, seconded by Councillor Rasmussen.

That Item 128 regarding Remuneration for Mayor and Councillors be the subject of discussion and debate.

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

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

**Absent:** Nil.

The motion was lost, on the casting vote of the Mayor.

## ORDINARY MEETING

Minutes: 14 July 2020

### SECTION 3 – Reports for Determination

#### PLANNING DECISIONS

**Item: 126**                      **CP - General Amendments (Housekeeping) Planning Proposal to Amend the Hawkesbury Local Environmental Plan 2012 - Post Exhibition Report - (95498)**

**Previous Item:**            41, Ordinary (31 March 2015)  
                                 227, Ordinary (10 December 2019)  
                                 003, Ordinary (11 and 25 February 2020)

**Directorate:**              City Planning

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Councillor Lyons-Buckett declared a pecuniary interest in this matter as a family member owns a business that could be impacted by the decision. She left the meeting and did not take part in voting or discussion on the matter.

Councillor Richards declared a significant non-pecuniary conflict of interest in this matter as she has friends who live in the area who the decision may apply to. She left the meeting and did not take part in voting or discussion on the matter.

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Mr Michael Sperling addressed Council speaking for the recommendation.

Mr Scott Barwick, Mr Chris Thomas, Mr Frank Sartor addressed Council speaking against the recommendation.

A MOTION was moved by Councillor Conolly, seconded by Councillor Tree.

That Council:

1. Receive the report on the public exhibition of the General Amendments (Housekeeping) planning proposal to amend the Hawkesbury Local Environmental Plan 2012;
2. Proceed with the planning proposal regarding the permissibility of Function Centres within the RU1, RU2, RU4, RU5 and E4 zones.
3. Proceed with the planning proposal regarding permissibility of eco-tourism facilities within the RU1, RU2, RU4, RU5, R1, R2, R3, R5, E3 and E4 zones;
4. Proceed with the extension of the temporary use of land period from 28 to 52 days;
5. Proceed with the public hearing associated with the reclassification of land element.
6. Proceed with the remainder of the identified General Amendments in order to rectify the identified issues within the Hawkesbury Local Environmental Plan 2012;
7. Following consideration of the public hearing referred to in point five, request that the Minister proceed with the making of a plan to amend the Hawkesbury Local Environmental Plan 2012 in order to reflect the recommended amendments to the Hawkesbury Local Environmental Plan 2012; and
8. Include the matters raised in submissions that do not relate to the current General Amendments (Housekeeping) planning proposal to amend the Hawkesbury Local Environmental Plan 2012 in Council's review of the Local Environmental Plan and Development Control Plan.

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An AMENDMENT was moved by Councillor Rasmussen, seconded by Councillor Wheeler.

That Council:

1. Receive the report on the public exhibition of the General Amendments (Housekeeping) planning proposal to amend the Hawkesbury Local Environmental Plan 2012;
2. Based on the submission from the Department of Primary Industry, defer consideration of the planning proposal element to permit the Function Centre use in the RU1, RU2, RU4, RU5 and E4 zones until a place based planning approach including constraints analysis within these zones is undertaken as part of the review of the Hawkesbury Local Environmental Plan 2012 and Development Control Plan in order to identify suitable key sites/locations within these zones;
3. Proceed with the planning proposal regarding permissibility of eco-tourism facilities within the RU1, RU2, RU4, RU5, R1, R2, R3, R5, E3 and E4 zones;
4. Defer consideration of the planning proposal element to extend the temporary use of land period from 28 to 52 days until a place based planning approach including constraints analysis is undertaken as part of the review of the Hawkesbury Local Environmental Plan 2012 and Development Control Plan.
5. Proceed with the public hearing associated with the reclassification of land element.
6. Proceed with the remainder of the identified General Amendments in order to rectify the identified issues within the Hawkesbury Local Environmental Plan 2012;
7. Following consideration of the public hearing referred to in point five, request that the Minister proceed with the making of a plan to amend the Hawkesbury Local Environmental Plan 2012 in order to reflect the recommended amendments to the Hawkesbury Local Environmental Plan 2012; and
8. Include the matters raised in submissions that do not relate to the current General Amendments (Housekeeping) planning proposal to amend the Hawkesbury Local Environmental Plan 2012 in Council's review of the Local Environmental Plan and Development Control Plan.

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 Amendment:** Councillors Calvert, Garrow, Rasmussen, Reynolds, Ross and Wheeler.

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

**Absent:** Councillors Lyons-Buckett and Richards.

The amendment was carried.

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

That the General Amendments (Housekeeping) planning proposal to amend the Hawkesbury Local Environmental Plan 2012, be deferred to a Councillor Briefing Session.

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 Amendment:** Councillors Conolly, Tree and Zamprogno.

**Against the Amendment:** Councillors Calvert, Garrow, Kotlash, Rasmussen Reynolds, Ross and Wheeler.

**Absent:** Councillors Lyons-Buckett and Richards.

The Amendment was lost.

### MOTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Tree.

### *Refer to RESOLUTION*

#### 154 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Tree.

That Council:

1. Receive the report on the public exhibition of the General Amendments (Housekeeping) planning proposal to amend the Hawkesbury Local Environmental Plan 2012;
2. Based on the submission from the Department of Primary Industry, defer consideration of the planning proposal element to permit the Function Centre use in the RU1, RU2, RU4, RU5 and E4 zones until a place based planning approach including constraints analysis within these zones is undertaken as part of the review of the Hawkesbury Local Environmental Plan 2012 and Development Control Plan in order to identify suitable key sites/locations within these zones;
3. Proceed with the planning proposal regarding permissibility of eco-tourism facilities within the RU1, RU2, RU4, RU5, R1, R2, R3, R5, E3 and E4 zones;
4. Defer consideration of the planning proposal element to extend the temporary use of land period from 28 to 52 days until a place based planning approach including constraints analysis is undertaken as part of the review of the Hawkesbury Local Environmental Plan 2012 and Development Control Plan.
5. Proceed with the public hearing associated with the reclassification of land element.
6. Proceed with the remainder of the identified General Amendments in order to rectify the identified issues within the Hawkesbury Local Environmental Plan 2012;
7. Following consideration of the public hearing referred to in point five, request that the Minister proceed with the making of a plan to amend the Hawkesbury Local Environmental Plan 2012

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in order to reflect the recommended amendments to the Hawkesbury Local Environmental Plan 2012; and

8. Include the matters raised in submissions that do not relate to the current General Amendments (Housekeeping) planning proposal to amend the Hawkesbury Local Environmental Plan 2012 in Council's review of the Local Environmental Plan and Development Control Plan.

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 Calvert, Garrow, Rasmussen, Reynolds, Ross and Wheeler.

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

**Absent:** Councillors Lyons-Buckett and Richards.

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### INFRASTRUCTURE SERVICES

**Item: 127**                      **IS - Hawkesbury War Memorial Eligibility Criteria Deed - (95495, 79351, 105109, 138879)**

**Previous Item:**              NM1, Ordinary 30 May 2017

**Directorate:**                Infrastructure Services

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Councillor Richards declared a less than significant non-pecuniary conflict of interest in this matter as she is a Director of the Windsor RSL Club and no further action is required.

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#### **MOTION:**

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

***Refer to RESOLUTION***

#### **155 RESOLUTION:**

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

That Council

1.     Endorse the Hawkesbury War Memorial Eligibility Criteria Deed.
2.     Note that the General Manager will execute the Deed under delegated authority.

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

**Against the Motion:**        Nil.

**Absent:**                        Councillor Tree.

## ORDINARY MEETING

Minutes: 14 July 2020

### SUPPORT SERVICES

**Item: 128**                      **SS - 2020/2021 Remuneration for Mayor and Councillors - (95496, 96332)**

**Directorate:**                Support Services

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#### **MOTION:**

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

***Refer to RESOLUTION***

#### **156 RESOLUTION:**

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

That:

1. The annual fee for Councillors for 2020/2021 be set at \$24,320.
2. The additional annual fee for the Mayor be set at \$60,080, and the Deputy Mayor's additional annual fee be set at \$ 9,012, to be deducted from the Mayor's \$60,080 annual fee.

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

**Against the Motion:**        Nil.

**Absent:**                         Nil.

## ORDINARY MEETING

Minutes: 14 July 2020

### SECTION 4 – Reports of Committees

**Item: 129**                      **ROC - Audit Committee - 3 June 2020 - (95496, 91369, 79351)**

**Directorate:**                Support Services

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#### **MOTION:**

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

***Refer to RESOLUTION***

#### **157 RESOLUTION:**

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

That in relation to the Minutes of the Audit Committee Meeting held on the 3 June 2020:

1. Council receive and note the Audit Committee minutes in respect to Items 1, 2, 3, 5, 6, 7 and General Business.
2. Council:
  - a) Receive and note the Audit Committee's recommendations with respect to Item 4.
  - b) Table the "InConsult" consultant report at a Councillor Briefing Session, for consideration of policy matters arising.

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

**Against the Motion:**        Nil.

**Absent:**                        Councillor Tree.



## ORDINARY MEETING

Minutes: 14 July 2020

### SECTION 5 – Notices of Motion

**Item: 130**                      **NM1 - Development Application 119/20 - (79351, 138882)**

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Mr Paul Laurence and Ms Kaysand Whitehurst addressed Council speaking for the recommendation.

**MOTION:**

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

*Refer to RESOLUTION*

**158 RESOLUTION:**

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

That Council:

1. Strongly object to Development Application DA119/20 for a Landscaping Supplies and Concrete Recycling plant at Ebenezer;
2. Note the numerous objections from community potentially affected by the proposed development and extend the exhibition period for a future two weeks from 15 July 2020, and Ebenezer Public School be specifically notified of the Development Application.
3. Councillors prepare a submission to the Planning Panel strongly recommending against the application, including, but not limited to, the following objections:
  - a) Incompatibility with RU1 zoning
  - b) Increased heavy vehicle traffic, safety and impact on regional and local roads;
  - c) Unsuitability of local road, particularly Sargeants Road, to carry heavy vehicles;
  - d) Noise and dust impacts on local residents
  - e) Impacts on Ebenezer Public School
  - f) Potential conflict of use, loss of rural amenity and impacts on property values;
  - g) Environmental impacts on nearby watercourses including Currency Creek and Chain of Ponds Reserve, bushland and groundwater.

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

**Against the Motion:** Councillors Calvert and Kotlash.

**Absent:** Councillor Tree.

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Minutes: 14 July 2020

**Item: 131**                      **NM2 - Hawkesbury and Blue Mountains World Heritage Centre - (79351, 138879)**

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Mr Lionel Buckett and Mr Yuri Bolotin addressed Council speaking for the recommendation.

**MOTION:**

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

*Refer to RESOLUTION*

**159 RESOLUTION:**

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

That:

1. Council provide its support for an investigation into the revitalised concept of the Hawkesbury/Blue Mountains World Heritage Centre Proposal, as outlined in the historical information attached to the report written by Councillor Sarah Richards and Mr Lionel Buckett.
2. The matter be referred to a Councillor Briefing Session.

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

**Against the Motion:**              Nil.

**Absent:**                                  Nil.

**160 RESOLUTION:**

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

## ORDINARY MEETING

Minutes: 14 July 2020

### CONFIDENTIAL REPORTS

#### 161 RESOLUTION:

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

That:

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

**Item: 132 SS – Property Matter – Licence Agreement with Coles Group – Car Spaces in part of Magnolia Mall Car Park, 7 West Market Street, Richmond – (148887, 95496, 112106)**

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

**Item: 133 MM – Staff Matter – (79351)**

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

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

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**Item: 132**                      **SS - Property Matter - Licence Agreement with Coles Group - Car Spaces in part of Magnolia Mall Car Park, 7 West Market Street, Richmond - (148887, 95496, 112106) CONFIDENTIAL**

**Directorate:**                      Support Services

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### **MOTION:**

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Ross, seconded by Councillor Kotlash.

### ***Refer to RESOLUTION***

### **162 RESOLUTION:**

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Ross, seconded by Councillor Kotlash.

That:

1. Council agree to enter into a new licence agreement with Coles Group for part of the property known Magnolia Mall Car Park, 7 West Market Street, Richmond, as outlined in the report.
2. Authority be given for the licence agreement and any other relevant documentation in association with this matter to be executed under the Seal of Council.
3. Details of Council's resolution be conveyed to the proposed Licensee, together with the advice that Council, is not and will not, be bound by the terms of its resolution, until such time as appropriate legal documentation to put such a resolution into effect has been agreed to and executed by all parties.
4. The management and policy of car parking in Council car parks including the Magnolia Mall Car Park and the car park bounded by East Market and West Market Streets, Richmond be discussed at a future Councillor Briefing Session.

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

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

**Absent:**                                      Councillor Tree.

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**Item: 133**                      **MM - Staff Matter - (79351) CONFIDENTIAL**

**Directorate:**                General Manager

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### **MOTION:**

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Lyons-Buckett.

*Refer to RESOLUTION*

### **163 RESOLUTION:**

The Director Support Services advised that whilst in closed session, the Council RESOLVED on the motion of Councillor Rasmussen, seconded by Councillor Lyons-Buckett.

That:

1. The Mayoral Minute regarding the 2018/2019 annual review of the General Managers Performance Agreement by the General Manager's Performance Review Panel be received and noted.
2. Discussion be held by Councillors about the process for the performance review.
3. Councillors be invited to submit questions and topics to the Panel for discussion at the performance review.

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

**Against the Motion:**        Councillor Richards.

**Absent:**                        Councillors Tree and Zamprogno.

The meeting terminated on Wednesday, 15 July 2020 at 12:49am.

Submitted to and confirmed at the Ordinary meeting held on 28 July 2020.

.....  
Mayor

ordinary

section 2

mayoral minutes

**ORDINARY MEETING**  
**SECTION 2 – Mayoral Minute**  
**Meeting Date: 28 July 2020**

**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:** 28 July 2020

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**SECTION 3 – Reports for Determination**

**PLANNING DECISIONS**

**Item: 134**                      **CP - Draft Voluntary Planning Agreement for Lot 2 DP 1177011, 377 Bells Line of Road, Kurmond - (95498, 124414)**

**Previous Item:**            205, Ordinary (28 October 2014)  
                                 041, Ordinary (27 February 2018)  
                                 168, Ordinary (10 September 2019)

**Directorate:**              City Planning

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**VOLUNTARY PLANNING AGREEMENT INFORMATION**

**File Number:**                      LEP009/13  
**Property Address:**              Lot 2 DP 1177011, 377 Bells Line of Road, Kurmond  
**Applicant:**                          Bassam Ghantous  
**Owner/Developer:**              J I Henry  
**Date Received:**                   7 June 2017  
**Current Minimum Lot Size:**      10ha  
**Proposed Minimum Lot Size:**   4,000m<sup>2</sup> and 2Ha  
**Current Zone:**                      RU1 Primary Production  
**Site Area:**                          12.55Ha

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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 Voluntary Planning Agreement for Lot 2 DP 1177011, 377 Bells Line of Road, Kurmond.
- Recommend that Council endorse the Draft Voluntary Planning Agreement and the Explanatory Note attached to this report, and provide delegation to the Mayor and General Manager to execute the Voluntary Planning Agreement under the Seal of Council.

**EXECUTIVE SUMMARY:**

Council at its Ordinary Meeting on 10 September 2019 resolved to proceed with plan making for a planning proposal to permit large lot subdivision of the subject site, and publicly exhibit a Draft Voluntary Planning Agreement for a minimum of 28 days.

In accordance with the Council's resolution and the relevant statutory provisions, the Draft Voluntary Planning Agreement, an Explanatory Note and other supporting documentation were publicly exhibited, with one submission received from the community.

The submission received has been considered, but did not warrant any post-exhibition amendments to the exhibited Draft Voluntary Planning Agreement.

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

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**RECOMMENDATION:**

That Council:

1. Note the outcome of public exhibition of the Draft Voluntary Planning Agreement for Lot 2 DP 1177011, 377 Bells Line of Road, Kurmond.
2. Endorse the Voluntary Planning Agreement and the Explanatory Note regarding Lot 2 DP1177011, 377 Bells Line of Road, Kurmond, and provide delegation to the Mayor and General Manager to execute the Voluntary Planning Agreement under the Seal of Council.

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**BACKGROUND**

Council at its Meeting on 10 September 2019 considered a report on the outcome of consultation for a planning proposal to permit large lot subdivision of the subject site into lots with a minimum lot size of 4,000m<sup>2</sup>. The report included a Draft Voluntary Planning Agreement in support of the planning proposal.

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

Based on Council's Resolution from the 10 September 2020 Meeting, the Hawkesbury Local Environmental Plan (Amendment No. 24) was notified on the NSW Legislation website on 19 June 2020 to give effect to the planning proposal enabling a maximum of seven lots with a minimum lot size of not less than 4,000m<sup>2</sup> on the subject site.

The future subdivision of the subject site (Lot 2 DP 1177011, 377 Bells Line of Road, Kurmond) will or is likely to increase the demand for local and district infrastructure and facilities in the area, and therefore a developer contribution levy towards the provision of local and district infrastructure to meet the increased demand due to the future subdivision of the subject site is considered warranted.

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

Given the current Hawkesbury Section 7.11 (formerly Section 94) Contributions Plan 2015 which came into effect on 4 June 2015 does not apply to the subject site at 377 Bells Line of Road, Kurmond, the Developer proposed a draft Voluntary Planning Agreement to enable Council to levy a developer monetary contribution for the purposes of infrastructure facilities and services.

The Draft Voluntary Planning Agreement makes provision for Council to require a monetary contribution of \$30,000 for each additional lot created as a consequence of the future subdivision of the subject site into a maximum of seven lots with a minimum lot size of not less than 4,000m<sup>2</sup>.

**Voluntary Planning Agreement for 377 Bells Line of Road, Kurmond**

The parties to the Voluntary Planning Agreement are Hawkesbury City Council and J I Henry known as "the Developer." The objective, nature and effect of the Draft Voluntary Planning Agreement is for the Developer to provide Council with a monetary contribution of \$30,000 each for the additional lots created as a consequence of the future subdivision of the subject site into a maximum of seven lots with a minimum lot size of not less than 4,000m<sup>2</sup>.

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

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**COMMUNITY ENGAGEMENT**

The Draft Voluntary Planning Agreement, an Explanatory Note and other supporting documentation were placed on public exhibition on Council's website and the "Your Hawkesbury - Your Say" online community engagement site for the period Friday 15 May 2020 to Monday 15 June 2020. Council received one submission from the community via Council's community engagement platform. This submission and Council Officer comments are detailed below.

**Submission:**

*'Please, no more subdivisions west of North Richmond Bridge. Peak hour traffic is already a nightmare and that is without the imminent traffic onslaught from the Redbank Development plus the development already approved on BLOR at Kurmond. The proposed second bridge at North Richmond is not going to remove the existing bottleneck through North Richmond. Current long wait times for emergency services will increase as more subdivisions are approved.'*

*'We moved here seven years ago to escape overdeveloped Sydney and the time spent in traffic. Please, no more development on the west side of the bridge.'*

**Comment:**

**Hawkesbury Traffic Study**

Council has undertaken the preparation of a comprehensive traffic study to:

- Identify the current and future traffic and transport patterns
- Assist Council in planning for the current and future traffic and transport needs of the Hawkesbury Community.

The study assesses the likely traffic impacts stemming from the future growth in the Hawkesbury Local Government Area in order to determine any required improvements or capacity needs to minimise any adverse traffic impacts of proposed development.

The modelling concluded that a new Grose River Bridge will improve the operation of the network taking into account the projected development in the future base year (2027) that includes development sites such as Redbank. The scenario modelling included an additional 200 dwellings within the Kurmond-Kurrajong Investigation Area, and indicated that this development option is not considered to have any significant impact.

Any subdivision of rural or urban land creating one or more additional lots for residential purposes will or is likely to increase the demand for local and district infrastructure and facilities in the area, and therefore Council requires a monetary contribution to meet that increased demand for the provision of local and district infrastructure as a result of the subdivision of the land.

Given the above, Council and the Developer entering into a Voluntary Planning Agreement being a legal agreement between Council and a developer and also a planning tool or a mechanism that allows Council and a developer to work together to deliver innovative infrastructure outcomes or public benefits associated with the proposed development is considered the most appropriate alternative mechanism to proceed with the making of the plan.

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

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

Our Future

5.3 Shaping our Growth

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

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

**FINANCIAL IMPACT**

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

**FIT FOR THE FUTURE STRATEGY CONSIDERATIONS**

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

**PLANNING DECISION**

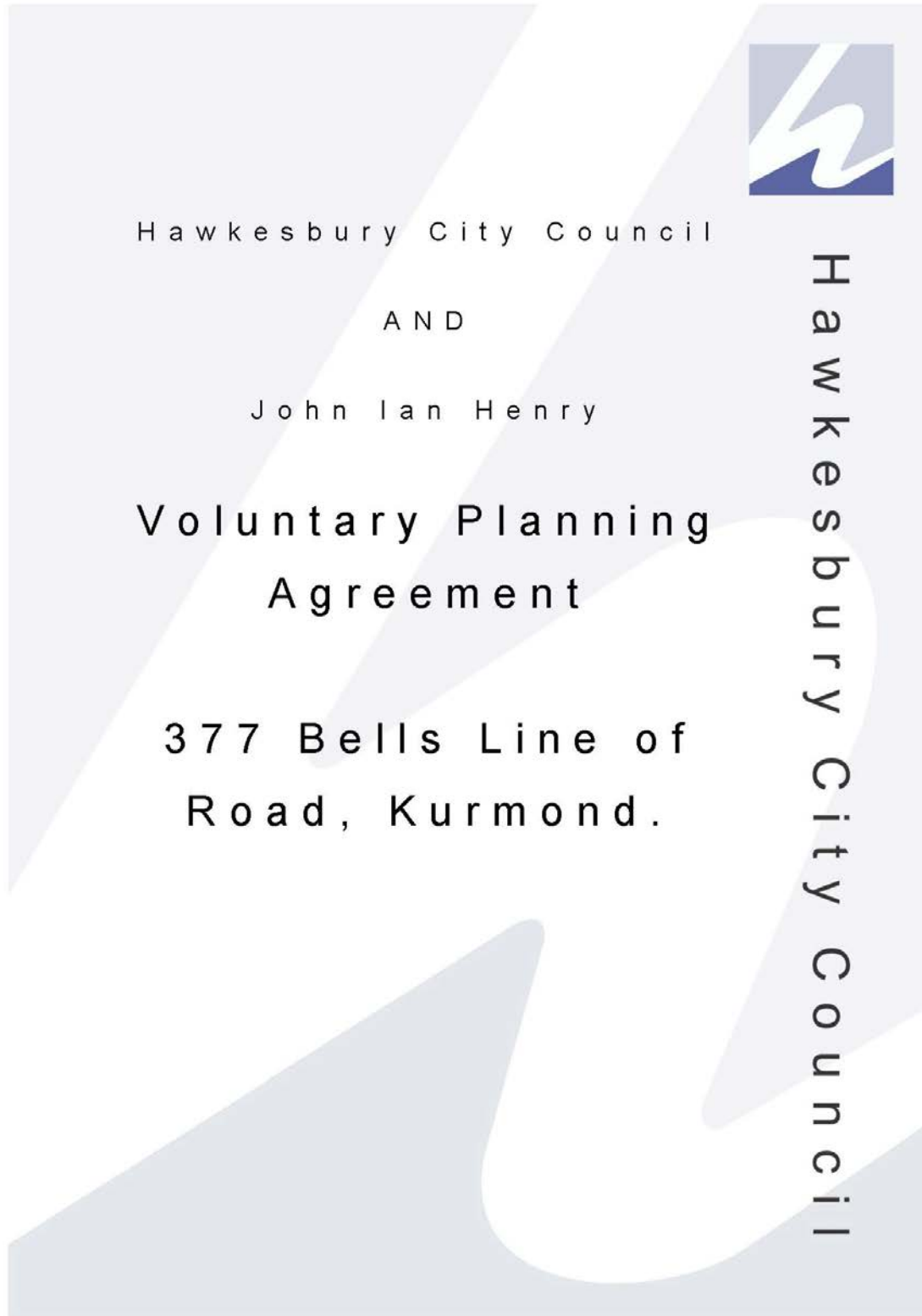
As this matter is covered by the definition of a "planning decision" under Section 375A of the *Local Government Act 1993*, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation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

**ATTACHMENTS:**

**AT - 1** Voluntary Planning Agreement between Hawkesbury City Council and J I Henry.

**AT - 2** Explanatory Note - Voluntary Planning Agreement.

AT - 1 Voluntary Planning Agreement between Hawkesbury City Council and J I Henry



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**Voluntary Planning Agreement**  
**377 Bells Line of Road, Kurmond**

**THIS PLANNING AGREEMENT** is made on the ..... day of ..... 2020  
**BETWEEN:**

**HAWKESBURY CITY COUNCIL** ("the Council")

**AND:**

**JOHN IAN HENRY** (known as "the Developer")

**Introduction**

- A. The Developer is the registered proprietor of the Development Land.
- B. On 14<sup>th</sup> January 2015 the Council lodged a Planning Proposal Application with the Department of Planning and Environment to amend the *Hawkesbury Local Environmental Plan 2012* Lot Size Map to facilitate subdivision of the Development Land.
- C. The Developer proposes to make Development Applications to Council for Development Approval to carry out the Proposed Development if the Lot Size Map for the Development Land is altered generally in accordance with the Planning Proposal Application.
- D. The Developer has offered to provide a Developer's Contribution in the form of a Cash Contribution on the terms and conditions contained in this agreement if Development Approval is granted to the Proposed Development.

**And it is agreed as follows**

**1 Definitions and Interpretation**

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

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

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- 1.8 "CPI" means the Consumer Price Index released by the Australian Bureau of Statistics for "Sydney - All Groups" or such other consumer price index that might replace it.
- 1.9 "CPI Review Date" means each quarterly anniversary of the date of this agreement.
- 1.10 "Current CPI" means the CPI number for the quarter ending immediately before the relevant CPI Review Date.
- 1.11 "Developer's Contribution" has the meaning given in clause 5 and 6.
- 1.12 "Development Application" means an application under Part 4 of the Act for Development Approval.
- 1.13 "Development Approval" means a development consent issued under the Act with respect to all or part of the Proposed Development.
- 1.14 "Development Land" means the land comprising Lot 2 DP 1177011, 377 Bells Line of Road, Kurmond.
- 1.15 "Dispute" in connection with this agreement means an argument, a controversy, a difference, a dispute including of opinion or interpretation.
- 1.16 "Event of Insolvency" means anyone or more of the following occurrences:
- (a) the Developer becomes bankrupt, is served with a bankruptcy notice or a bankruptcy petition, has committed an act of bankruptcy or has entered into an arrangement within and under the meaning of the *Bankruptcy Act 1976* (Cth); or
  - (b) the Developer becomes subject to any order or declaration under the *Mental Health Act 2007* (NSW) or is otherwise incapable of managing his or her own affairs.
  - (c) if the Developer is a company, if:
    - (i) a resolution is passed for the winding up or liquidation of that company
    - (ii) a liquidator, provisional liquidator, receiver, receiver manager, controller, controlling manager, administrator, voluntary administrator or official manager is appointed to the Developer or a resolution is passed for the purposes of placing that party in the control of an external administrator
    - (iii) it suspends payment of its debts or is unable to pay its debts including of money payable under this agreement or is deemed insolvent
    - (iv) it fails to or is taken as having failed to comply with a statutory demand under the *Corporations Act 2001* (Cth);
    - (v) if anything analogous or having substantially similar effect to any of the events specified above happens under the law of any applicable jurisdiction with respect to the Developer.
- 1.17 "GST" has the same meaning as the GST Act and other words or expressions used in the GST Act which have a particular defined meaning (including any applicable legislative determinations and Australian Taxation Office public rulings) have the same meaning.
- 1.18 "GST Act" means *A New Tax System (Goods and Services Tax) Act 1999* (Cth) (as amended from time to time).



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- 1.19 **"Housing Lot"** means a lot approved by a Development Consent comprising part of the Development Land that is intended to be used for the purposes of a single dwelling house without being further sub-divided.
- 1.20 **"Housing Lot Contribution"** means subject to clause 5 cash to the value of \$30,000 per vacant Housing Lot arising from a Development Consent of the Development Land.
- 1.21 **'Law'** means:
- a) the common law and principles of equity;
  - b) the requirements of legislation, regulations and by-laws; and
  - c) a binding order made by an Authority.
- 1.22 **"LPI"** means Land and Property Information or any other government agency replacing it.
- 1.23 **"Lot Size Map"** means the maps with a corresponding name and forming part of Hawkesbury Local Environmental Plan 2012.
- 1.24 **"Party"** means a party to this agreement, including their successors and assigns.
- 1.25 **"Proposed Development"** means the alteration of the Lot Size Map and subdivision of the Development Land into housing lots and a community lot containing a new road and the existing environmental features.
- 1.26 **"Planning Proposal Application"** means the application to alter the Hawkesbury Local Environmental Plan 2012 Lot Size Map to allow the Proposed Development on the Development Land.
- 1.27 **"Subdivision Certificate"** means a certificate issued under section 6.15(1)(d) of the Act with respect to the Proposed Development.
- 1.28 **"Transfer"** means to settle, assign, transfer, convey, alienate, otherwise dispose of or part with possession of.

**2 Interpretation:**

In this agreement unless the contrary intention appears:

- 2.1 One gender includes the opposite gender.
- 2.2 The singular includes the plural and the plural includes the singular.
- 2.3 A party includes that party's executors, administrators, successors, permitted assigns, permitted legal representatives and substitutes.
- 2.4 Dollars or \$ means Australia dollars and all money payable under this agreement is payable in that currency.
- 2.5 "Including" and similar expressions are not words of limitation.
- 2.6 Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.
- 2.7 Headings, any table of contents or index are for convenience only and do not affect interpretation of this agreement.
- 2.8 An explanatory note which relates to this agreement does not affect the interpretation of this agreement.

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- 2.9 A provision of this agreement must not be construed to the disadvantage of a party merely because that party was responsible wholly or partly for the preparation of this agreement or the inclusion of a term or condition in this agreement.
- 2.10 If an act and thing must be done on a specific day which is not a business day, it must be done instead on the next business day.
- 2.11 A person means and includes a person, a body corporate, Authority, firm, body of persons, association, trust, joint venture or other legal commercial entity or undertaking recognized by law whether or not incorporated.
- 3 Planning Agreement**
- 3.1 This agreement:
- 3.1.1 applies to the Development Land;
- 3.1.2 is a planning agreement within the meaning set out in section 7.4 of the Act;
- 3.1.3 is to be registered on the title of the Development Land under section 7.6 of the Act;
- 3.1.4 is not a confidential document and may be exhibited without restriction by either party.
- 3.2 Subject to clause 3.3, this Agreement operates from the date it is executed.
- 3.3 This agreement will only operate if and when Council grants Development Approval (or Development Approvals as the case may be) to the Proposed Development on the Development Land.
- 4 Application of s7.11 and s7.12 of the Act to the Development**
- 4.1 This agreement excludes the application of section 7.11 and section 7.12 of the Act to the Proposed Development. Should this agreement be terminated section 7.11 and section 7.12 of the Act will apply to the Proposed Development.
- 4.2 Notwithstanding Clause 4.1, should a section 7.11 Plan which applies to the land come into force prior to the issue of any development consent for subdivision of the land, this Agreement shall be terminated immediately and the adopted contribution rate within such section 7.11 Plan shall be applied in place of the Developer's Contribution cited within this Agreement.
- 4.3 Clause 4.2 does not allow the Council or the Developer to retrospectively apply a section 7.11 contribution for the additional allotment for which development contributions have been paid in accordance with this Agreement.
- 4.4 Subject to Clause 16 should this Agreement be terminated in accordance with clause 17, section 7.11 or section 7.12 of the Act, whichever is applicable, will apply to the Proposed Development.
- 5 Registration of this Agreement**
- 5.1 Within 30 days from the commencement of this Agreement the Developer must take all reasonable steps to procure the registration of the Agreement, in accordance with section 7.6 of the Act on the relevant folios of the register held by the LPI pertaining to the Development Land.

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- 5.2 The Council agrees:
- a) to provide a release and discharge of this Agreement with respect to the Development Land or the additional lot created on subdivision of the Development Land on satisfaction by the Developer of the obligation to provide the Developer's Contribution; and
  - b) to do all things reasonably necessary, including the execution of any documents, to enable the Developer to remove the notation of this Agreement on the relevant folios of the register, held by the LPI pertaining to the Land.
- 5.3 The Council acknowledges that the registration of this Agreement on the relevant folios of the register held by the LPI pertaining to the Development Land constitutes suitable means of enforcement of this Agreement for the purposes of s93F(3)(g) of the Act.
- 6 Developer's Contribution**
- 6.1 Subject to the terms of this Agreement, including clause 3.3, the Developer agrees to provide the Developer's Contribution, subject to clause 8, in the form of the Cash Contribution via a condition of Development Consent at the rate of \$30,000, subject to clause 9, for the creation of each additional vacant Housing Lot on the Development Land.
- 6.2 For the avoidance of doubt, the parties agree and acknowledge that the Maximum Cash Contribution is calculated on the basis of \$30,000, subject to clause 8, per additional Housing Lot created by subdivision of the Development Land. The existing Development Land allotment does not attract a Cash Contribution through this Agreement by virtue of there being on the land prior to any additional subdivision one lawfully existing dwelling.
- 7 CPI Adjustment of Developer's Contributions**
- 7.1 On each CPI Review Date the Housing Lot contribution will be calculated as follows:
- $$RAC_c = RAC_B \times \frac{\text{Current CPI}}{\text{Base CPI}}$$
- Where:
- RAC B = The Housing Lot contribution at the commencement of this Agreement (i.e. \$30,000)
- RAC C = Adjusted Housing Lot contribution at CPI review date.
- 8 Staged Provision of Subdivision**
- 8.1 The parties acknowledge that the Proposed Development can be undertaken in stages.
- 8.2 For each stage the Developer must provide a Cash Contribution in accordance with this Agreement for each vacant Housing Lot created within the particular stage.
- 9 Payment of Cash Contribution**
- The Cash Contribution must be paid to Council, prior to the issue of a Subdivision Certificate, on a 'pro-rata' basis. The pro-rata payment calculation is to be based on the number of vacant Housing Lots included in the Subdivision Certificate for the relevant stage.
- 10 G.S.T**
- 10.1 Unless otherwise expressly stated all money or other sums payable or consideration to be provided under this agreement is inclusive of GST.

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

**11 Dispute Resolution**

**11.1 Reference to Dispute**

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

**11.2 Notice of Dispute**

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

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

**11.3 Representatives of Parties to Meet**

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

**11.4 No party may constrain**

If:

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

**11.5 Expert Determination of Dispute**

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

**11.6 Urgent Relief**

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

**12 Agreement of the Developer**

**12.1** The Developer warrants that it:

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

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

**13 Enforcement by any party**

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

**14 Assignment and Dealings**

**14.1** The Developer is not to:

- 14.1.1 sell, transfer, mortgage or charge the Land, or

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- 14.1.2 assign the Developer's rights or obligations under this Deed, or novate this Deed, to any person unless:
- 14.1.2.1 the Developer has, at no cost to the Council, first procured the execution by the person to whom the Land or part is to be sold, transferred, mortgaged or charged or the Developer's rights or obligations under this Deed are to be assigned or novated, of a deed in favour of the Council on terms reasonably satisfactory to the Council, and
- 14.1.2.2 the Council has given written notice to the Developer stating that it reasonably considers that the purchaser, transferee, mortgagee, charge, assignee or novatee, is reasonably capable of performing its obligations under this Deed, and
- 14.1.2.3 the Developer is not in breach of this Deed, and
- 14.1.2.4 the Council otherwise consents to the transfer, mortgage, charge, assignment or novation, such consent not to be unreasonably withheld.
- 14.2 Clause 14.1 does not apply in relation to any sale, transfer, mortgage or charge of the Land if this Deed is registered on the title to the Land at the time of the sale.
- 14.3 Upon the commencement of this Deed, the Council is deemed to have acquired, and the Developer is deemed to have granted, an equitable estate and interest in the Land for the purposes of section 74F(1) of the *Real Property Act 1900* (NSW) and consequently the Council has a sufficient interest in the Land to lodge and maintain with the Land and Property Management Authority a caveat notifying that interest.
- 14.4 The Developer consents to the Council lodging a caveat on the Land where this Deed is not registered on the title to the Land due to a breach by the Developer of its obligations<sup>11.2.1</sup> Agreement to comply with this Agreement as if the transferee was the Developer with respect to that part of the Development Land transferred, including in relation to obligations which arose before the Transfer; and
- 15 Release**
- When the Developer has satisfied all of the obligations imposed on it under this agreement in respect of that part of the Development Land for which a Subdivision Certificate has been issued and for which the Developer's Contribution has been delivered then the Council must promptly at the request and at the reasonable expense of the Developer do all acts and things necessary to remove this agreement from the title of that part of the Development Land.
- 16 Termination**
- 16.1 This agreement may be terminated by the Council by written notice to the Developer if:
- 16.1.1 the Developer commits a breach of any of the terms and conditions of this agreement and fails to remedy such a breach within fourteen (14) days of receipt of a written notice (which specifies the breach and requires the Developer to remedy the breach) whereupon the date of such termination will be effective on the 15th day from receipt of such written notice; or
- 16.1.2 an Event of Insolvency occurs.
- 17 Review Procedures**

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

**18 Notices**

- 18.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this agreement is only given or made if it is in writing and sent in one of the following ways:
- a) delivered or posted to that Party at its address set out below
  - b) faxed to that Party at its fax number set out below.

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

The Developer:

John Ian Henry

Address: 373 Bells Line of Road, Kurmond 2757

Email: 

Telephone: 

Council

Address: Hawkesbury City Council

Attention: General Manager  
366 George Street,  
WINDSOR NSW 2571

| Email: [council@hawkesbury.nsw.gov.au](mailto:council@hawkesbury.nsw.gov.au)

Telephone: (02) 4560 4444

- 18.3 If a Party gives the other Party three business days' notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.
- 18.4 Any notice, consent, information, application or request is to be treated as given or made at the following time:
- a) If it is delivered, when it is left at the relevant address
  - b) If it is sent by post, two business days after it is posted
  - c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.
- 18.5 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

**19 Proper Law and Jurisdiction**

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**Meeting Date: 28 July 2020**

**Voluntary Planning Agreement**  
**377 Bells Line of Road, Kurmond**

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

**20 Severance**

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

**21 Waiver**

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

**22 Approvals and Consent**

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

**23 Entire Agreement**

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

**24 No Fetter**

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



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**377 Bells Line of Road, Kurmond**

**25 Representatives and Warranties**

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

**26 Costs**

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

**Executed as an agreement on**

**2020**

**Execution by Council**

**THE COMMON SEAL** of **HAWKESBURY CITY** )  
**COUNCIL** was hereunto affixed on the \_\_\_<sup>th</sup> day of )  
\_\_\_\_\_ 2020 pursuant to a resolution )  
passed on the \_\_\_<sup>th</sup> day of \_\_\_\_\_ 2020 in )  
the presence of: )

.....  
General Manager of Council

.....  
Cllr Barry Calvert - Mayor

**Execution by JOHN IAN HENRY**

**Signed by:**

\_\_\_\_\_  
Signature of Developer Given Name Initial and  
Last Name

\_\_\_\_\_  
Signature of Developer Given  
Initial and Last Name

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Print name

**ORDINARY MEETING**  
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**AT - 2 Explanatory Note - Voluntary Planning Agreement**

# Hawkesbury City Council



## Explanatory Note – Voluntary Planning Agreement

Lot 2 DP 1177011, 377 Bells Line of Road, Kurmond

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

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

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

### The Parties

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

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

John Ian Henry ('the Developer')

### Description of Subject Land

This Voluntary Planning Agreement applies to Lot 2 DP 1177011, 377 Bells Line of Road, Kurmond.

### Summary of objectives, nature and effect of the Planning Agreement

The Voluntary Planning Agreement is complementary to a proposed amendment to *Hawkesbury Local Environmental Plan 2012* which will enable the subdivision of the subject site into a maximum of seven large Rural Residential lots with a minimum lot size of not less than 4,000m<sup>2</sup>.

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

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

### Assessment of the merits of the Planning Agreement

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

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

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



Interpreter Service 131 450

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# Hawkesbury City Council



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

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

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

- to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources, (Section 1(3)(a))
- to promote the orderly and economic use and development of land to encourage the provision and co-ordination of community services and facilities (Section 1(3)(c))

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

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

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

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

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

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

**What are the planning purposes served by the Planning Agreement?**

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

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

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

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

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

Yes, clause 9 of Voluntary Planning Agreement states:

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

28 July 2020

**oooO END OF REPORT Oooo**

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**CITY PLANNING**

**Item: 135**                      **CP - Western Parkland City Liveability Program - (95498, 79351)**

**Previous Item:**            205, Ordinary (28 August 2018)

**Directorate:**              City Planning

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**PURPOSE OF THE REPORT:**

The purpose of this report is to present the draft Masterplan and Public Domain Plan for Richmond, South Windsor and Windsor town centres and place them on public exhibition.

**EXECUTIVE SUMMARY:**

The Western Parkland City Liveability Program is a key commitment of the Western Sydney City Deal. The City Deals Liveability Program was established to enable each Council to implement a project to provide infrastructure improvements that will improve the built and natural environments and enable economic and social prosperity. The total value of the Liveability Program is \$18.75 million per Council comprising \$15 million from the Commonwealth and State Government and a further matching 3.75 million from Council. In September 2018, under this Program, Council resolved to undertake town centre improvements in Richmond, South Windsor and Windsor. The City Deal funding is required to be expended by April 2022.

In October 2019 Council engaged the services of Urbis to guide the town centre revitalisation with focussed community and stakeholder engagement and the preparation of strategic Master Plans and Public Domain Plans for the three town centres. This work is considered to be a foundation piece aimed at revitalising our public spaces to support and create economic development and social interaction within each centre. The public domain works aim to address the Hawkesbury's underperforming town centres by undertaking public space rejuvenation, leveraging the rich historic and natural amenity of the Hawkesbury's towns and villages.

The Draft Masterplan and Public Domain Plan is being submitted to Council to gain agreement to place them on public exhibition, with the results to be reported back to Council.

**RECOMMENDATION:**

That

1. Council place the Draft Masterplan and Public Domain Plan Report on public exhibition.
  2. A report be submitted to Council following the public exhibition.
- 

**BACKGROUND**

The Western Sydney City Deal was signed by the Prime Minister, the Premier of NSW and the Mayors of the eight Western City Councils on 4 March 2018. The City Deal as published contains 38 initiatives which have been the subject of further consideration and development.

The State Government has established a Western Sydney City Deal Delivery Office, drawing together officers from all three levels of government to work collectively on further defining and developing the City Deal to a point where it can be implemented and outcomes delivered.

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At its meeting on 25 September 2018 Council resolved to:

*“endorse a program of Town Centre improvements, as the priority project to be applied for under the Western Parkland City Liveability Program.”*

Council submitted an application for Round 1 of the Liveability Program funding in October 2018, and were advised of the successful grant application on 23 January 2019. The total value of the Liveability Program is \$18.75 million, comprising \$15 million from the Commonwealth and State Government and a further matching \$3.75 million from Council. The City Deal funding is required to be expended by April 2022.

In October 2019 Council engaged the services of Urbis to guide the town centre revitalisation with focussed community and stakeholder engagement and the preparation of strategic Master Plans and Public Domain Plans for Richmond, South Windsor and Windsor town centres. This work is considered to be a foundation piece aimed at revitalising our public spaces to support and create economic development and social interaction opportunities. The public domain works aim to address the Hawkesbury’s underperforming town centres by undertaking public space rejuvenation, leveraging off the rich historic and natural amenity of the Hawkesbury’s towns and villages.

Guided by the high level objectives of the Greater Sydney Commission’s regional and district plans, the objectives of the project as set out in the tender were to:

- Identify the strengths and weaknesses of the existing public domain design and build on the qualities for each town centre;
- Take the data gathered through the placescore survey and implement a placemaking approach to meet the community values and public domain qualities such as connectivity, permeability and accessibility.
- Formulate an evidence-based vision, recommendations and concepts for each town centre;
- Take a design-led approach with the creation of great places and space, putting the public domain and the overall user experience at the forefront of investigations and recommendations.

## **DISCUSSION**

The development of the draft Masterplan and public domain plans involved a three part methodology that occurred concurrently, the three core elements were:

- Community and Stakeholder Engagement
- Urban Design, Place Analysis and Master Plans
- Public Domain Design

### **Community and Stakeholder Engagement**

The outcomes of engagement previously undertaken for the Community Strategic Plan, Place Score Card and the Local Strategic Planning Statement provided a high level understanding of community values and issues. Engagement for this project therefore has been more targeted and specific to practical short term improvements in the three town centres.

To raise awareness of the project Council provided information via a range of mechanisms including”

- Social media
- Newspaper advertising
- Your Hawkesbury - Your Say
- Postcards (850 Distributed)

The engagement activities undertaken included:

- Business Street Walks (over 150 businesses);
- Stakeholder Workshops (including Council’s Town Centre Working Group, the Project Control Group, Chamber of Commerce, local businesses, clubs and education providers);
- Pop-up engagement stalls in each town centre;

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- Social media posts (100+ comments);
- Online survey (337 responses);
- Dedicated email line (10 emails); and
- Dedicated phone line (1 call).

### **Indigenous Engagement**

Urbis was engaged by Hawkesbury City Council to undertake engagement with the local Indigenous community to support the creation of draft Masterplan and Public Domain Plan.

The principles that guided this engagement included:

- Participatory processes with Indigenous communities.
- Involving Aboriginal Elders and organisations to provide feedback on existing structure and cultural frameworks.
- Building trust and dialogue to create an ongoing conversation.

The engagement activities undertaken included:

- All identified stakeholders were provided with a fact sheet on the project as well as invitations to workshops and briefing sessions;
- Stakeholder briefings on Tuesday, 30 June 2020 – 10:00am to 11:00am and Wednesday, 1 July 2020 – 2:00pm to 3:00pm; and
- Consultation workshops were scheduled on Wednesday, 15 July 2020 at 10:00am to 12:00pm and 1:00pm to 3:00pm.

There were three key themes that emerged during the engagement activities these were:

#### Acknowledgement of the past

- The region represents a rich tapestry of Australia's Indigenous and colonial history, which will be important inclusions in the masterplan and public domain process.
- Translation of stories and themes into the master planning process to illuminate Indigenous narratives within Windsor, Richmond and South Windsor will provide rich descriptions and ideas for design.
- Dealing with past Indigenous history is respectful – this is not something to ignore.
- The acknowledgment and communication of the "contact era" is important. This refers to the first settlement and corresponding 20+ years. 1798 was the first contact.

#### Understanding of the Local Area

- The masterplan will recognise the continuous Indigenous connection to the Hawkesbury lands, waters and communities.
- The local places will become meaningful when able to tell its own stories which are distinctive of the history, people, and culture.
- Collaborating with Indigenous elders and community will reveal the layers of tradition, stories of the Hawkesbury region and its first nation's people.
- Connection is important – all areas of the Hawkesbury are connected and important to each other.
- Sandstone and shale are important parts of the Indigenous culture.
- Indigenous history and consultation should be woven into the final designs.

#### Incorporation of Indigenous Culture

- The Revitalising our Town Centres project aims to reflect and preserve Indigenous history and culture.
- Integrating Indigenous history into the master planning will provide opportunities for Indigenous economic development and for Hawkesbury to become a cultural destination.
- Utilise knowledge of the local area for naming of places – the towns have been created on top of significant landscapes.

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- Ensure Cultural Heritage Assessments include appropriate “dig down” capacity to capture the heritage in the local area.
- The descendants of the original Indigenous communities are still here, on land and connected. Keep this in mind when developing these plans.
- Open fire is important – it is how the Indigenous culture spoke to the spirit world.

What the Community Told Us - Engagement Overview

Following is a snapshot of some of the findings from the engagement process.

Richmond

- Public Domain improvements including street tree planting, street furniture, lighting, signage and incorporate parklets.
- Integrate Public Art and smart city elements.
- Strengthen the sense of place and appeal of Richmond.
- Greening – street trees introduced to mitigate heat and rising temperatures. Look at misting.
- The End of the Line – celebrate the trains ‘end of line’ experience.
- Review car parking.
- Celebrate and Protect Heritage.
- Significant public spaces – Regent Theatre Forecourt, Richmond Park Oval Activation.
- Town Centre Enhancements – active frontages, revitalizing arcades, connecting with the university, food based tourism and Place Activation.
- Planning and Development – Comprehensive DCP, development constraints, local centre zoning and building height controls.

South Windsor

- Public Domain improvements including street tree planting, street furniture, lighting, signage and make it safer.
- Town centre enhancement - revitalise arcades, pop up activations, footpath trade and places to occupy and sit.
- Greening – street trees introduced to mitigate heat and rising temperatures.
- Cycle Network joined to the regional cycle network.
- Review car parking in terms of layout and efficiency to optimize number of spaces.
- Bereewan Park – create a multi-use park for the whole of community. Provide fitness equipment, walking track, activities or spaces for teenagers.
- Improvements of the connection from South Windsor to the train station.
- Planning and Development – housing densification, development constraints and develop a comprehensive DCP.
- Area lacks an “identity” – consider using Indigenous culture to create one.
- A space for open fire and smoke ceremonies would be appreciated to incorporate traditional aspects of culture.

Windsor

- Public Domain improvements including the introduction of a shared zone and a revitalization of the mall, tree planting, street furniture, lighting and signage.
- Town centre enhancement - pop up activations, footpath trade, revitalise vacant stores and places to occupy and sit.
- Significant public spaces – Thompson Square, McQuade Park and the forecourt to the Library and Gallery.
- An Arrival Gateway – a statement to create a sense of arrival to Windsor.
- Greening – street trees introduced to mitigate heat and rising temperatures.
- Connect the town centre to the river.
- Planning and Development housing density, development sites,



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- Movement – Refocus George Street from a car dominated space to a people place.
- Opening of the Southern end of the Mall.
- Review car parking in terms of layout and efficiency to optimize number of spaces.
- Celebrate Heritage - Colonial history is important – but so is Indigenous history and this can be blended.
- It was identified that where the current paddle wheel is located was former Indigenous corroboree ground and is important to the local Indigenous community.
- A staged approach to incorporating Indigenous history will start a new process and encourage acceptance – this is about public recognition.
- Providing Indigenous stories is important, especially along the riverbanks.
- There are many spaces that are underutilised and can be developed for Indigenous use including McQuade Park and across the river.

The feedback from the community and stakeholder engagement underpins the proposed public domain works in the draft plan.

### **Councillor Workshop**

A Councillor workshop was held on 7 April 2020 via a zoom video conference to enable:

- Discussion of the key issues arising from the community and stakeholder consultation.
- Discussion of the draft Master Plan and Public Domain Plan ideas that were developed in response to the community engagement.
- Councillors to provide feedback on the draft ideas and put forward other ideas to be considered.

### **Urban Design and Place Analysis**

Urbis have completed a comprehensive analysis of the town centres including the urban design elements on the ground today as well as the numerous strategic plans, policies and studies that have been undertaken for the town centres including planning, heritage, traffic, environment and other topics. This has been consolidated into a series of opportunity and constraints maps for each Centre.

### **Draft Master Plan and Public Domain Plan**

Through the analysis and stakeholder engagement, a draft master plan for each Centre was developed to inform master planning strategies and recommendations. Each master plan recommendations offer an overarching framework to guide long-term centre revitalisation through incremental change. The public domain design identifies early ideas and opportunities for upgrades to key public spaces and high streets within each town centre. The designs inform immediate public domain interventions that can be captured and delivered by the Western Parkland City Liveability Program as well as strategic projects to be implemented beyond 2022.

Key projects include:

Windsor:

- Revitalisation George Street as a “Green Boulevard”
- Library and Gallery Forecourt upgrades for events and gathering
- Connections to Hawkesbury River
- George Street Mall South & George Street Mall North upgrades
- Thompson Square upgrades

South Windsor:

- Revitalisation George Street as a “Green Boulevard”
- George Street Parklets installation
- Bereewan Park and South Windsor Presbyterian Cemetery

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Richmond:

- Windsor Street Activation
- Revitalisation Windsor Street as a “Green Boulevard”
- Regent Theatre Forecourt
- Richmond Station Arrival Plaza

**COMMUNITY AND STAKEHOLDER ENGAGEMENT**

It is proposed to place the Draft Master Plan and Public Domain Plan on exhibition for a period of 28 days. To assist with the engagement process an Interactive Summary Document has been prepared. This will enable members of the community to go on line and click on various aspects of the document.

Following public exhibition a report will be presented to Council to summarise the feedback received and subsequent recommendations.

**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.
  - 1.2.2 Council's communication will be enhanced to ensure community awareness and understanding of the role Council plays in everyday life in the Hawkesbury.
- 1.3 Financial Sustainability - Build strong financial sustainability for now and future generations.
  - 1.3.1 In all of Council's strategies, plans and decision making there will be a strong focus on financial sustainability.
  - 1.3.2 Meet the needs of the community now and into the future by managing Council's assets with a long-term focus.

Our Community

- 2.3 Community partnerships continue to evolve - Increase the range of local partnerships and plan for the future
  - 2.3.1 Encourage and facilitate community partnerships.

Our Environment

- 3.4 The sustainability of our environment is improved - Encourage and enable our community to make sustainable choices
  - 3.4.2 Development is functional, attractive and sympathetic with the environment, and avoids unnecessary use of energy, water or other resources.

Our Assets

- 4.3 Places and Spaces - Provide the right places and spaces to serve our community
  - 4.3.1 Provide a variety of quality passive recreation spaces including river foreshores, parks, bushland reserves and civic spaces to enhance our community's health and lifestyle.

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- 4.3.3 Provide a variety of quality shared spaces including meeting spaces accommodating public art, cultural and environmental amenity to enhance our community's health and lifestyle.

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.
- 5.1.5 The needs of our community will be reflected in Local, State and Regional Plans.
- 5.3 Shaping our Growth - Respond proactively to planning and the development of the right local infrastructure
- 5.3.1 Growth and change in the Hawkesbury will be identified, planned for and valued by the community.
- 5.5 Reinforcing our dynamic places - Support the revitalisation of our town centres and growth of our business community
- 5.5.1 Revitalise and enhance our two significant town centres of Windsor and Richmond, to create thriving centres each with its own character that attracts residents, visitors and businesses.
- 5.5.2 Create active partnerships to develop a network of vibrant centres, creating opportunities for business growth and community connection.
- 5.5.3 Assist our town and village centres to become vibrant local hubs
- 5.6 Instigating Place Making Programs - Celebrate our creativity and cultural expression
- 5.6.2 Masterplanning processes will be prepared in consultation with the community, key stakeholders and partners to establish the specific strategies for town and village centres.
- 5.7 Tourism and Economic Development - Promote our community as the place to visit, work and invest
- 5.7.1 Working in partnership we will actively market our City and our capabilities to existing and potential businesses, visitors and investors.

**FINANCIAL IMPACT**

The recommendations of the Draft Plan are to be funded using the \$15 million Commonwealth and State Liveability Program funding. Council's 2020/2021 Budget has funds allocated to satisfy the \$3.75 million eligibility requirement.

**FIT FOR THE FUTURE STRATEGY CONSIDERATIONS**

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

**ATTACHMENTS:**

- AT - 1** Draft Masterplan and Public Domain Plan – Liveability Program – *(Distributed Under Separate Cover)*.

**oooO END OF REPORT Oooo**

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**Item: 136**                      **CP - NSW Housing Strategy Discussion Paper - (95498, 124414)**

**Directorate:**                City Planning

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**PURPOSE OF THE REPORT:**

The purpose of this report is to:

- Advise Council of the exhibition of “A Housing Strategy for NSW” Discussion Paper which is the NSW Government’s State-Wide Housing Strategy to ensure that NSW is responsive to changing housing needs for the next 20 years and beyond.
- Seek Council’s consideration and endorsement of a draft submission to be lodged with the Department of Planning, Industry and Environment.

**EXECUTIVE SUMMARY:**

The Department of Planning, Industry and Environment have released a Discussion Paper "A Housing Strategy for NSW".

The Discussion Paper (included as Attachment 1) was exhibited between 15 June 2020 to 24 July 2020, and is an important step in refining the vision for housing, developing directions, and identifying actions that can be achieved now and into the future.

It is considered that Council should provide a submission to highlight the issues associated with housing for the Hawkesbury Local Government Area.

**RECOMMENDATION:**

That Council:

1. Receive and note the NSW Government’s “A Housing Strategy for NSW” – Discussion Paper.
2. Note the key points in the Draft Submission in relation to:
  - Approach to flooding
  - Diversity in housing types
  - Need for resilience in housing
  - Housing needs of ageing population
  - Mismatch between housing size and dwelling type/size
  - Impacts on agricultural lands.
  - Reliance on low density development and urban form
  - Housing affordability
  - Social, affordable housing and homelessness
  - Housing targets/population projections
  - Strategic Transport Routes and Metropolitan Rural Area context
  - Peri- Urban/semi-rural location
  - Permissibility of Detached Dual Occupancies and Secondary Dwellings
  - Design excellence provisions
  - Assessment of costs to upgrade existing housing stock
  - Design led solutions to housing.

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3. Endorse the draft submission on the Discussion Paper included as Attachment 2 to this report.

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**BACKGROUND**

The Department of Planning, Industry and Environment have released a Discussion Paper - "A Housing Strategy for NSW". The Discussion Paper identified that:

- NSW's population is growing unevenly, Greater Sydney is experiencing a higher growth rate compared to regional NSW;
- People aged 65 years and over will increase by 85 percent in the next 25 years;
- By 2041 NSW will have 26 percent more children and 23 percent more aged 15-24 years;
- Peoples living arrangements will continue to be diverse;
- Affordability will remain an important issue;
- Advanced technology and innovation will impact housing development;
- People will use their homes in more diverse and innovative ways such as sharing economy;
- Urban and natural environments are changing as threats from natural hazards are increasing such as bushfire, flooding, droughts, storms, soil erosion, heat etc.

It is noted that since the release of the Discussion Paper, the impacts of the COVID-19 situation on housing are starting to be become apparent, and consideration of these impacts should also occur.

The objectives of "A Housing Strategy for NSW" are to:

- Coordinate diverse housing policy to most effectively respond to challenges;
- Ensure an agile, timely and evidence-based response to new opportunities and issues;
- Provide certainty to councils, industry and communities about our direction for housing in NSW;
- Provide a foundation to communicate with and complement the work of State Government agencies, including the Greater Sydney Commission, and other levels of government, including councils and the Australian Government ; and
- Ultimately, best plan for housing that responds to environmental, population and affordability changes and the preferences and needs of the community – now, over the next 20 years and beyond.

The Discussion Paper is an important step in refining the vision for housing, developing directions, and identifying actions that can be achieved now and into the future. The Discussion Paper is on exhibition until 24 July 2020 and a copy is included as Attachment 1 to this report.

The NSW Housing Strategy is proposing to establish a shared 20 year vision as outlined below:

*Housing that supports security, comfort and choice for all people at all stage of their lives, achieved through supply that meets the demand for diverse, affordable and resilient housing and responds to environmental, cultural, social and economic contexts.*

The Discussion Paper outlines a number of considerations under the following Themes:

**Theme 1 – Housing Supply in the Right Locations**

- Housing viability
- Employment in Regional NSW
- Residential and Agricultural Land Use Conflict

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**Theme 2 – Diverse Housing for Diverse Needs**

- Larger Households
- Families in Apartments
- Housing Configuration
- Aboriginal Population
- An Older Population
- People with Disability

**Theme 3 - Affordability**

- Housing Affordability
- Social Housing
- Homelessness

**Theme 4 - Responsive and Resilient Housing**

- Accessibility and liveability
- How Housing Impacts Place
- Longevity of Housing

The supply, diversity affordability and resilience of housing is the product of a range of interrelated factors. Some of these factors are influenced by government, some are influenced by other delivery partners and others are personal preferences or broader societal changes and trends.

The Discussion Paper recognises that the housing system is beyond the responsibility of a single State agency or the NSW Government on its own. Housing has impacts and is affected by other policy areas such as environment, economy, infrastructure, social services and health.

**DISCUSSION**

With respect to housing, the matters considered to be of most relevance to the Hawkesbury Local Government Area are:

- Limited diversity in housing types (need for greater diversity in housing stock)
- Ageing of the population (need for flexible/adaptive housing)
- Reliance on low density development and urban form (low rates of public transport use and high car dependency)
- Housing affordability (particularly rentals)
- Social housing and homelessness
- Meeting housing targets/population projections specified in NSW State Government Plans and balancing this with significant considerations/constraints (flooding, bushfire risk, biodiversity, agricultural/rural lands, urban heat, heritage/character of towns and villages)
- Impacts of increased housing on agricultural lands.
- Ability to plan for a longer term supply of residential land given uncertainty around a number of matters eg. Strategic Transport Routes and Metropolitan Rural Area context

Preparation of Council's Draft Submission has been informed by work that has been undertaken with respect to various background studies, including:

- Hawkesbury Demographics Study
- Draft Hawkesbury Local Housing Strategy
- Draft Hawkesbury Rural Lands Strategy

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The Draft Submission is included as Attachment 2, but key points raised in the Draft Submission include:

- Need for consistency of approach to flooding related matters (flood planning controls)
- Need for diversity in housing types
- Need for resilience in housing, including design for conditions and better housing design (consideration of constraints and risk that is responsive to environment including changing climate, urban heat, and flooding in order to provide better designed living spaces)
- Housing needs of ageing population (need for flexible/adaptive housing)
- Address the mismatch between housing size and dwelling type/size
- Impacts of increased housing on agricultural lands.
- Reliance on low density development and urban form (low rates of public transport use and high car dependency)
- Housing affordability (particularly rentals)
- Ensuring that the identified needs of social, affordable housing and homelessness are appropriately addressed
- Meeting housing targets/population projections specified in NSW State Government Plans and balancing these with significant considerations/constraints (flooding, bushfire risk, biodiversity, agricultural/rural lands, heritage/character of towns and villages)
- Ability to plan for a longer term supply of residential land given uncertainty around a number of matters eg. Strategic Transport Routes and Metropolitan Rural Area context
- Ability to influence provision of type of housing that is reflective of the Peri- Urban/semi-rural location
- Ability to provide planning provisions that are reflective of Council's resolved position with respect to permissibility of Detached Dual Occupancies and Secondary Dwellings
- Ability for councils to include design excellence provisions that are tailored to the unique characteristics of location and the needs of the community, including density and form
- Provision of an assessment of the costs involved in upgrading of existing housing stock given areas of relatively low growth rely on existing housing stock that in many cases is not fit for purpose given a range of social and environmental changes
- Greater emphasis to be placed on design led solutions to housing that are reflective of circumstances, including flood affected areas in order to lessen impacts to residents and provide for lower insurance premiums as a result.

#### **COMMUNITY ENGAGEMENT**

No community engagement is required for this matter as the Department of Planning, Industry and Environment is exhibiting the "A Housing Strategy for NSW" - Discussion Paper through its portal. As this is a matter that affects the State any community engagement is being undertaken by the Department.

#### **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

- 1.4 Reinforcing and establishing effective strategic partnerships - Build strong relationships and shared responsibilities.
  - 1.4.1 Foster positive relationships with all tiers of government and peak bodies to ensure a thorough understanding of the challenges and local requirements of the Hawkesbury.

##### Our Community

- 2.4.1 Work in partnership with government and community organisations to improve services and facilities for disadvantaged and vulnerable groups, and to build stronger and more cohesive communities.

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Our Future

- 5.2 Management of Aboriginal and Non Aboriginal and the Built Environment - Value, protect and enhance our built environment as well as our relationship to Aboriginal and Non Aboriginal history
  - 5.2.2 Encourage and implement progressive urban design, sensitive to environment and heritage issues.
- 5.3 Shaping our Growth - Respond proactively to planning and the development of the right local infrastructure
  - 5.3.1 Growth and change in the Hawkesbury will be identified, planned for and valued by the community.
  - 5.3.2 The diverse housing needs of our community will be met through research, active partnerships and planned development.
  - 5.3.3 Plan for a balance of agriculture, natural environment and housing that delivers viable rural production and maintains rural character.

**FINANCIAL IMPACT**

There are no financial impacts with respect to this report. Council has almost completed its Draft Hawkesbury Local Housing Strategy. The Discussion Paper does not have anything new in particular that has not been considered through the Draft Hawkesbury Local Housing Strategy.

**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:**

- AT - 1** A Housing Strategy for NSW – Discussion Paper - (*Distributed under separate cover*).
- AT - 2** Draft Submission to the Department of Planning, Industry and Environment - (*Distributed under separate cover*).

**oooO END OF REPORT Oooo**



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**Item: 137**                      **CP - Exhibition of Draft Voluntary Planning Agreement Policy - Post Exhibition Report - (95498, 124414)**

**Previous Item:**            233, Ordinary (10 December 2019)

**Directorate:**              City Planning

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**PURPOSE OF THE REPORT:**

The purpose of this report is to advise Council of the outcome of public exhibition of the Draft Voluntary Planning Agreement Policy.

**EXECUTIVE SUMMARY:**

Council at its Ordinary Meeting on 10 December 2019 resolved to place on exhibition a Draft Voluntary Planning Agreement Policy.

The purpose of the Draft Voluntary Planning Agreement Policy is to provide a framework for Hawkesbury City Council to guide the preparation of Voluntary Planning Agreements. The Draft Voluntary Planning Agreement Policy has been prepared in accordance with Subdivision 2 of Division 7.1 of Part 7 of the Environmental Planning and Assessment Act 1979, and the relevant sections of the Environmental Planning and Assessment Regulation 2000.

The Draft Voluntary Planning Agreement Policy was publicly exhibited between Friday 10 January 2020 to Friday 28 February 2020, and received one submission which is detailed in the report. Having considered the submission, it is considered appropriate to amend the Draft Voluntary Planning Agreement Policy as detailed in the report, including:

- Correction of anomalies/administrative matters
- Provision of greater certainty for various clauses.

**RECOMMENDATION:**

That Council:

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

**BACKGROUND**

A Voluntary Planning Agreement may be used for a variety of reasons in order to achieve public benefits which are not ordinarily available through the planning and development system or are available in a restricted manner.

Voluntary Planning Agreements:

- Provide a means for allowing the local community to share in the financial benefit obtained by a developer due to a change in planning controls or a consent to a development application;
- Provide a way for the local community to secure public benefits in addition to measures which are

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- required to address the impact of development on private and public lands;
- Allow for a flexible means for achieving good development outcomes and targeted public benefit;
- Provide opportunities for the local community to participate in the quality and delivery of public benefits; and
- Allow developers to have an input to the type, quality, timing and location of public benefits.

A Voluntary Planning Agreement is defined in section 7.4 (1) of the *Environmental Planning and Assessment Act 1979* as:

*"A planning agreement is a voluntary agreement or other arrangement under this Division between a planning authority (or 2 or more planning authorities) and a person (the developer):*

- a) *who has sought a change to an environmental planning instrument (such as a planning proposal), or*
- b) *who has made, or proposes to make, a development application or application for a complying development certificate, or*
- c) *who has entered into an agreement with, or is otherwise associated with, a person to whom paragraph (a) or (b) applies,*

*under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose."*

The key types of applications for which Council may, at its discretion, enter into a planning agreement are:

- a) A planning proposal; and
- b) A development application (or an application to modify a development consent).

#### Relevant Legislation

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

#### DISCUSSION

Council may consider entering into a Voluntary Planning Agreement where there will be an opportunity or likely requirement for a development contribution:

- a) When a developer:
  - i. proposes to, or has made a request for a planning proposal seeking a change to Hawkesbury Local Environmental Plan 2012 to facilitate the carrying out of development or State Significant Development; or
  - ii. proposes to, or has made, a development application under Part 4 of the Environmental Planning and Assessment Act 1979; or
  - iii. an application under s 4.55 of the *Environmental Planning & Assessment Act 1979* to modify a development consent; or
  - iv. has entered into an agreement with, or is otherwise associated with, a person to whom (i), (ii) or (iii) applies; or
- b) In the circumstances of an offer by a developer as set out in section 7.7(3) of the *Environment Planning and Assessment Act 1979*, [s 7.7 (3) states in part: a consent authority can require a planning agreement to be entered into as a condition of a development consent, but only if it requires a planning agreement that is in the terms of an offer made by the developer in connection with:

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- i. the development application or application for a complying development certificate, or
- ii. a change to an environmental planning instrument sought by the developer for the purposes of making the development application or application for a complying development certificate, or that is in the terms of a commitment made by the proponent in a statement of commitments made under Part 3A.

Notwithstanding the above, Council in its absolute discretion is not obliged to enter into a voluntary planning agreement with a developer.

The Council's use of planning agreements will be governed by the following principles:

- (a) Planning decisions may not be bought or sold through planning agreements,
- (b) Development that is unacceptable on planning grounds will not be permitted because of planning benefits offered by developers that do not make the development acceptable in planning terms,
- (c) Council will not allow planning agreements to improperly fetter the exercise of its functions under the Environmental Planning and Assessment Act 1979, Regulation or any other Act or law,
- (d) Council will not use planning agreements for any purpose other than a proper planning purpose,
- (e) Council will not allow the interests of individuals or interest groups to outweigh the public interest when considering a proposed planning agreement,
- (f) Council will not improperly rely on its statutory position in order to extract unreasonable public benefits from developers under planning agreements,
- (g) If the Council has a commercial interest in development the subject of a planning agreement, it will take appropriate steps to ensure that it avoids a conflict of interest between its role as a planning authority and its interest in the development,
- (h) When considering a planning proposal or development application, Council will not give undue weight to a planning agreement.

Should Council resolve to approve the draft Voluntary Planning Agreement Policy, any previous policies/guidelines/procedures are to be rescinded.

### **COMMUNITY ENGAGEMENT**

The Draft Voluntary Planning Agreement Policy was publicly exhibited between Friday 10 January 2020 to Friday 28 February 2020.

Details of the public exhibition were advertised in The Courier, Council's website and promoted through Council's Facebook page and 'Your Hawkesbury - Your Say' online engagement site. Hard copies of the exhibition were also placed at Council's Administration Centre.

A single written submission was received during the public exhibition of the Draft Voluntary Planning Agreement Policy. The details of the submission and Council's responses are as follows:

Submission	Council's Response
1. It is our understanding that Local Council adopted policies are legally binding and already supported by legal precedence whereas Local Council Development Control Plans can be discretionary.	<p>A Voluntary Planning Agreement when entered into is legally binding on all parties subject to the Agreement. Preparation of Voluntary Planning Agreements will be directed by the Policy.</p> <p>To an extent, a Development Control Plan is discretionary, and is considered as part of the merit assessment of development applications.</p>

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<b>Submission</b>	<b>Council's Response</b>
<p>2. The inclusion of a draft planning agreement template exhibited in combination with the draft policy would be useful in the assessment of the information provided in the documents. A draft template has not been exhibited.</p> <p>To view an actual completed draft planning policy agreement template document incorporating standard clauses would improve process efficiency and better illustrate how the information included in the exhibited draft policy is applied to an agreement.</p>	<p>It is considered that the provision of a template was not required to be exhibited with the Draft Voluntary Planning Agreement Policy given that it is a document that is subject to change periodically based on identified improvements.</p>
<p>3. There are additional terms noted within the exhibited policy documents that should be included in Clause 1.6 to provide greater clarity, explanation and avoid ambiguity.</p>	<p>No specific details have been provided in terms of the additional items, and it is considered that the terms included within Clause 1.6 are appropriate.</p>
<p>4. Clause 2.2 involves cross boundary voluntary planning agreements. If Council is affected by a development application or planning proposal from an adjoining council area, which local Government Area Policy is required to be used?</p>	<p>Such a situation is subject to negotiation between the respective parties depending on the particular circumstances.</p>
<p>5. Clause 2.3 should not be limited to just the three listed actions but to all dealings with planning agreements.</p>	<p>It is considered appropriate to amend Clause 2.3 to refer to implementation and modification of Voluntary Planning Agreements</p>
<p>6. Clause 2.4 should provide an explanation of the situation when a development or planning proposal is outside but close to the boundary of the HLGA.</p>	<p>Whilst Clause 2.2 addresses Cross Boundary Voluntary Planning Agreements, it is considered appropriate to amend Clause 2.4 to refer to matters outside or close to the boundary of the Hawkesbury Local Government Area.</p>
<p>7. Clause 2.5 includes the term 'intended', which implies an uncertainty or doubt that the policy would be periodically reviewed. Council Policies should be compulsorily reviewed within a definite time period.</p>	<p>It is considered appropriate to amend Clause 2.5 to provide greater certainty that the Policy will be reviewed at the following trigger points: Changes in legislation; Changes to Guidelines issued by the NSW State Government; Otherwise every 5 years.</p>
<p>8. The circumstances at Part (g) of Clause 3.1 describe the situation where Council has a commercial interest in a development which is subject of a planning agreement. This situation must trigger the involvement of an independent third party in negotiation procedures so as to avoid any risk of impropriety.</p>	<p>It is considered that the Clause provides clear direction. Implementation of this clause is an operational matter.</p>

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Submission	Council's Response
<p>9. Clause 3.2 outlines that <i>'an initial written offer'</i> is made and that offer is then <i>'finalised once negotiations about the exact terms of the planning agreement have been agreed'</i> following discussions with Council staff. When probity issues arise an independent third party must be involved. Council must also facilitate community consultation/meetings are undertaken at this stage in order to provide all details of the development proposal and offer by a developer to enter into a planning agreement. The developer must provide for these additional consultation costs. Community consultation must occur at this early stage before the exhibition period so that Council and Councillors have the benefit of understanding the concerns of the community by the time the proposal first comes to a Council meeting. Councillors need to be fully informed before they decide whether or not to endorse a development proposal and an offer by a developer to enter into a VPA.</p>	<p>The <i>Environmental Planning and Assessment Act 1979</i> requires all Voluntary Planning Agreements to be publicly exhibited.</p> <p>It is considered that public exhibition is a key step in the Voluntary Planning Agreement process.</p> <p>Council formally considers all Draft Voluntary Planning Agreements prior to public exhibition, and also the outcome of public exhibition prior to resolving to enter into a Voluntary Planning Agreement.</p> <p>As such no change is proposed to this Clause.</p>
<p>10. Clause 3.3 notes that <i>'the typical process involved in negotiating a VPA is outlined in Appendix A'</i>. There is no Appendix A listed in the Table of Contents or noted in the exhibited documents but there is an un-named 'process flow chart' included at Clause 7.10 Notations on Certificates under Section 10.7 of the Act On page 19.</p>	<p>The Draft Voluntary Planning Agreement Policy has been amended to include the diagram referred to as Appendix A.</p>
<p>11. Clause 3.4 part (c) has been mislabelled and would appear to be the end of part (b) preceding it.</p>	<p>The Draft Voluntary Planning Agreement Policy has been amended to correct this administrative error.</p>
<p>12. Clause 3.4 part (f) has also been mislabelled and would appear to be the end of part (e) preceding it.</p>	<p>The Draft Voluntary Planning Agreement Policy has been amended to correct this administrative error.</p>
<p>13. Clause 3.6 indicates the optional use of a separate contractual arrangement relating to the delivery of a material public benefit. We consider the use of a separate contractual arrangement in the situations listed at Clause 3.6 should be mandatory.</p>	<p>Application of this clause is dependent on the circumstances of each matter.</p>
<p>14. Clause 4.3 again indicates a discretionary requirement of a developer to provide Council with information that will assist in the determination of a planning agreement offer. This again should be a compulsory requirement of a developer to provide all supporting documentation. The terms included at Clause 4.3 are all too flexible.</p>	<p>The Draft Voluntary Planning Agreement Policy has been amended to require the provision of supporting documentation.</p>

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Submission	Council's Response
15. We do not support the pooling of monies collected from different planning agreements across the Local Government Area. The needs of one community should not be rated any more important above the needs of another community and money collected through a particular development should stay with that community just as in site specific Contribution Plans.	The practice of pooling monies collected through Voluntary Planning Agreements is consistent across local government areas.  The onus still remains on a Council when sufficient funds have been collected to provide the identified item.
16. Clause 4.5 refers to ' <i>works in kind</i> '. An explanation of this arrangement should be included in the exhibited documents and in what circumstances its use would be negotiated.	Officers are preparing a Works in Kind Policy which will be considered by Council and publicly exhibited.
17. Clause 4.6 again illustrates more flexibility in regard to the obligations of a developer.	It is standard practice across all local government areas that Voluntary Planning Agreements take effect with development consent ie. The need for the Voluntary Planning Agreement is a consequence of the particular development. As such no change is proposed to this Clause.
18. Clause 4.7 states that ' <i>Council's Solicitor will ordinarily prepare a VPA</i> '. In this situation where Council's Solicitor is not involved in the preparation of a draft VPA then independent Legal advice or opinion must be sought in relation to the draft VPA.	It is considered appropriate to amend the Draft Voluntary Planning Agreement Policy to reflect such a circumstance.
19. Part (f) of Clause 4.8 should not be included. What are the circumstances where ' <i>Council and the developer otherwise agree</i> '?	Agreed – this part has been deleted from the Draft Policy.
20. The Clause 4.11 Implementation agreement. This is again too flexible with the inclusion of the terms, ' <i>in appropriate cases</i> ' and ' <i>may require</i> '. To provide an assurance that the provision of community infrastructure does actually occur in an acceptable timeframe, all VPA must provide for an implementation agreement to be entered into, in addition to any consent conditions that also exist.	This depends on the nature of the Voluntary Planning Agreement being negotiated. For complex matters these will likely require an Implementation Agreement. For other simple matters that are relatively straightforward, an Implementation Agreement is not required. As such it is considered appropriate to retain the flexibility contained within the existing Clause.
21. Clause 5.1 indicates Council's Developer Contributions Committee will review the VPA and may set up a negotiation team. We understand this committee would be reviewing and negotiating a draft version of the VPA.  The draft policy should indicate the Developer Contributions Committee will in fact review the draft version of the VPA and if needed carry out additional negotiations before exhibition.	The Draft Voluntary Planning Agreement Policy has been amended to specify that Council's Developer Contributions Committee will review the Draft Voluntary Planning Agreement and set up a negotiation team.
Clause 5.2 mentions the use of a Probity Plan. A copy of Council's Probity Plan should be exhibited along with the policy documents.	The exhibition of a Probity Plan as part of the Policy was not considered necessary.
23. Clause 5.3 again indicates flexibility in the appointment of an independent person in situations we consider the appointment should be mandatory.	It is considered appropriate to amend Clause 5.3 to require an independent person in the identified circumstances.

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Submission	Council's Response
<p>24. Clause 5.4 indicates the landowner <i>'should be an additional party to the agreement'</i>. We consider this must be a compulsory requirement of a planning agreement considering Clause 7.2 requires the developer to agree to registration of the VPA on title of the land. A developer is not always the landowner at the early stage of a planning proposal. The landowner must be a party to the VPA considering registration on the title of the land is compulsory under the provisions of the VPA. It is our understanding that the Act requires the landowner to be a party to the VPA until all the obligations under the VPA are carried out.</p>	<p>Clause 5.4 specifies that if the developer is not the owner of the relevant land, the landowner should be an additional party to the agreement. As such no change is recommended to this Clause.</p>
<p>25. Clause 7.5 Provision of security under a voluntary planning agreement. This clause should be exempt from any amendment, modification or revocation that would result in any reduction of security or withdrawal of community infrastructure.</p>	<p>This Clause does not provide an exemption from amending, modifying or revoking the amount of security provided. As such, no change is proposed to the Draft Voluntary Planning Agreement Policy in this respect.</p>
<p>26. Clause 7.6 Dispute resolution. This clause must provide for the involvement of an independent person qualified in dispute resolution and the developer accepts the cost.</p>	<p>It is considered appropriate to amend this Clause to specify an independent person qualified in dispute resolution and the developer accepts the cost.</p>
<p>27. Clause 7.7 mentions a <i>'defects liability period'</i>. The calculation and agreement of a liability period should be decided before the VPA is adopted.</p>	<p>It is considered more appropriate to consider matters associated with the defects liability period at the development application stage.</p>
<p>28. Clause 7.8 also lists the presence of a separate implementation agreement. The comments made at Point 20. Are repeated. A proper explanation and exhibition of the relevant draft implementation agreements should accompany exhibition of the VPA documents.</p>	<p>This depends on the nature of the Voluntary Planning Agreement being negotiated. For complex matters these will likely require an Implementation Agreement. For other simple matters that are relatively straightforward, an Implementation Agreement is not required. As such it is considered appropriate to retain the flexibility contained within the existing Clause.</p>
<p>29. Clause 7.9 again mentions a separate implementation agreement and the above comments are repeated.</p>	<p>This depends on the nature of the Voluntary Planning Agreement being negotiated. For complex matters these will likely require an Implementation Agreement. For other simple matters that are relatively straightforward, an Implementation Agreement is not required. As such it is considered appropriate to retain the flexibility contained within the existing Clause.</p>
<p>30. The listing of the VPA registration on the title of the land must be noted on certificates under section 10.7 of the Act. A potential property purchaser must be made aware of any planning agreement registered on a land title where planning agreement obligations are still outstanding.</p>	<p>Requirements for certificates are contained in Section 10.7 of the Environmental Planning and Assessment Act 1979. As such no change to this Clause is proposed.</p>
<p>31. The flow chart on page 19 needs to be more legible and indicate where involvement of the Development Contributions Committee and other Planning Authorities takes place and that consultation with the community occurs well before notification and exhibition under the Act.</p>	<p>It is considered that the flow chart has sufficient detail, and as such no change is proposed.</p>

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

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

Our Leadership

- 1.2 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.

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 Voluntary Planning Agreement 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** Voluntary Planning Agreement Policy – *(Distributed under separate cover).*

**oooO END OF REPORT Oooo**



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**INFRASTRUCTURE SERVICES**

**Item: 138**                      **IS - Deerubbin Park Masterplan - (95495, 79354)**

**Previous Item:**            135, (Ordinary) 30 July 2019

**Directorate:**              Infrastructure Services

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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 Deerubbin Park Masterplan.

**EXECUTIVE SUMMARY:**

The Windsor Foreshore Parks Plan of Management 2013 recommends the development of a Masterplan for Deerubbin Park to guide proposed improvement works and to ensure that any works undertaken are done in a logical, sequential manner. Works will be considered for inclusion in Council's Operational Plans in accordance with the plans priorities, the financial allocations identified in the Long - Term Financial Plan and external funding opportunities as they arise from time to time.

The Deerubbin Park Masterplan has been developed in consultation with the community. It provides a vision for the Park which will improve the general amenity, functionality, and capacity of the site. The Masterplan is consistent with the Windsor Foreshore Plan of Management and ensures that the recreational, cultural, and environmental values of the Park will be retained.

The Draft Deerubbin Park Masterplan has been formally exhibited. Seven submissions were received and there were no objections to the adoption of the Masterplan.

The submissions identified a range of issues that can be considered in the detailed design phase. A number of submissions were received requesting the connection to and completion of a footpath along the river foreshore and into Windsor town centre. Whilst these are outside the scope of the Masterplan for the site, these works can occur and further integrate the Park with the town centre.

The 2019/2020 and 2020/2021 Operation Plans provide a total of \$1.03 million to commence delivery of works within Deerubbin Park and a detailed design program and costing will be prepared to enable prioritisation of expenditure of that funding.

**RECOMMENDATION:**

That Council adopt the Deerubbin Park Masterplan attached as Attachment 1 to this report.

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**BACKGROUND**

The Windsor Foreshore Parks Plan of Management 2013 recommends the development of a Masterplan for Deerubbin Park to guide proposed improvement works. Improvements to be considered included:

- Upgrading of parking areas to improve function and reduce impact on trees
- Provide vehicle management/barrier system
- Installation of floodlights to new field
- Construction of paths to link parking areas to amenities and Great River Walk route

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- Construction of secondary path along riparian area to provide a maintenance edge
- Improve safety of water access for triathlon users and people fishing
- Upgrade signage, fencing and entry to Park
- Formal dog training area
- New shade shelters, bike racks and possible playground
- Spectator mounts / seating
- Location for future clubhouse
- Sealing of laneway/driveway

The Masterplan has been developed in consultation with the community and is consistent with the Plan of Management for the site. Although funding is not available to deliver the entire plan in the short or medium term, all proposed improvements have been considered. Works will now be considered for inclusion in Council's future Operational Plans in accordance with the plans priorities, the financial allocations identified in the Long - Term Financial Plan and external funding opportunities as they arise from time to time. This holistic, long-term approach ensures that the Park will be developed in a cohesive manner, that maximises capacity, improves functionality, protects environmental and cultural values, and will not preclude potential future recreation opportunities. When funding does become available, Council and/or the Hawkesbury Sports Council, will be required to ensure that improvement works are consistent with the Plan of Management and Masterplan.

Total funding of \$1.03 million is provided in the 2019/2020 and 2020/2021 Operational Plans to commence detailed design and construction of the car park, entry and pathway. The preliminary estimate for the full implementation of the Masterplan is \$4,121,518. Having a Masterplan that includes all potential improvements will greatly assist applications for grant funding by both Council and the Hawkesbury Sports Council. The Hawkesbury Sports Council has sought external grant funding to build the amenities facility. Whilst unsuccessful to date further applications will be made to relevant grant programs.

Plan 1 shows the location of the Park, and its context within the broader network of Open Space in Windsor.

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Plan 1 - Site Location showing other Open Spaces in Windsor



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**COMMUNITY ENGAGEMENT**

The wider community were involved at various points through the course of developing the Draft Masterplan, the details of which can be summarised as follows:

- Meeting with user group representatives – initial meeting
- Online Survey – Your Hawkesbury - Your Say
  - Letter box drop to 200 residents
  - Notice in the Courier newspaper
  - Drop in event at the Park
  - Facebook post

There were 44 online submissions made during the first round of consultation that informed the development of the Draft Masterplan.

Throughout this initial engagement process the community were informed that this is a long-term plan and that full delivery is not anticipated in the short to medium term.

Council at its meeting on 30 July 2019 resolved:

*"That the Draft Deerubbin Park Masterplan attached as Attachment 1 to this report be placed on public exhibition for 42 days."*

A copy of the Draft Masterplan is included as Attachment 1 to this report.

The Draft Masterplan was formally exhibited and open for comment for 42 days from 15 August 2019 until 27 September 2019, the details of which can be summarised as follows:

- Meeting with user group representatives – Masterplan development
- Exhibition of Masterplan – Your Hawkesbury - Your Say
  - Letters sent to all people that made submissions in the first round
  - Letters sent to all residents within 500 metres
  - Notice in the Courier newspaper
  - Facebook post

Seven submissions were received and there were no objections to the adoption of the Masterplan. Key issues arising from the submissions included:

- Overall general support for the Masterplan
- Support for a playground being included in the Park. Suggestion that it be fenced.
- Support for the dog off lead area
- Support for passive recreation opportunities such as picnic facilities and BBQs being included
- Support for lighting improvements
- Support for the revegetation and management of creek and riverbank areas
- Several requests for additional connecting pathways through Windsor and along the foreshore, beyond this site:-
  - via Cornwallis Road and Greenway Crescent to complete the loop back to the town.
  - Completion of a continuing Windsor Foreshore Walk
- Support for an accessible public toilet in the Park that is open during daylight hours
- Request for required funding to be provided in the short/medium term rather than the longer term.
- Suggestion to consider flood protection for buildings
- Suggestions for improving public safety/security and response to homelessness.
- The proposed lookout over Rickaby's Creek must incorporate works on the creek including general maintenance and improvement.
- Request for all shade trees to be native and from the Hawkesbury Community Nursery.

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- Request to incorporate / promote local and Aboriginal and European history.
- Request for use of recycled water to be used on the turfed areas for maintenance and aesthetics.

A summary of the submissions received and staff comments are provided in Attachment 2.

### **DISCUSSION**

The suggestions identified through the community consultation process including provision of a playground, accessible toilet facilities, shelters and BBQs, a dog off leash area and shade have been incorporated in the Masterplan.

A number of submissions contained suggestions that are more appropriately dealt with in the detailed design phase. These include fencing around the playground, consideration of flood protection and the incorporation and interpretation of Aboriginal and European history.

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

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

#### Our Assets

4.3 Places and Spaces - Provide the right places and spaces to serve our community

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

### **FINANCIAL IMPACT**

The matters raised in this report have direct financial implications, with funding to commence works provided for in the 2019/2020 and 2020/2021 Adopted Operational Plans.

Full delivery of the Masterplan will be staged over time and is not expected to be fully implemented in the short to medium term. The staged implementation will be guided by the financial allocations within the Long-Term Financial Plan, plus any additional grants or other external funding opportunities that may arise from time to time. Having a Masterplan that considers the full development of the park is likely to improve the success of such applications.

### **FIT FOR THE FUTURE STRATEGY CONSIDERATIONS**

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

### **ATTACHMENTS:**

**AT - 1** Deerubbin Park Masterplan Report - (*Distributed under separate cover*).

**AT - 2** Summary of Submissions Received and Staff Comments – Deerubbin Park Masterplan.

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**AT - 2 Summary of Submissions Received and Staff Comments – Deerubbin Park Masterplan**

**Submissions received: Deerubbin Park Masterplan Report - 14 August – 27 September 2019**

Summary of Submission	Staff Comment
Support for the proposed passive recreation opportunities such as walking, dog park, play equipment and BBQs. The pathway from Windsor CBD with its inviting natural views is often used by joggers as well as families with children and/or dogs.	Noted
Request for an accessible public toilet as the nearest toilet is 1.5km away. The Park is used by children and the elderly and a toilet would be greatly appreciated by passive users of the Park.	A public toilet is proposed to be included in the plan and will meet accessibility standards. It is anticipated that it will be open during daylight hours.
Request for a bicycle path to be incorporated through from the river to Cornwallis	The pathway system in the park would provide the connection between Howe Park and any future extension of the Great River Walk pathway through Cornwallis.
Request for consideration to be given to fencing the playground due to the proximity to the creek and car park.	Fencing of playgrounds is assessed on a case by case basis depending on site specific needs, risk and contemporary practice. This will be considered at the detailed design phase.
Request that consideration be given to raising the ground plane for the kiosk and at least one storeroom to reduce the impact of flooding.	Appropriate building design and height will be considered in detailed design, noting that a balance between accessibility and flood protection needs to be achieved.
Request for the provision of CCTV to deter vandalism and anti-social behaviour due to their being no surveillance from any nearby residences or passing traffic.	Provision of CCTV will be considered and 'Safer by Design' principles will be incorporated into detailed design.
Request for amenities to be open during daylight hours to encourage more use of the Park's facilities	Amenities are proposed to be open during daylight hours.
Support for improved walking path and lighting.  Request for improved pedestrian access via Greenway Crescent and Cornwallis Road (i.e. footpath) to improve safety for the large number of walkers who "do the loop" including Howe Park, Deerubbin Park, McQuade Park and back through the town.	Noted. Future pathway routes can be considered and can be integrated into the Masterplan.
Request for weed control on Rickaby's Creek to improve views from the proposed lookout.	It is anticipated that vegetation management would be undertaken prior to any development of the lookout.

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Summary of Submission	Staff Comment
Both Rickaby's Creek and the Hawkesbury River banks need revegetation to stabilize and reduce erosion, create habitat, reduce urban heat island effects and maintain the rural and leafy feel the Hawkesbury has.	Weed control and revegetation works have already been undertaken within the Park and will be ongoing subject to available funding.
Request for all shade trees to be native and from the Hawkesbury Community Nursery so that local genetic diversity is retained.	Shade trees proposed will be a mixture of native and exotic trees suited to the environment. Any indigenous trees used will be sourced from the Community Nursery to support local genetic diversity.
Suggestion that Eucalyptus robusta be used for car park shading.	It is noted that all the Eucalyptus robusta trees currently growing in the park are in poor condition. The Eucalyptus saligna trees are in much better condition and may be more suited to this environment. Specialist arborist advice will be sought on plant species.
Request for at least one native tree beside each seating/table area for a more user-friendly environment.	Shade will be provided through a mix of trees and structures.
Suggestion to add signage to promote local Aboriginal and European history.	Opportunities for interpretation will be explored, including explanation of the meaning of "Deerubbin"
Request to not use plastic erosion mesh.	Supported.
Suggestion to use recycled water on turf areas if appropriate so close to the River.	Infrastructure is in place to pump water directly from the River to irrigate the sporting fields. Recycled water may be considered in the future subject to availability.
Suggestion that Council reviews all comments which are seen on Google Maps. This may give Council a good idea about what the community appreciates about the Park and what they also think could be improved.	Comments have been reviewed and provide no additional insight compared to the feedback provided in the community survey and drop in session.
Request for funding for the implementation of the plan to be fast tracked as "the residents of the Hawkesbury are deprived of adequate sporting, cultural and recreational facilities".	Funding has been provided in the 2019/2020 and 2020/2021 Operational Plans to commence design and construction of initial works.

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Summary of Submission	Staff Comment
"There are flaws and omissions in the Masterplan and it is light on detail. The area is historically significant from an indigenous and non-indigenous perspective and it is difficult to see how this plan incorporates enough of this into it".	The Plan of Management for the site incorporates history of the area and it is not necessary to repeat this in the Masterplan. Detailed design will include consideration of opportunities for historical interpretation.
"It is unclear how much support there is for this plan from Council staff and committee members who are not employed by Council".	Comment noted. Council staff are also working closely with Hawkesbury Sports Council, who manage most of the site. Hawkesbury Sports Council support this Masterplan.
Request for provision of CCTV and security or police patrols as the Park is isolated.	Provision of CCTV will be considered and 'Safer by Design' principles will be incorporated into detailed design.
Request for the homeless people to be "moved on".	When persons are identified in the area as 'sleeping rough', Council works with homelessness support agencies to assist persons to access accommodation.
Request that the Plan be extended to include "a complete and proper Windsor Walk...extending the foreshore out from those properties along George Street east.." and connecting to Governor Phillip Park by way of a metal walkway over the foreshore.	The Windsor Foreshore Parks Plan of Management identifies the need to extend the Great River Walk and to develop the connection from Windsor Wharf Reserve to Governor Phillip Park. Further work relating to this is outside the immediate scope of the Deerubbin Park Masterplan however consideration can be given to further investigation as part of a separate project.

oooO END OF REPORT Oooo



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**SUPPORT SERVICES**

**Item: 139**                      **SS - Investment Report - June 2020 - (95496, 96332)**

**Previous Item:**            150, Ordinary (10 March 2020)

**Directorate:**              Support Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to provide the Council with a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993.

**EXECUTIVE SUMMARY:**

This report indicates that Council held \$62.24 million in investments at 30 June 2020 and outlines that all investments were made in accordance with the Act, the Regulation and Council's Investment Policy.

**RECOMMENDATION:**

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

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**BACKGROUND**

Council held \$62.24 million in investments as at 30 June 2020. Details on the composition of the Investment Portfolio, and its compliance with Council's Investment Policy are provided below. Details include the financial institutions with which the investments were made, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, the percentage of the total portfolio, exposure to credit ratings bands and the spread of maturities.

**1. Composition of Investment portfolio**

Tables 1 to 3 below provide details regarding the \$62.24 million in investments held as at 30 June 2020.

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

<b>Product Type</b>	<b>Face Value</b>	<b>% of Total</b>
At Call Deposits	\$4,000,000	6.4%
TCorp Cash Fund	\$2,126,553	3.4%
Term Deposits - Fixed Rate	\$56,120,000	90.2%
<b>Grand Total</b>	<b>\$62,246,553</b>	<b>100.0%</b>

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

<b>Long Term Credit Rating</b>	<b>Face Value</b>	<b>% of Total</b>
AA-	\$60,120,000	96.6%
NSW TCorp Cash Fund	\$2,126,553	3.4%
<b>Grand Total</b>	<b>\$62,246,553</b>	<b>100.0%</b>

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**Table 3 – Fixed Term Deposits**

Institution	Long Term Rating	Short Term Rating	Maturity	Rate	Face Value
ANZ	AA-	A-1+	16-Sep-20	0.70%	1,000,000
			30-Sep-20	1.00%	1,000,000
			04-Nov-20	1.50%	2,000,000
			09-Dec-20	1.25%	1,000,000
			09-Dec-20	1.50%	2,000,000
			27-Jan-21	0.90%	1,500,000
Commonwealth Bank of Australia	AA-	A-1+	08-Jul-20	1.63%	1,000,000
			24-Jul-20	0.48%	2,500,000
National Australia Bank	AA-	A-1+	08-Jul-20	1.53%	1,500,000
			12-Aug-20	1.66%	3,500,000
			12-Aug-20	1.70%	1,000,000
			23-Sep-20	1.47%	1,000,000
			14-Oct-20	1.52%	2,000,000
			14-Oct-20	1.51%	1,000,000
			22-Oct-20	1.53%	620,000
			20-Nov-20	1.45%	1,500,000
			12-Jan-21	1.55%	1,500,000
			13-Jan-21	1.30%	1,000,000
			13-Jan-21	1.04%	1,000,000
			10-Feb-21	1.50%	1,000,000
			19-Feb-21	1.50%	1,000,000
			05-Mar-21	1.30%	2,000,000
			29-Apr-21	1.10%	1,000,000
			26-May-21	1.02%	1,500,000
			03-Jun-21	0.99%	3,000,000
Westpac	AA-	A-1+	08-Jul-20	1.60%	3,500,000
			23-Sep-20	1.53%	4,000,000
			22-Feb-21	1.50%	1,000,000
			17-Mar-21	1.31%	3,000,000
			07-Apr-21	1.00%	1,000,000
			21-Apr-21	1.00%	1,000,000
			29-Apr-21	1.00%	1,000,000
			06-May-21	0.95%	1,500,000
			26-May-21	0.95%	500,000
			03-Jun-21	0.91%	1,000,000
			18-Jun-21	0.92%	1,500,000
<b>Grand Total</b>					<b>\$56,120,000</b>

## 2. Compliance to Investment Policy

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

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**Table 4 – Exposure Limits to credit ratings bands**

Long-Term Credit Rating	Exposure of Entire Portfolio		
	Actual	Maximum	Compliant
AAA to AA- or Major Bank and below	96.6%	100%	Yes
A+ to A- and below	0%	50%	Yes
BBB+ to BBB and below	0%	30%	Yes
BBB- and below	0%	5%	Yes
TCorp Cash Fund	3.4%	20%	Yes

**Table 5 – Term to Maturity**

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

### 3. Portfolio Return

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

**Table 6 – Portfolio Return**

30 June 2020	Weighted Average Return (Running Yield)
Hawkesbury City Council – Investment Portfolio	0.11%
Benchmark – Bloomberg Ausbond Bank Bill Index	0.01%
<b>Performance Relative to Benchmark</b>	0.10%

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

### Relevant Legislation

According to Clause 212 of the Local Government (General) Regulation 2005, the Responsible Accounting Officer must provide the Council with a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must include a certificate as to whether investments have been made in accordance with the Act, the Regulation and the Council's Investment Policy.

### Investment Certification

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

### DISCUSSION

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

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- Council's portfolio monthly return of 0.11% is around 0.10% above the Bloomberg AusBond Bank Bill benchmark which is positive in absolute terms. This return excludes at Call Accounts and the NSW TCorp Cash Fund.
- While Council's investment performance has fallen in recent times it has maintained an excellent return over the benchmark index and relative to peers.
- The Reserve Bank has taken significant actions in the recent months to keep interest rates low and support authorised deposit taking institutions in response to the economic disruptions caused by COVID-19 related shutdowns. The risk of default of any authorised deposit taking institutions is likely a longer term issue in a scenario of losses due to mortgage defaults caused by high unemployment and falling house prices. In this scenario, transparency is a key feature and so it is advised that Council should restrict its investments to entities which are rated at investment grade by the major credit ratings agencies at the best rates available and be also mindful that Council's total exposures are within the Investments Policy limits.
- In the current environment, it is recommended that Council buys the most attractive term deposits out to one year so long as there is capacity within policy limits. Council is cautioned against locking in longer term fixed rates at current levels as there appears to be no premium for going longer and when the Reserve Bank does remove its target for the three year government bond rate, interest rates in this maturity will likely rise also raising interest rates in one and two years.
- In regard to investments other than term deposits, Council is cautioned against buying debt outside the major banks with a maturity greater than three years because of the longer-term risk.
- Term deposit rates for major banks have fallen below 1% which presents a re-investment risk for Council given most of its current investments have rates higher than this level. To ameliorate this situation, it is recommended that Council expands its range of investments to try to maintain returns. Two possible investment paths recommended are:
  - Take limited exposures (perhaps no more than 5% of the total portfolio per entity) to issuers outside the major banks in shorter dated term deposits. This as a very low risk strategy given the steps taken by the Reserve Bank to ensure no authorised deposit taking institutions will fail due to liquidity reasons in the short term.
  - Consider purchasing longer dated Floating Rates Notices issued by the major banks. There is a realistic possibility of a correction in the equity markets in the next few months. If this occurs, this is likely to cause an increase in credit margins. It is recommended that subject to market conditions and events at the time Council consider investing in Floating Rate Notices issued by the major banks if trading margins above 100 basis points can be achieved. It is advisable that Council consider this option so if the opportunity of securing investments at these margins does arise, Council is able to act quickly.

It is noted that Council has commenced the process of on-boarding with non-major banks. This will enable Council to take advantage of favourable offerings these institutions may have when undertaking investment activity in the coming months. Council is also discussing the process for preparing to take advantage of Floating Rate Notices, as recommended by the Investment Advisor.

During the reporting period, the investment portfolio increased by \$0.01 million reflecting funds received, payments made, and redemption of invested funds and lodging of new term deposits, which is driven by cash flow requirements.

It is noted that the level of investment in term deposits in the coming months will be impacted by the deferral of the due date for the payment of the first instalment of the 2020/2021 Rates Notices, from 31 August 2020 to 30 September 2020. The cash flow during the next four months is, at this stage, unpredictable, but will be closely monitored to ensure investment opportunities are captured while ensuring appropriate cash flow is maintained to sustain Council's operations.

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### **Restriction of Funds**

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

**Table 7 – Restriction of Funds**

<b>Restriction Type</b>	<b>Amount</b>
External Restrictions –S7.11 and S7.12	\$11,801,978
External Restrictions - Other	\$15,785,090
Internal Restrictions	\$13,874,671
Unrestricted	\$20,784,814
<b>Total</b>	<b>\$62,246,553</b>

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

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

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

### **COMMUNITY ENGAGEMENT**

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

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

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

#### Our Leadership

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

### **FINANCIAL IMPACT**

The matters raised in this report have direct financial implications. The income applicable is provided for in the 2019/2020 Adopted Operational Plan.

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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.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF REPORT Oooo**

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**Item: 140**                      **SS - Hardship, Pensioner Concessions and Debt Recovery Policy - (95496)**

**Previous Item:**              073, Ordinary (28 April 2020)

**Directorate:**                Support Services

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**PURPOSE OF THE REPORT:**

At its meeting on 28 April 2020, Council considered a revised Hardship and Debt Recovery Policy and resolved to place the document on public exhibition for a period of 28 days, and that at the expiration of the public exhibition period a further report be submitted to Council.

The purpose of this report is to submit the outcome of the public exhibition period to Council and to seek adoption of the Hardship, Pensioner Concession and Debt Recovery Policy, attached as Attachment 1 to this report.

**EXECUTIVE SUMMARY:**

At its meeting on 28 April 2020, Council considered a revised Hardship and Debt Recovery Policy (Policy). The Policy was revised and associated Guidelines were developed to make it more user friendly and incorporating additional features to assist rate payers through the current economic conditions arising from bushfires, floods and COVID-19.

Council resolved to place the Policy on public exhibition for a period of 28 days and that at the expiration of the public exhibition period a further report be submitted to Council.

The exhibition period concluded on Tuesday, 7 July 2020. One submission was received in regard to the Policy.

The submission identified some minor grammatical and punctuation issues which, where applicable and not in conflict with Council's writing style, have been rectified in the Policy attached to this report as Attachment 1.

The submission also raised some matters that could be further clarified in the Policy regarding definitions and pensioner concessions. These issues are addressed in this report and where applicable associated changes made in the Policy. The submission also included a comment that the Policy appears logical and reasonably thorough.

The Policy as exhibited, and including, where applicable, changes suggested in the submission received, is attached as Attachment 1 to this report.

**RECOMMENDATION:**

That the Hardship, Pensioner Concession and Debt Recovery Policy, attached as Attachment 1 to this report be adopted.

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**BACKGROUND**

At its meeting on 28 April 2020, Council considered a revised Hardship and Debt Recovery Policy and resolved, in part, as follows:

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*“That:*

- 1. The Hardship and Debt Recovery Policy, attached as Attachment 1 to this report be placed on public exhibition for a period of 28 days.*
- 2. At the expiration of the public exhibition period outlined in Part 1 above, a further report be submitted to Council.”*

In accordance with Part 1 of Council's resolution, the Policy was placed on exhibition for a period of 28 days commencing Wednesday, 10 June 2020 and concluding on Tuesday, 7 July 2020.

In accordance with Part 2 of Council's resolution, this report is now being submitted to Council.

At that Meeting, Council also considered Guidelines that were developed to specifically outline assistance available in regard to ratepayers experiencing hardship due to bushfire, floods and COVID-19, and further resolved that:

- “4. The easy read version of the Guidelines be placed on Council's website.”*

In accordance with Council's resolution, an easy to read version of the Guidelines was placed on Council's website.

A main feature of Council's Policy is the ability for ratepayers experiencing difficulties in making payments, to enter into a payment arrangement with Council. Prior to the current economic conditions, at any point in time, the number of properties subject to a payment arrangement was in the order of 700. Following the availability of further assistance being made available for those ratepayers impacted by bushfires, floods and COVID-19, to date an additional 97 ratepayers have sought assistance with payment of their Rates and Charges.

A further update regarding the utilisation of the Hardship, Pensioner Concessions and Debt Recovery Policy will be provided to Councillors in due course.

### **Relevant Legislation**

The provisions in the Hardship, Pensioner Concession and Debt Recovery Policy are consistent with the relevant provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

### **DISCUSSION**

One submission was received in regard to the Policy.

The submission outlined some minor grammatical and punctuation issues. Where applicable and not in conflict with Council's writing style, these matters have been rectified in the Policy attached to this report as Attachment 1.

The submission also raised some matters that could be further clarified in the Policy regarding definitions and pensioner concessions.

- **Definitions**

The submission suggests that definitions of certain terms should be added. Whilst it is acknowledged that there are various formal terms used within the Policy, generally the context in which these terms have been used clearly explains the meaning of those terms. Accordingly, no changes are recommended to be added in the Definitions section (Section 6 of the Policy).



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The submission also suggests that the Policy better explain what constitutes a “default” of a payment arrangement. It is agreed that this matter requires further explanation. Accordingly, the following paragraph has been added within Section 7.3.4 – *Payment Arrangements*:

*“A payment arrangement is considered to be in default if the obligation as agreed has not been met by the ratepayer. Discretion to proceed to the next stage of debt recovery will be exercised taking into consideration the ratepayer’s history in regard to payments and the stage the debt recovery process is at.”*

- **Pensioner Concessions**

The submission seeks more clarity regarding Section 7.1.4 – *Assistance to extend pensioner concession to avoid hardship*. The wording in the Policy as exhibited is as follows:

*“Section 577 of the Local Government Act 1993 enables Council to make an order deeming certain persons who are jointly liable with an eligible pensioner(s) or solely liable, but who are not themselves eligible, to be eligible pensioners for the purpose of a mandatory reduction in rates and charges to avoid hardship.”*

Section 577 of the Local Government Act 1993 makes provision for Council to declare a ratepayer a “Pensioner”, in certain specific circumstances, and if this action would avoid hardship being experienced by the ratepayer. For this provision to be applicable this ratepayer must be jointly or solely liable for the payment of rates and charges applicable to the property, partly owned by a Pensioner. For example in the case of two siblings owning a property where only one sibling is a Pensioner, without the application of Section 577, the property would only attract 50% of the statutory rates rebate. However, if the sibling that is not a Pensioner can demonstrate that they are sharing the burden of, or are solely responsible to pay the Rates, that individual could be declared a Pensioner for Rates purposes. A statutory declaration by the ratepayer is required for this process.

To clarify the meaning of Section 577 of the Local Government Act 1993, the following paragraph has been added under the current wording:

*“Section 577 of the Local Government Act 1993 makes provision for Council to declare a ratepayer a “Pensioner” in certain specific circumstances, providing such action by Council would assist that ratepayer in avoiding hardship. For this provision to be applicable the ratepayer must be jointly or solely liable for the payment of rates and charges applicable to a property that is partly owned by a Pensioner. A statutory declaration by the ratepayer is required for this process.”*

The submission further suggests that the actual level of the Pension Concession applicable to Sullage and Sewerage should be included in the Policy. The suggestion has been reviewed and it is considered that no change should be made to the Policy. Each year, during the development of the Operational Plan – in particular the consideration of the Revenue Pricing Policy, Council determines the level of the Concession it will provide to Pensioners. The annual development of the Operational Plan is the more appropriate mechanism for documenting the level of Concession applicable to each financial year. Including it in this Policy would require two processes to run side by side when changes are being proposed, rather than the single annual process of developing and adopting the Operational Plan.

Based on the outcome of the exhibition period it is considered that Hardship, Pensioner Concession and Debt Recovery Policy, as exhibited and including changes detailed in this report can be adopted.

## **COMMUNITY ENGAGEMENT**

The Hardship, Pensioner Concession and Debt Recovery Policy was placed on public exhibition for a period of 28 days. The Policy was publicised through Council’s website, media release, advertisement on Council Notices, through social media platforms and by way of Council’s advertised on Council’s online community portal Your Hawkesbury - Your Say. One submission was received.

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

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

Our Leadership

- 1.1 Local Leadership and effective governance - Provide representative, responsive and accountable governance.
  - 1.1.1 Council's elected leaders will actively connect and collaborate with the community.
- 1.3 Financial Sustainability - Build strong financial sustainability for now and future generations.
  - 1.3.1 In all of Council's strategies, plans and decision making there will be a strong focus on financial sustainability.

**FINANCIAL IMPACT**

There are direct financial implications applicable to this report.

**FIT FOR THE FUTURE STRATEGY CONSIDERATIONS**

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

**ATTACHMENTS:**

- AT - 1** Hardship, Pensioner Concession and Debt Recovery Policy (*Distributed under separate cover*).

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

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**ORDINARY MEETING**  
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**SECTION 4 – Reports of Committees**

**Item: 141**                      **ROC - Floodplain Risk Management Advisory Committee - 25 June 2020**

**Directorate:**                City Planning

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**PURPOSE OF THE REPORT:**

The purpose of this report is to present the Minutes of the Floodplain Risk Management Advisory Committee, held on 25 June 2020.

**EXECUTIVE SUMMARY:**

Six matters – Items 1,2,3,4,6 and 7 contained within the minutes of the Floodplain Risk Management Advisory Committee have policy or financial implications to Council. They therefore require specific consideration by Council, the details of which are discussed in the report below.

In relation to Item Numbers 4 and General Business Items A, B and Additional General Business Dot Points 1,2,3,4, and 5, as they have no policy or financial implications for Council, they are presented for information only.

**RECOMMENDATION:**

That in relation to the Minutes of the Floodplain Risk Management Advisory Committee Meeting held on 25 June 2020:

1. Council receive and note the Floodplain Risk Management Advisory Committee Minutes in respect to Item Numbers 4, and General Business Items A and B and Additional General Business Points 1,2,3,4 and 5.
2. Council note that the Committee Recommendations in respect of Item 1 were included as part of Council's Submission to the Flood Prone Land Package.
3. Council note the Committee Recommendation in respect of Item 2, and receive a separate report on the Draft Development on Flood Liable Land Policy 2020.
4. Council note the Committee Recommendation in respect to Item 3, and receive a separate report on the Draft Amended Policy Number PEL0005Z Regional Flood Mitigation in the Hawkesbury-Nepean Valley Policy.
5. Council endorse the Committee Recommendation in respect to Item 5 namely:

*"That:*

2. *The Richmond Bridge Duplication Project matter be revisited by the Floodplain Risk Management Advisory Committee, once information regarding Council's work on Strategic Transport routes is available."*

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6. Council endorse the Committee Recommendation in respect to Item 6 namely:

*"That:*

2. *That the Floodplain Risk Management Advisory Committee note and thank the representatives from Infrastructure NSW and Department of Planning, Industry and Environment, for their assistance with Council's grant funded projects."*

7. Council consider the Committee Recommendation in respect to Item 7 as part of the 2021/2022 Operational Plan/budget process, namely:

*"That:*

2. *That the Floodplain Risk Management Advisory Committee recommend Council consider including community representatives from the Committee as participants in the 2021 Floodplain Management Australia National Conference to be held in Sydney."*

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## **DISCUSSION**

The Committee considered staff reports on a range of matters as shown in the attached minutes (Attachment 1). The following items require specific consideration by Council.

### **Item 1 - Submission to Flood Prone Land Package**

Officers provided an overview of the Submission to Flood Prone Land Package, noting that the submission was to be presented to Council for endorsement.

Committee members commended Council Officers on the report, and noted that this highlighted the complexities and challenges faced in relation to the floodplain, particularly in the Hawkesbury area.

In terms of Clause 3(b) in the proposed Regional Evacuation Consideration Area, the Committee suggested including the point of exit on a property rather than where the dwelling house is located, and noted that feasibility should be considered.

Discussion took place regarding the relevance of Regional Evacuation Consideration Area Clause 3(b) and whether this is required. A recommendation was made by the Committee to instead of recommending its deletion, to propose that this be amended so as to be clearer when applied in the development assessment process.

Following discussion of the matter the Floodplain Risk Management Advisory Committee resolved to:

*"That:*

1. *Receive and note the information within this Report; and*
2. *Endorse the submission contained in Attachment 1 to this report to the Department of Planning, Industry and Environment for consideration in amending legislation and policies in relation to the management of flood risks, with the following amendment:*

*Rather than recommend the deletion of Clause 3(b) in the Regional Evacuation Consideration Area Section, instead recommend that the Clause be amended to enable clearer interpretation when applied in the development assessment process."*

It should be noted Council was able to consider the advice from the Floodplain Risk Management Advisory Committee at its Ordinary Meeting on 30 June 2020, and incorporate the advice in Council's submission.

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**Item 2 - Draft Development on Flood Liable Land Policy 2020**

Officers provided an overview of the Draft Development on Flood Liable Land Policy 2020 and the amendments made following feedback from the Floodplain Risk Management Advisory Committee at the previous meeting on 16 April 2020.

Following consideration of the matter the Floodplain Risk Management Advisory Committee resolved to:  
*"That:*

1. *Receive and note the information within this Report; and*
2. *Recommend that Council endorse the Draft Development on Flood Liable Land Policy 2020 for the purposes of public exhibition."*

It is recommended that Council receive a separate briefing and report on this matter.

**Item 3 - Policy for Regional Flood Mitigation in the Hawkesbury-Nepean Valley**

Officers provided an overview of the Draft Amended Policy Number PEL0005Z Regional Flood Mitigation in the Hawkesbury-Nepean Valley Policy, that had been prepared based on feedback from the Floodplain Risk Management Advisory Committee at the previous meeting on 16 April 2020.

Following consideration of the matter the Floodplain Risk Management Advisory Committee resolved:

*"That the Floodplain Risk Management Advisory Committee recommend that Council endorse the amended Policy Number PEL0005Z Regional Flood Mitigation in the Hawkesbury-Nepean Valley Policy included as Attachment 2 for the purpose of public exhibition."*

It is recommended that Council receive a separate briefing and report on this matter.

**Item 5 - Richmond Bridge Duplication Project**

Officers provided an overview of the Richmond Bridge Duplication Project, highlighting that Council at its Ordinary Meeting on 12 May 2020 considered a Mayoral Minute with respect to strategic transport routes. Committee members were advised that the purpose of the Mayoral Minute was focused around seeking guidance in terms of establishing Council's position on strategic transport routes.

Committee members agreed that it would be more appropriate to discuss this matter further once the additional information as outlined above is available.

Following consideration of the matter, the Floodplain Risk Management Advisory Committee resolved:

*"That:*

1. *The information be received and noted.*
2. *The Richmond Bridge Duplication Project matter be revisited by the Floodplain Risk Management Advisory Committee, once information regarding Council's work on Strategic Transport routes is available."*

The recommendation from the Floodplain Risk Management Advisory Committee is considered to be appropriate.

**Item 6 – Update on Grant Applications**

Officers provided a summary of the various existing and proposed grant funded projects under the Department of Planning, Industry and Environment's Floodplain Management Grants Program, highlighting that the consultant briefs have been issued for the projects that have received grant funding.



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The Committee thanked the representatives from Infrastructure NSW and Department of Planning, Industry and Environment for their assistance with these applications and projects, and resolved to formally note this appreciation.

Following consideration of the matter, the Floodplain Risk Management Advisory Committee resolved:

*"That:*

1. *That the information be received and noted.*
2. *That the Floodplain Risk Management Advisory Committee note and thank the representatives from Infrastructure NSW and Department of Planning, Industry and Environment, for their assistance with Council's grant funded projects."*

The assistance from officers at Infrastructure NSW and the Department of Planning, Industry and Environment has been greatly appreciated in preparing consultant briefs and advice on new funding applications. As such it is considered appropriate to recognise these efforts and assistance.

**Item 7 - FMA 2020 Digital Floodplain Management Australia National Conference**

The FMA 2020 Digital Floodplain Management Australia National Conference was delivered through digital mode. Despite the restrictions of COVID-19, the conference was a success with a number of members and participants logging in digitally to attend the conference from remote locations all over Australia and some international countries. Given the conference was in digital format, it was possible for community members of the Floodplain Risk Management Advisory Committee to attend. There were several key learnings and takeaway messages from the various presentations.

Community members of the Floodplain Risk Management Advisory Committee thanked Officers for the opportunity to attend this conference.

Following discussion of the matter, the Floodplain Risk Management Advisory Committee resolved:

*"That:*

1. *That the information be received and noted.*
2. *That the Floodplain Risk Management Advisory Committee recommend Council consider including community representatives from the Committee as participants in the 2021 Floodplain Management Australia National Conference to be held in Sydney."*

It is recommended that this matter be considered as part of the 2021/2022 Operational Plan/budget process, including the precedent such an action would have for other committees and their members. .

**ATTACHMENTS:**

**AT - 1** Minutes of the Floodplain Risk Management Advisory Committee held on 25 June 2020.

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**AT - 1 Minutes of the Floodplain Risk Management Advisory Committee held on 25 June 2020**

Minutes of the Meeting of the Floodplain Risk Management Advisory Committee held by Audio-Visual link on 25 June 2020, commencing at 4:02pm.

**ATTENDANCE**

**Present:** Councillor Mary Lyons-Buckett, Chairperson  
 Councillor Paul Rasmussen, Deputy Chairperson  
 Councillor Amanda Kotlash, Hawkesbury City Council  
 Councillor Danielle Wheeler, Hawkesbury City Council  
 Ms Carol Edds, Community Representative  
 Mr Maurice Smith, Community Representative  
 Mr Harry Terry, Community Representative  
 Mr Kim Ford, Community Representative  
 Mr Sadeq Zaman, Department of Planning, Industry and Environment  
 Mr Peter Cinque (OAM), SES  
 Mr Kevin Jones, SES

**Apologies:** Councillor Peter Reynolds, Hawkesbury City Council  
 Mr Mark Rusev, Representative of Member for Hawkesbury

**In Attendance:** Mr Andrew Kearns, Hawkesbury City Council  
 Ms Colleen Haron, Hawkesbury City Council  
 Ms Megan Berrell, Hawkesbury City Council  
 Mr Stephen Yeo, Infrastructure NSW

**RESOLVED** on the motion of Councillor Rasmussen and seconded by Mr Zaman that the apologies be accepted.

Member	27/06/2019	26/09/2019	05/12/2019	27/02/2020	16/04/2020	25/06/2020
Councillor Mary Lyons-Buckett	✓	✓	✓	✓	✓	✓
Councillor Amanda Kotlash	✓	A	✓	✓	A	✓
Councillor Paul Rasmussen	✓	A	✓	X	✓	✓
Councillor Danielle Wheeler	✓	A	✓	✓	✓	✓
Councillor Peter Reynolds	✓	✓	✓	✓	✓	A
Ms Carol Edds	✓	✓	✓	✓	✓	✓
Mr Harry Terry	✓	✓	✓	✓	✓	✓
Ms Margaret Mackisack	✓	✓	✓	✓	✓	X
Mr Kim Ford	A	✓	✓	✓	✓	✓
Mr Maurice Smith	A	✓	✓	✓	✓	✓
Mr Kevin Jones – (SES Headquarters)	A	✓	X	✓	A	✓
Mr Peter Cinque OAM – (SES Sydney Western Division)	X	X	X	✓	✓	✓
Ms Robyn Preston, Member for Hawkesbury (or Representative)	✓	✓	✓	✓	✓	A
Mr Sadeq Zaman – (Department of Planning, Industry and Environment)	✓	✓	X	✓	✓	✓

**Key:** A = Formal Apology      ✓ = Present      X = Absent - no apology

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**CONFIRMATION OF MINUTES**

**RESOLVED** on the motion of Councillor Rasmussen and seconded by Mr Smith that the Minutes of the Floodplain Risk Management Advisory Committee held on the 16 April 2020, be confirmed.

**SECTION 2 - Reports for Determination**

**ITEM: 1**                      **FRMAC - Submission to Flood Prone Land Package - (86589, 124414, 95498)**

**Directorate:**              City Planning

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**DISCUSSION:**

- Officers provided an overview of the Submission to Flood Prone Land Package, noting that the submission needs to be presented to Council for endorsement.
- Committee members commended Council Officers on the report, and noted that this highlighted the complexities and challenges faced in relation to the floodplain, particularly in the Hawkesbury area.
- Officers outlined that following Council's consideration of the submission, the Department of Planning, Industry and Environment will consider all submissions made, and that a timeframe for completion of this has not been indicated, but an enquiry will be made in this respect.
- Committee members raised concerns in relation to implementation of the Draft Development on Flood Liable Land Policy (subject of a separate report in the Business Paper) prior to the Flood Package Amendments coming into force, and the likelihood of further amendments to the Draft Policy being necessary.
- Officers stated that the Draft Policy is an interim Policy designed to improve the current Policy. The Draft Policy will fall away once a new Development Control Plan Chapter on flooding comes into effect.
- Committee members discussed the various Flood related Policies and strategies being undertaken and in order to provide a clearer understanding, requested that Officers create a flowchart or connecting diagram to display the process associated with these various Policies, including explanations of why the Policies are needed and what their purpose is.
- In terms of Clause 3(b) in the proposed Regional Evacuation Consideration Area, a Committee member suggested including the point of exit on a property rather than where the dwelling house is located, and noted that feasibility should be considered.
- Discussion took place regarding the relevance of Regional Evacuation Consideration Area Clause 3(b) and whether this is required. A recommendation was made by the Committee to instead of recommending its deletion, to propose that this be amended so as to be clearer when applied in the development assessment process.
- A query was raised regarding Clause 6(g) which relates to the increased requirement for government spending on emergency management services and flood mitigation and emergency response measures. The SES Representatives stated that further investment would be required for emergency services to handle a major flood event, but that those funds may not be available.

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**OFFICER’S RECOMMENDATION:**

That the Floodplain Risk Management Advisory Committee:

1. Receive and note the information within this Report; and
2. Recommend that Council endorse the draft submission to the Department of Planning, Industry and Environment contained in Attachment 1 for consideration in amending legislation and policies in relation to the management of flood risks.

**COMMITTEE RECOMMENDATION:**

**RESOLVED** on the motion of Mr Smith and seconded by Councillor Rasmussen.

That the Floodplain Risk Management Advisory Committee:

1. Receive and note the information within this Report; and
2. Endorse the submission contained in Attachment 1 to this report to the Department of Planning, Industry and Environment for consideration in amending legislation and policies in relation to the management of flood risks, with the following amendment:

Rather than recommend the deletion of Clause 3(b) in the Regional Evacuation Consideration Area Section, instead recommend that the Clause be amended to enable clearer interpretation when applied in the development assessment process.

**ITEM: 2                      FRMAC - Draft Development on Flood Liable Land Policy 2020 - (86589, 124414, 95498)**

**Previous Item:**        4, FRMAC (31 August 2017)  
                              3, FRMAC (19 April 2018)  
                              3, FRMAC (25 October 2018)  
                              1, FRMAC (18 April 2019)  
                              3, FRMAC (27 February 2020)  
                              1, FRMAC (16 April 2020)

**Directorate:**           City Planning

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**DISCUSSION:**

- Officers provided an overview of the Draft Development on Flood Liable Land Policy 2020 and the amendments made following feedback from the Floodplain Risk Management Advisory Committee at the previous meeting on 16 April 2020.
- Committee members questioned the Draft Development on Flood Liable Land Policy 2020 providing development controls only in relation to development on land at or below the 1 in 100 year flood level in accordance with Clause 6.3 of Hawkesbury Local Environmental Plan 2012. Officers clarified that unless Council applied for exceptional circumstances, the flood planning level is the 1 in 100 year level.
- Committee members highlighted that there are various flood studies that have been undertaken, and suggested using the word ‘current’ to clearly specify that the document being referred to is the most recent version available to Council.
- The Committee highlighted that Council may not be considering how data could change and the importance of informing people that the data used is subject to change, therefore giving the

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community confidence in the current data. The Committee highlighted that the Policy should have a flag to highlight when it needs to be updated.

- A suggestion was made by the Committee to include a footnote defining who is responsible for making decisions on these matters, as it is often assumed that the responsibility falls back onto Council.
- Officers highlighted that the Draft Development on Flood Liable Land Policy 2020 is an Interim Policy designed to improve the current Policy, and which will fall away when other work progresses.
- A suggestion was made to consider linking the Emergency Management and the State Emergency Service definitions for differing floods (major, moderate and minor).

**OFFICER'S RECOMMENDATION:**

That the Floodplain Risk Management Advisory Committee:

1. Receive and note the information within this Report; and
2. Recommend that Council endorse the Draft Development on Flood Liable Land Policy 2020 for the purposes of public exhibition.

**COMMITTEE RECOMMENDATION:**

**RESOLVED** on the motion of Councillor Rasmussen and seconded by Ms Edds.

That the Floodplain Risk Management Advisory Committee:

1. Receive and note the information within this Report; and
2. Recommend that Council endorse the Draft Development on Flood Liable Land Policy 2020 for the purposes of public exhibition.

**ITEM: 3                      FRMAC - Policy for Regional Flood Mitigation in the Hawkesbury-Nepean Valley (86589, 124414, 95498)**

**Previous Item:**        ROC - Ordinary (30 August 2011)  
                              281 - Ordinary (13 December 2011)  
                              ROC - Ordinary (31 March 2020)  
                              2 - FRMAC (16 April 2020)

**Directorate:**           City Planning

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**DISCUSSION:**

- Officers provided an overview of the Draft Amended Policy Number PEL0005Z Regional Flood Mitigation in the Hawkesbury-Nepean Valley Policy, that had been prepared based on feedback from the Floodplain Risk Management Advisory Committee at the previous meeting on 16 April 2020.
- Discussion occurred regarding the content of the Draft Amended Policy, with some Committee members questioning whether this should be put on hold until changes in legislation occur.
- Committee members expressed the importance of implementing the Draft Amended Policy sooner rather than later, for the purpose of assisting with potential Federal and State Government funding

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opportunities. It was agreed that the Draft Amended Policy could be expanded to include information relating to the current projects Council is undertaking in relation to flood mitigation in order to demonstrate Council's commitment to a partnership approach.

- Committee members highlighted that the Amended Policy could be used to guide budget considerations if it were fleshed out a bit more. It also provides an opportunity to highlight what Council is doing.
- Committee members stressed the importance of letting the community know what Council's position is on such matters.
- A recommendation was made to endorse the Draft Amended Policy, with further detail to be included regarding the projects being undertaken by Council.

**OFFICER'S RECOMMENDATION:**

That the Floodplain Risk Management Advisory Committee recommend that Council endorse the amended Policy Number PEL0005Z Regional Flood Mitigation in the Hawkesbury-Nepean Valley Policy included as Attachment 2 for the purpose of public exhibition.

**COMMITTEE RECOMMENDATION:**

**RESOLVED** on the motion of Mr Smith and seconded by Councillor Rasmussen.

That the Floodplain Risk Management Advisory Committee recommend that:

1. Council endorse the amended Policy Number PEL0005Z Regional Flood Mitigation in the Hawkesbury-Nepean Valley Policy included as Attachment 2 for the purpose of public exhibition, with the following amendments:

Extend the nine points within the Policy regarding the key outcomes of the Resilient Valley, Resilient Communities – the Hawkesbury-Nepean Valley Flood Risk Management Strategy 2017 and include a statement noting the actions that Council is undertaking as part of those particular points.

**SECTION 3 - Reports for Information**

**ITEM: 4                      FRMAC - Consideration of Morphological Conditions and Sediment Loading - (86589, 124414, 95498)**

**Directorate:**                      City Planning

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**DISCUSSION:**

- Officers advised that the purpose of this particular report was to inform the Floodplain Risk Management Advisory Committee of advice received in respect of issues stemming from discussion at the 16 April 2020 meeting relating to:
  - Morphological condition assessment in the Hawkesbury River,
  - Dredging considerations at Windsor, upstream of South Creek, and
  - Sediment loading through South Creek from growth areas under wet weather conditions.
- The Department of Planning, Industry and Environment Representative highlighted the key points of the report and advised that a colleague has been requested to present to the Floodplain Risk Management Advisory Committee at the meeting scheduled in September 2020.

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- Committee members highlighted the need for improved erosion and sediment controls in adjoining Local Government Areas, given the impacts from these growth areas on the Hawkesbury Local Government Area.

**OFFICER'S RECOMMENDATION:**

That the Committee consider the advice in respect of this matter.

**COMMITTEE RECOMMENDATION:**

**RESOLVED** on the motion of Councillor Rasmussen and seconded by Councillor Kotlash.

That the Floodplain Risk Management Advisory Committee consider the advice in respect of this matter.

**ITEM: 5**                      **FRMAC - Richmond Bridge Duplication Project - (86589, 124414, 95498)**

**Directorate:**              City Planning

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**DISCUSSION:**

- Officers provided an overview of the Richmond Bridge Duplication Project, highlighting that Council at its Ordinary Meeting on 12 May 2020 considered a Mayoral Minute with respect to strategic transport routes. Committee members were advised that the purpose of the Mayoral Minute was focused around seeking guidance in terms of establishing Council's position on strategic transport routes. Following consideration of the Mayoral Minute, Council resolved:  
  
*"That Council staff initiate a process to obtain quotations from relevant parties to work with Council and the community to develop Strategic Transport routes in the Local Government Area."*
- Committee members agreed that it would be more appropriate to discuss this matter further once the additional information as outlined above is available.
- A Committee member suggested questioning the impact that retaining the existing Richmond Bridge alongside the new Richmond Bridge will have on flood levels (upstream and downstream).

**OFFICER'S RECOMMENDATION:**

That the information be received and noted.

**COMMITTEE RECOMMENDATION:**

**RESOLVED** on the motion of Councillor Rasmussen and seconded by Councillor Kotlash.

That:

1. The information be received and noted.
2. The Richmond Bridge Duplication Project matter be revisited by the Floodplain Risk Management Advisory Committee, once information regarding Council's work on Strategic Transport routes is available.

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**ITEM: 6**                      **FRMAC - Update on Grant Applications - (86589, 124414, 95498)**

**Directorate:**              City Planning

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**DISCUSSION:**

- Officers provided a summary of the various existing and proposed grant funded projects under the Department of Planning, Industry and Environment's Floodplain Management Grants Program, highlighting that the briefs have been distributed to consultants for the projects that have received grant funding.
- The Committee thanked the representatives from Infrastructure NSW and Department of Planning, Industry and Environment for their assistance with these applications and projects, and resolved to formally note this appreciation.

**OFFICER'S RECOMMENDATION:**

That the information be received and noted.

**COMMITTEE RECOMMENDATION:**

**RESOLVED** on the motion of Councillor Rasmussen and seconded by Ms Edds.

1. That the information be received and noted.
2. That the Floodplain Risk Management Advisory Committee note and thank the representatives from Infrastructure NSW and Department of Planning, Industry and Environment, for their assistance with Council's grant funded projects.

**ITEM: 7**                      **FRMAC - FMA 2020 Digital Floodplain Management Australia National Conference - (86589, 124414, 95498)**

**Directorate:**              City Planning

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**DISCUSSION:**

- Officers advised that the FMA 2020 Digital Floodplain Management Australia National Conference took place between Wednesday, 20 May 2020 and Thursday, 21 May 2020 for the first time in a digital setting due to the impacts of COVID-19.
- Community members of the Floodplain Risk Management Advisory Committee thanked Officers for the opportunity to attend this conference.
- Presentations that were highlighted by Committee Members included the presentation by the Bureau of Meteorology, based on the concept of zero lives lost, which used data from the February 2020 flooding event in the Hawkesbury. It was noted that the accuracy achieved using the new modelling and software is outstanding, and that this will be highly beneficial when rolled out fully.
- Following discussion, a recommendation was made in relation community representatives being given the opportunity to participate in the 2021 Floodplain Management Australia National Conference in Sydney.



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**OFFICER’S RECOMMENDATION:**

That the information be received and noted.

**COMMITTEE RECOMMENDATION:**

**RESOLVED** on the motion of Councillor Rasmussen and seconded by Ms Edds.

1. That the information be received and noted.
2. That the Floodplain Risk Management Advisory Committee recommend Council consider including community representatives from the Committee as participants in the 2021 Floodplain Management Australia National Conference to be held in Sydney.

**SECTION 4 - General Business**

**A. Update on Disaster and Emergency Dashboard**

- This matter was not discussed and will be included in the next Floodplain Risk Management Advisory Committee meeting Agenda.

**B. Transport for NSW Regional Flood Evacuation**

- This matter was not discussed and will be included in the next Floodplain Risk Management Advisory Committee meeting Agenda.

**ADDITIONAL GENERAL BUSINESS**

**Power Supply and Closure of Bridges**

- Committee members enquired whether there have been responses from Endeavour Energy and the Transport for NSW regarding the power supply west of the river and Policy for closure of bridges across the Hawkesbury river in flood events.
- Officers advised that no feedback had been received to date.
- The Committee requested that a follow up letter be sent to Transport for NSW in relation to their response, as well as contact made with the Local State Member.

**Manual Gauge Posts at Windsor Bridge Site**

- The Infrastructure NSW Representative highlighted discussion with the Bureau of Meteorology in relation to the desirable datum for the new gauge posts and was seeking Committee endorsement for this. It was noted that the preferred datum was AHD.
- The Committee agreed to wait for additional information on this matter before a recommendation is made.

The meeting terminated at 6:25pm.

**oooO END OF REPORT Oooo**

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**Item: 142**                      **ROC - Local Traffic Committee - 13 July 2020 - (80245, 95495)**

**Directorate:**                      Infrastructure Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to present the Minutes of the Local Traffic Committee, held on 13 July 2020. The Local Traffic Committee is not a Committee of Council but a Statutory Committee.

**EXECUTIVE SUMMARY**

The Local Traffic Committee considered one item at its meeting of 13 July 2020. As this item has no policy or financial implications for Council, it is presented for information only.

**RECOMMENDATION:**

That the Minutes of the Local Traffic Committee meeting held on 13 July 2020 be received and noted.

1. Council receive and note the Local Traffic Committee minutes in respect to Items 1, 2, 3 and General Business.
- 

**DISCUSSION**

The Committee considered one staff report on the following matter as shown in the attached minutes (Attachment 1):

- Special Event Traffic - The Hawkesbury 120 Ski Race Classic 2020 - October 2020

**ATTACHMENTS:**

**AT - 1**      Minutes of the Local Traffic Committee held on 13 July 2020.

**ORDINARY MEETING**  
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**AT - 1 Minutes of the Local Traffic Committee held on 13 July 2020.**

Minutes of the Meeting of the Local Traffic Committee held remotely, on Monday, 13 July 2020, commencing at 3pm.

**ATTENDANCE**

**Present:** Councillor Peter Reynolds, Hawkesbury City Council  
Mr David Lance, Transport for NSW  
Mr Steve Grady, Busways

**Apologies:** Nil

**In Attendance:** Mr Christopher Amit, Hawkesbury City Council, (Chair)  
Ms Cathy Mills, Hawkesbury City Council

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

**SECTION 1 - Minutes**

**Item 1.1 Confirmation of Minutes**

The Committee resolved on the motion of Mr David Lance, seconded by Councillor Peter Reynolds, that the Minutes from the previous meeting held on Monday, 15 June 2020 be confirmed.

**Item 1.2 Business Arising**

There was no Business Arising.

**SECTION 2 - Reports for Determination**

**Item: 2.1 LTC - The Hawkesbury 120 Ski Race Classic 2020 - (Hawkesbury) - (80245, 92138)**

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**REPORT:**

**Introduction:**

An application has been received from Ski Racing NSW Inc., seeking approval (in traffic management terms) to conduct the Hawkesbury 120 Ski Race Classic 2020 on Saturday, 17 and Sunday, 18 October 2020.

The event organiser is proceeding with the event based on the current Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 3) 2020 under the Public Health Act 2010 (NSW).

The event organiser has advised;

- The Hawkesbury 120 Ski Race Classic is an annual event initially undertaken in 2006.

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- The Hawkesbury 120 Ski Race Classic is an annual water ski race on the Ski Racing Australia Calendar and is undertaken along the Hawkesbury River.
- The race is 120 kilometres in length.
- Event Schedule:
  - Saturday, 17 October 2020:
    - Ski Race from Governor Philip Park, Windsor to Sackville Ski Gardens, Tizzana Road, Sackville and return.
    - Start and Finish times: 8:30am to 5pm.
    - Set Up and Pack Down Times: 6am to 6pm.
  - Sunday, 18 October 2020:
    - Ski Race from Governor Philip Park, Windsor to NSW Ski Grounds Caravan Park (Known as NSW Ski Gardens) at River Road, Wisemans Ferry and return.
    - Start and Finish times: 8:30am to 5pm.
    - Set Up and Pack Down Times 6am to 8pm.
- The event will incorporate vessel safety scrutineering to be undertaken on Friday, 16 October 2020. The safety scrutineering will be conducted between 12noon and 5pm and with the expected number of competitors, it is not anticipated to impact on local traffic conditions in the area. All vehicles towing vessels will be able to be contained within the car park facilities and will not adversely impact local street or cause significant traffic congestion.
- The suspension of ferry services, controlled by Council and Transport for NSW – TfNSW (formerly RTA/RMS), is required on Sunday, 18 October 2020:
  - Lower Portland Ferry (HCC): 8am to 5pm
  - Sackville Ferry (TfNSW (formerly RTA/RMS)): 8am to 5pm
- Webbs Creek Ferry and Wisemans Ferry are located downstream to the NSW Ski Gardens, and subsequently these ferry operations are not affected.
- The suspension of the ferry services is required for safety reasons. Emergency vehicles will be allowed access at all times. The ferries will operate in the event of an emergency and competitors will be stopped to ensure the safety of all.
- Alternate routes for traffic are available which include travelling via Putty Road to Windsor on the western side and via Pitt Town, Cattai and Wisemans Ferry Roads to Windsor on the eastern side.
- The event organiser acknowledges that either Council or Transport for NSW – TfNSW (formerly RTA/RMS) on the day may have the need to alter the suspension of the ferries at their discretion.
- A river open boat will pass the entire course at the conclusion of the event.
- Windsor boat ramp will be closed to the public on both days.
- The number of participants expected is approximately 400, consisting of four groups of 100 participants.
- Approximately 200 to 300 spectators are expected at the start/finish venue at Governor Phillip Park, Windsor.
- Parking will be at Governor Phillip Park with additional parking available off street utilising vacant land adjacent to Governor Phillip Park.

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- There will be an increase to traffic flow on roads surrounding Governor Phillip Park; however the effect on traffic is not expected to be significant.
- It is expected that the event will impact only marginally on traffic using Windsor Road, Bridge Street, Macquarie Street and Wilberforce Road, but historically there have been no issues with traffic in these areas.
- Road closures are not required other than the closure of the approach roads to the two ferries along the Hawkesbury River.
- The River will be closed for the duration of the event on each of the two days along the length of the event course.
- Advance warning with VMS will be located on Wilberforce Road and Richmond Road, near Marsden Park and Berkshire Park.

**Discussion:**

The event organiser is seeking Council and Transport for NSW – TfNSW (formerly RTA/RMS) approval for the suspension of the following Ferry Services on Sunday, 18 October 2020:

- Lower Portland Ferry (HCC): 8am to 5pm,
- Sackville Ferry (TfNSW (formerly RTA/RMS)): 8am to 5pm,

Webbs Creek Ferry and Wisemans Ferry are located downstream of the NSW Ski Gardens, and subsequently these ferry operations are not affected on Sunday, 18 October 2020.

Ferry operations are not affected on Saturday, 17 October 2020, as Wisemans Ferry, Webbs Creek Ferry, Sackville Ferry and Lower Portland Ferry are all located downstream of the Sackville Ski Gardens.

Total suspension of the Lower Portland Ferry and Sackville Ferry is required due to poor sight distance leading to the ferry and the bends in the river. The total suspension of the ferry services will enable a free flow of competitors across the ferry crossings.

As in previous years, emergency vehicles will be allowed access onto the ferries. Safety vessels with crew will be placed on the relevant side of the ferries with suitable equipment to indicate to competitors that a ferry may be operating and with communication between the boat and the ferry vessel.

The Lower Portland Ferry Service is under the care and control of Hawkesbury City Council. The Sackville Ferry Service is the under the care and control of Transport for NSW – TfNSW (formerly RTA/RMS).

The event will be held principally along the Hawkesbury River with the event organiser requesting exclusive use of the River from Transport for NSW – TfNSW (formerly NSW Maritime). The spectators travelling to the event, and in particular to Governor Phillip Park, may impact heavily on the state road network along Windsor Road, Macquarie Street, Wilberforce Road and Bridge Street as well as the local roads such as George Street and Court Street. Furthermore the suspension of the Ferry services and subsequent road closures leading to the ferries (one Transport for NSW Ferry and one HCC Ferry) will have an impact on the adjacent road network in the vicinity of the ferries. The suspension of the Transport for NSW ferry is affectively closing a State road. It would be appropriate to classify the event as a “Class 1” special event under the “Traffic and Transport Management for Special Events” guidelines issued by Transport for NSW – TfNSW (formerly RTA/RMS).

As the event is classified as a “Class 1” event, approval is to be sought directly by the event organiser for the suspension of the Sackville Ferry service from Transport for NSW – TfNSW (formerly TMC).

The event organiser is to ensure that Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 3) 2020 under the Public Health Act 2010 (NSW), as a minimum, is adhered to and changes to the Public Health Order may lead to the event being cancelled/postponed until 2021.

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The event organiser has submitted the following items in relation to the event: Attachment 1 (ECM Document Set ID No: 7043507):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Transport for NSW – TfNSW),
4. Event Traffic Management Plan which requires updating in line with the information in the main application and updated for the 2020 event.

Council resolved to grant the exclusive use of Governor Phillip Park for the event at its meeting on 31 March 2020.

**RECOMMENDATION TO COMMITTEE:**

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Transport for NSW – TfNSW (formerly RTA/RMS) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Hawkesbury 120 Ski Race Classic 2020 event planned for Saturday, 17 and Sunday, 18 October 2020 be classified as a "Class 1" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by Transport for NSW – TfNSW (formerly RTA/RMS).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser and the event organiser is to ensure that Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 3) 2020 under the Public Health Act 2010 (NSW), as a minimum, is adhered to and changes to the Public Health Order may lead to the event being cancelled/postponed until 2021.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

**Prior to the event:**

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders.

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(information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);

- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to preparing the TMP and prior to the event. The event organiser must have a risk assessment that includes COVID-19 risk and must have a COVID-19 Safe Plan developed;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
- 4d. the event organiser is to obtain approval from Transport for NSW – TfNSW (formerly TMC) as this is a "Class 1" event and the road closures resulting from the suspension of the HCC and TfNSW (formerly RTA/RMS) ferries; a copy of the Transport for NSW – TfNSW (formerly TMC) approval to be submitted to Council;
- 4e. the event organiser is to submit a Transport Management Plan (TMP) for the entire route/event incorporating Traffic Control Plans (TCP) for the entire route which need to include details such as the specific position of barriers, signs etc, required for the proposed ferry/road closures and traffic diversions to Council for acknowledgement and Transport for NSW – TfNSW (formerly TMC) for concurrence. The TCP should be prepared by a person holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;
- 4f. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$20,000,000 noting Council and Transport for NSW – TfNSW (formerly TMC and RTA/RMS) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4g. as the event requires traffic control on Council roads and the closure of public roads due to the suspension of Ferry services, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the roads;
- 4h. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from Transport for NSW – TfNSW (formerly NSW Maritime); a copy of this approval to be submitted to Council;
- 4i. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; a copy of this approval to be submitted to Council;
- 4j. the event organiser is to advise all adjoining Councils such as Central Coast, The Hills and Hornsby of the event and in particular the suspension of the ferries and obtain any necessary approvals from these Councils; a copy of this approval to be submitted to Council;
- 4k. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (advertising medium to be advised);
- 4l. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4m. the event organiser is to directly notify relevant ferry operators, bus companies, tourist bus

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operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;

- 4n. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;
- 4o. the event organiser is to submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

**During the event:**

- 4p. access is to be maintained for businesses, residents and their visitors;
- 4q. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4r. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4s. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route (including the road closure points for the ferry closures), during the event, under the direction of a traffic controller holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4t. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4u. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity,

**Ferry Services**

- 5. The applicant is to seek approval from Transport for NSW – TfNSW (formerly TMC and RTA/RMS), for the suspension of the Sackville Ferry Service, due to the event being classified as a Class 1 event. There is no objection to the suspension of the Lower Portland Ferry Service.

Suspension of the ferry services on Sunday, 18 October 2020 as listed below:

- Lower Portland Ferry (HCC): 8am to 5pm
- Sackville Ferry (TfNSW (formerly RTA/RMS)): 8am to 5pm

is subject to the applicant complying with the following conditions, as well as any conditions imposed by Transport for NSW – TfNSW (formerly TMC):

- 5a. the applicant is to contact Hawkesbury City Council's Construction and Maintenance Section and the Ferry operator, three weeks prior to the event with regard to the suspension of the Lower Portland Ferry service maintained by Hawkesbury City Council
- 5b. advertising of the proposed event is to be undertaken at the expense of the event organiser in both Sydney and Local newspapers, two weeks prior to the event, in relation to :
  - traffic impact and delays,



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- exclusive use of Governor Phillip Park,
- timings of suspension of ferry services,

such notice is to be incorporated in the news sections of those newspapers and to be approximately 1/8 (one-eighth) page size;

- 5c. signs are to be erected at the expense of the event organiser in locations indicated in the approved Transport Management Plan and Traffic Control Plan and at a size indicated in the same, on all roads leading to the ferries, as well as on each ferry, for at least two weeks prior to the event;
- 5d. safety precautions are to be outlined in the TMP and are to be in place at all ferry locations, such to include a boat and crew upstream and/or downstream from each ferry as applicable with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and the ferry vessel, such procedures are to be implemented to the satisfaction of Transport for NSW – TfNSW (formerly TMC, RTA/RMS and NSW Maritime) and Hawkesbury City Council; and
- 5e. the Transport for NSW – TfNSW (formerly TMS and RTA/RMS) and Council be authorised to alter ferry suspension/operation times if necessary.

**APPENDICES:**

**AT - 1** Special Event Application - (ECM Document Set ID No. 7043507) – *see attached*.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Mr David Lance, seconded by Councillor Peter Reynolds.

Support for the Recommendation:      Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Transport for NSW – TfNSW (formerly RTA/RMS) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Hawkesbury 120 Ski Race Classic 2020 event planned for Saturday, 17 and Sunday, 18 October 2020 be classified as a "Class 1" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by Transport for NSW – TfNSW (formerly RTA/RMS).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser and the event organiser is to ensure that Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 3) 2020 under the Public Health Act 2010 (NSW), as a minimum, is adhered to and changes to the Public Health Order may lead to the event being cancelled/postponed until 2021.

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4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

**Prior to the event:**

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to preparing the TMP and prior to the event. The event organiser must have a risk assessment that includes COVID-19 risk and must have a COVID-19 Safe Plan developed;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
- 4d. the event organiser is to obtain approval from Transport for NSW – TfNSW (formerly TMC) as this is a "Class 1" event and the road closures resulting from the suspension of the HCC and TfNSW (formerly RTA/RMS) ferries; a copy of the Transport for NSW – TfNSW (formerly TMC) approval to be submitted to Council;
- 4e. the event organiser is to submit a Transport Management Plan (TMP) for the entire route/event incorporating Traffic Control Plans (TCP) for the entire route which need to include details such as the specific position of barriers, signs etc, required for the proposed ferry/road closures and traffic diversions to Council for acknowledgement and Transport for NSW – TfNSW (formerly TMC) for concurrence. The TCP should be prepared by a person holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;
- 4f. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$20,000,000 noting Council and Transport for NSW – TfNSW (formerly TMC and RTA/RMS) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4g. as the event requires traffic control on Council roads and the closure of public roads due to the suspension of Ferry services, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the roads;
- 4h. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from Transport for NSW – TfNSW (formerly NSW Maritime); a copy of this approval to be submitted to Council;

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- 4i. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; a copy of this approval to be submitted to Council;
- 4j. the event organiser is to advise all adjoining Councils such as Central Coast, The Hills and Hornsby of the event and in particular the suspension of the ferries and obtain any necessary approvals from these Councils; a copy of this approval to be submitted to Council;
- 4k. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (advertising medium to be advised);
- 4l. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4m. the event organiser is to directly notify relevant ferry operators, bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4n. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;
- 4o. the event organiser is to submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

**During the event:**

- 4p. access is to be maintained for businesses, residents and their visitors;
- 4q. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4r. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4s. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route (including the road closure points for the ferry closures), during the event, under the direction of a traffic controller holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4t. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4u. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity,

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**Ferry Services**

5. The applicant is to seek approval from Transport for NSW – TfNSW (formerly TMC and RTA/RMS), for the suspension of the Sackville Ferry Service, due to the event being classified as a Class 1 event. There is no objection to the suspension of the Lower Portland Ferry Service.

Suspension of the ferry services on Sunday, 18 October 2020 as listed below:

- Lower Portland Ferry (HCC): 8am to 5pm
- Sackville Ferry (TfNSW (formerly RTA/RMS)): 8am to 5pm

is subject to the applicant complying with the following conditions, as well as any conditions imposed by Transport for NSW – TfNSW (formerly TMC):

- 5a. the applicant is to contact Hawkesbury City Council's Construction and Maintenance Section and the Ferry operator, three weeks prior to the event with regard to the suspension of the Lower Portland Ferry service maintained by Hawkesbury City Council
- 5b. advertising of the proposed event is to be undertaken at the expense of the event organiser in both Sydney and Local newspapers, two weeks prior to the event, in relation to:
- traffic impact and delays,
  - exclusive use of Governor Phillip Park,
  - timings of suspension of ferry services,

such notice is to be incorporated in the news sections of those newspapers and to be approximately 1/8 (one-eighth) page size;

- 5c. signs are to be erected at the expense of the event organiser in locations indicated in the approved Transport Management Plan and Traffic Control Plan and at a size indicated in the same, on all roads leading to the ferries, as well as on each ferry, for at least two weeks prior to the event;
- 5d. safety precautions are to be outlined in the TMP and are to be in place at all ferry locations, such to include a boat and crew upstream and/or downstream from each ferry as applicable with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and the ferry vessel, such procedures are to be implemented to the satisfaction of Transport for NSW – TfNSW (formerly TMC, RTA/RMS and NSW Maritime) and Hawkesbury City Council; and
- 5e. the Transport for NSW – TfNSW (formerly TMS and RTA/RMS) and Council be authorised to alter ferry suspension/operation times if necessary.

**SECTION 3 - Reports for Information**

There were no Reports for Information.

**SECTION 4 - General Business**

There was no General Business.

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on Monday, 10 August 2020 at 3pm in the Small Committee Room.

**oooO END OF REPORT Oooo**

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**SECTION 4 – Reports of Committees**  
**Meeting Date:** 28 July 2020

ordinary

section 5

notices of motion

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date:** 28 July 2020

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**SECTION 5 – Notices of Motion**

**Item: 143**                      **NM - Wetlands in the Hawkesbury Local Government Area - (125612)**

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**Submitted by:** Councillor Lyons-Buckett

**NOTICE OF MOTION:**

That Council:

1. Provide an update on work being done to protect Wetlands in the Hawkesbury Local Government Area.
2. Investigate ways to encourage and educate people about assisting to look after the wetland wildlife and environs, by working with Hawkesbury Environment Network and similar groups. This could include reviewing the signage message and locations, ensuring signs contain contact numbers for wildlife rescue organisations, addressing the issues of herbicide spraying of grasses near waterways, the presence of fishing line and fish hooks, and providing plantings for wildlife habitat, to aid in water cleaning and for foraging.

**FINANCIAL IMPACT**

The above activities are conducted as part of Council's normal operations and have no financial implications.

**NOTE BY MANAGEMENT**

Council's involvement in the protection of wetlands occurs in a variety of ways, for example:

- **Council's role in Coastal Zone Management**

Council's current Upper Hawkesbury River Estuary Coastal Zone Management Plan, was adopted in August 2014 and outlines actions regarding the protection and restoration of our waterways including wetlands in relation to:

- Water Quality
- Aquatic and riparian habitat
- Recreation and amenity
- Land use and development
- Foreshore protection
- Cultural heritage
- Sea level rise.

Current weeding programs, habitat planting works, bush regeneration works and soon to be installed interpretive signage, further support the objectives of this Coastal Zone Management Plan. These works are often undertaken in partnership with local environmental groups.

Council is also involved in the development of the Hawkesbury-Nepean River Coastal Management Plan. Six councils located along the Hawkesbury River system have partnered, with the assistance of government funding, to guide the long-term, integrated and sustainable management of the Hawkesbury-Nepean River system and its catchments. It is expected that this plan will also identify community engagement and education opportunities.



**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
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- **Council's involvement in the development of the State Government's Blue-Green Grid**

The Greater Sydney Commission's plans make specific reference to the ongoing management of waterways and vegetation. Council's Biodiversity Planning Framework is currently being developed. When completed it will clearly define what biodiversity is and outline the importance of biodiversity (including vegetation and wetlands) in the Hawkesbury Local Government Area. The document will also update Council's LEP mapping of biodiversity values, on both public and private land, to reflect State Government, Council and community priorities and conservation outcomes. The document will support decision making in terms of conservation management, and complement existing wetland objectives. Finally the document will inform future decisions in relation to environmental offsets and the disposal of surplus Council land.

- **Council's role as a land manager**

Council is responsible for 2 public wetlands, Pughs Lagoon and Bushells Lagoon.

In relation to Pughs Lagoon, Council has an ongoing weed control program and has carried out a number of habitat plantings. The community based Wetlands Group is also involved at Pughs Lagoon. Council also installed "Please don't feed ducks" signs and a fishing line bin (since stolen) at Pughs Lagoon. Fishing line bins have also been installed elsewhere across the city and are the subject of a partnership with Western Sydney University where students monitor their use. The community based Wetlands Group's Protect Our Wetlands Project proposes more interpretive signage and further bush regeneration at Pughs Lagoon.

The management of Bushells Lagoon is difficult, as Council's responsibilities relate primarily to the water body. The focus at Bushells Lagoon has been weed removal and planting natives for habitat. Staff have also worked with Local Land Services and landholders in weed control and restoration projects.

- **Council's compliance role**

Council's Compliance team and Environmental Health team have been working with the Natural Resource Access Regulator, investigating reports of unauthorised works occurring in and around the Bushells Lagoon area.

Over the past 12 months both Council and Natural Resource Access Regulator have been working closely with adjoining property owners to the Lagoon to ensure that land management and water management activities are being conducted in accordance with relevant regulations and guidelines.

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**

**ORDINARY MEETING**  
**Confidential Reports**  
**Meeting Date: 28 July 2020**

**CONFIDENTIAL REPORTS**

**Item: 144**                      **SS - Lease of Shop 9, Glossodia Shopping Village - (95496, 112106, 73792)**  
**CONFIDENTIAL**

**Directorate:**                Support Services

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**REASON FOR CONFIDENTIALITY**

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

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

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



ordinary  
meeting

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