



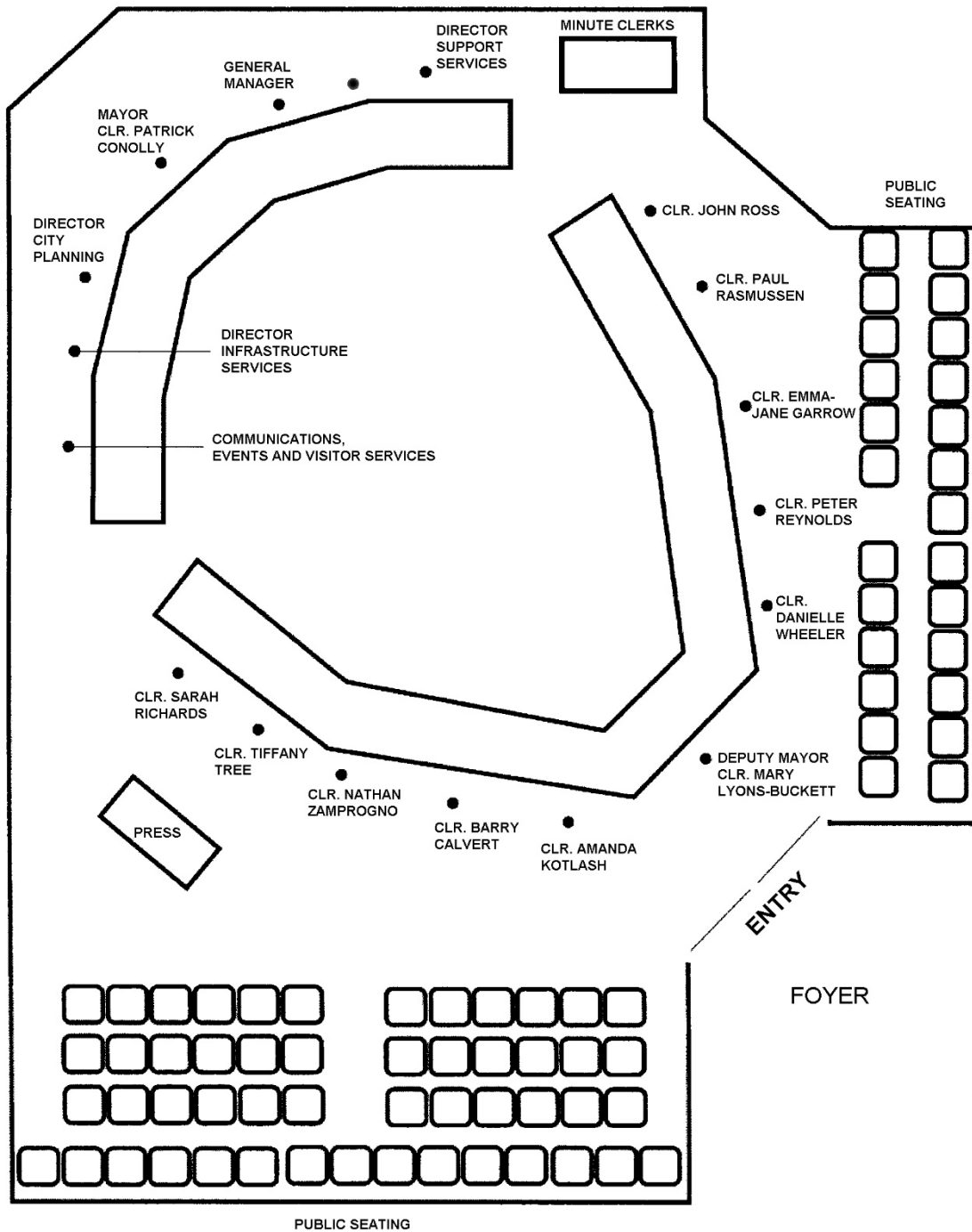
Ordinary Meeting

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

BUSINESS PAPER

Mission Statement

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



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Procedural Matters
Meeting Date: 26 October 2021

PROCEDURAL MATTERS

Welcome

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

The General Manager will address the Council meeting, mentioning:

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

Attendance

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

Apologies and Leave of Absence

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

Declaration of Interest

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

Acknowledgement of Official Visitors to the Council

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

ORDINARY MEETING

Procedural Matters

Meeting Date: 26 October 2021

Ordinary

Section 1

Confirmation of minutes

ORDINARY MEETING

SECTION 1 - Confirmation of Minutes

Meeting Date: 26 October 2021

SECTION 1 - Confirmation of Minutes



Ordinary Meeting

Date of meeting: 12 October 2021
Location: By audio-visual link
Time: 6:30 p.m.

MINUTES

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ORDINARY MEETING

Minutes: 12 October 2021

Minutes of the Ordinary Meeting held at the by Audio-Visual Link, Windsor, on 12 October 2021, commencing at 6:31pm.

Welcome

The Mayor, Councillor Patrick Conolly acknowledged the Indigenous Heritage.

The General Manager addressed the Council meeting, mentioning:

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

ATTENDANCE

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

ALSO PRESENT: General Manager - Elizabeth Richardson, Director City Planning - Linda Perrine, Acting Director Infrastructure Services - Emma Galea, Director Support Services - Laurie Mifsud, Acting Chief Financial Officer - Vanessa Browning, Strategic Planning Manager - Andrew Kearns, Executive Manager Operations - Jackie Carr, Manager Corporate Communication - Suzanne Stuart, Manager Corporate Services and Governance - Charles McElroy and Administrative Support Coordinator - Tracey Easterbrook.

APOLOGIES AND LEAVE OF ABSENCE

No apologies of absence were received from Councillors.

Councillor Reynolds arrived at the meeting at 6:35pm.

DECLARATIONS OF INTEREST

Councillor Garrow declared an interest on Item 194.
Councillor Richards declared an interest on Item 195.
Councillor Wheeler declared an interest on Item 195.
Councillor Conolly declared an interest on Item 201.

Acknowledgement of Official Visitors to the Council

There were no official visitors to Council.

SECTION 1 - Confirmation of Minutes

259 RESOLUTION:

RESOLVED on the motion of Councillor Zamprogno and seconded by Councillor Garrow that the Minutes of the Ordinary Meeting held on 28 September 2021, be confirmed.

ORDINARY MEETING

Minutes: 12 October 2021

SECTION 3 – Reports for Determination

CITY PLANNING

Item: 193 **CP - Hawkesbury LGA Aboriginal Cultural Heritage Study - (80242, 124414, 95498)**

Previous Item: 154, Ordinary (10 August 2021)

Directorate: City Planning

MOTION:

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

Refer to RESOLUTION

260 RESOLUTION:

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

That:

1. Council note the outcome of the public exhibition of the draft Hawkesbury LGA Aboriginal Cultural Heritage Study.
2. Council adopt the Hawkesbury LGA Aboriginal Cultural Heritage Study, attached as Attachment 2 to this report.
3. The implementation items from the Hawkesbury LGA Aboriginal Cultural Heritage Study be referred to when consideration is given to the development of Council's Operational Plan.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

Minutes: 12 October 2021

Item: 194 **CP - Council Support for Re-establishment of Caravan Parks - (95498)**

Directorate: City Planning

Councillor Garrow declared a pecuniary interest in this matter as her family owns one of the caravan parks mentioned in this item. She left the Meeting and did not take part in voting or discussion on the matter.

MOTION:

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

Refer to RESOLUTION

261 RESOLUTION:

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

That Council establish a two year framework on enforcement action, relating only to lack of approval under the Local Government Act 1993 to operate existing caravan parks, to ensure required planning and Local Government Act approvals for the parks and associated matters are in place.

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

Against the Motion: Nil.

Absent: Councillor Garrow.

ORDINARY MEETING

Minutes: 12 October 2021

Item: 195 **CP - NSW Government (NSW Rural Fire Service) Rural Boundary Clearing Code - (95498)**

Previous Item: 067, Ordinary (30 March 2021)

Directorate: City Planning

Councillor Richards declared a less than significant non-pecuniary conflict of interest in this matter as she is a member of the Hawkesbury Communications Rural Fire Brigade and no further action is required.

Councillor Wheeler declared a less than significant non-pecuniary conflict of interest in this matter as she and her son are members of the Rural Fire Service. Her membership of the Rural Fire Service includes no involvement in the use of the Rural Boundary Clearing Code and no further action is required.

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

That Hawkesbury City Council opt into the NSW Rural Fire Service Rural Boundary Clearing Code.

An AMENDMENT was moved by Councillor Zamprogno, seconded by Councillor Reynolds.

That Council:

1. Engages in consultation with the Hawkesbury community and relevant stakeholders in order to establish views of whether or not Council should opt in to the Rural Boundary Clearing Code.
2. Receive a report which includes the following:
 - a) The results of this consultation.
 - b) Advice about which Councils have chosen to opt-in, for those Councils given that discretion.
 - c) What resourcing would be required for Council to:
 - i. Provide landowners guidance on proposed land-clearing activities
 - ii. Provide an adequate compliance and enforcement regime.
 - d) Advice concerning what geospatial mapping tools Council possesses to measure tree coverage across the Local Government Area, changes to tree coverage over time, and reports on the merits of acquiring those tools if we do not have them.
 - e) Advice concerning whether the Rural Boundary Clearing Code can be opted into on a temporary basis.
3. Requests that the Rural Fire Service make available the Rural Boundary Mapping Tool to Council and Hawkesbury Rural Fire Service personnel to evaluate the impact of the Boundary Clearing Code on particular areas.

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

Against the Amendment: Councillors Conolly, Richards and Tree.

Absent: Nil.

ORDINARY MEETING

Minutes: 12 October 2021

MOTION:

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

Refer to RESOLUTION

262 RESOLUTION:

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

That Council:

1. Engages in consultation with the Hawkesbury community and relevant stakeholders in order to establish views of whether or not Council should opt in to the Rural Boundary Clearing Code.
2. Receive a report which includes the following:
 - a) The results of this consultation.
 - b) Advice about which Councils have chosen to opt-in, for those Councils given that discretion.
 - c) What resourcing would be required for Council to:
 - i. Provide landowners guidance on proposed land-clearing activities
 - ii. Provide an adequate compliance and enforcement regime.
 - d) Advice concerning what geospatial mapping tools Council possesses to measure tree coverage across the Local Government Area, changes to tree coverage over time, and reports on the merits of acquiring those tools if we do not have them.
 - e) Advice concerning whether the Rural Boundary Clearing Code can be opted into on a temporary basis.
3. Requests that the Rural Fire Service make available the Rural Boundary Mapping Tool to Council and Hawkesbury Rural Fire Service personnel to evaluate the impact of the Boundary Clearing Code on particular areas.

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

Against the Motion: Nil.

Absent: Nil.

ORDINARY MEETING

Minutes: 12 October 2021

SUPPORT SERVICES

Item: 196 **SS - Disclosure of Pecuniary Interests and Other Matters Returns - (95496)**

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

263 RESOLUTION:

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

That Council note that the Disclosures of Pecuniary Interests and Other Matters Returns, lodged with the General Manager, have been tabled.

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

Against the Motion: Nil.

Absent: Councillor Reynolds.

ORDINARY MEETING

Minutes: 12 October 2021

Item: 197 **SS - Crown Land Manager of Hawkesbury Showground - 40 Racecourse Road, Clarendon - (112106, 95496, 74207)**

Directorate: **Support Services**

MOTION:

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

Refer to RESOLUTION

264 RESOLUTION:

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

That Council defer consideration of this matter.

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

Against the Motion: Councillor Ross.

Absent: Councillor Kotlash.

ORDINARY MEETING

Minutes: 12 October 2021

SECTION 4 – Reports of Committees

Item: 198 **ROC - Disaster and Emergency Committee - 7 September 2021 - (151940, 95495)**

Directorate: Infrastructure Services

MOTION:

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

Refer to RESOLUTION

265 RESOLUTION:

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

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

1. Council receive and note the Disaster and Emergency Committee minutes in respect to points 1, 4 and 7.
2. Council endorse the Committee Recommendations in respect of 2, namely:
"Endorse, in principle, the establishment of the position of a dedicated Emergency Management Coordinator, to provide oversight and control of Councils role and responsibilities in Emergency Management including Planning, Preparedness, Response and Recovery."
3. In regard to Point 3 of the Committee Recommendation, Council receives and notes the information contained within this report in regard to details of the Emergency Management Coordinator role and the financial aspects of establishing the role on a permanent basis.
4. In regard to Point 5 of the Committee Recommendation, Council receives and notes the information contained within this report and endorses the finalisation and mail out of the Emergency Management Guide by mid November 2021, and allocation of funding to a maximum of \$23,000.
5. Council endorse the Committee Recommendation in respect of 6, namely:
"Hold a workshop for Councillors, and invite Robyn Preston MP and Susan Templeman MP to participate:
 - a) *To establish a protocol around engagement at the representative level between the 3 levels of government;*
 - b) *To define the role of Councillors in Emergency Management;*
 - c) *To compile a list of frequently asked questions received by Councillors from residents during and after extreme events, which can be incorporated into existing, or if necessary, new plans or policies;*
 - d) *To assess the need for sub-committees or working groups to address any identified gaps which may require further investigation and solutions; and"*
6. Council endorse the Committee Recommendation in respect of 8, namely:
"Place on Council's website a link to Council's Emergency Management reports."

ORDINARY MEETING

Minutes: 12 October 2021

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

Against the Motion: Nil.

Absent: Nil.

Item: 199 ROC - Audit Committee - 22 September 2021 - (91369, 95496, 79351)

Directorate: Support Services

MOTION:

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

Refer to RESOLUTION

266 RESOLUTION:

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

That Council receive and note the Minutes of the Audit Committee Meeting held on the 22 September 2021.

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

Against the Motion: Nil.

Absent: Councillor Reynolds.

ORDINARY MEETING

Minutes: 12 October 2021

QUESTIONS FOR NEXT MEETING

Item: 200

Response to Councillor Question Taken on Notice at the Council Meeting - 28 September 2021 - (79351)

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

ORDINARY MEETING

Minutes: 12 October 2021

CONFIDENTIAL REPORTS

267 RESOLUTION:

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

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 meeting during consideration of the following items:

Item: 201 SS - Tender for the Provision of Internal Audit Services - (95496, 79351, 128732)

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act, 1993 as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that the released 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.*

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.

268 RESOLUTION:

RESOLVED on the motion of Councillor Zamprogno, seconded by Councillor Garrow that open meeting be resumed.

ORDINARY MEETING

Minutes: 12 October 2021

Item: 201 **SS - Tender for the Provision of Internal Audit Services - (95496, 79351, 128732)**

Previous Item: 125, Ordinary (30 June 2020)

Directorate: Support Services

Councillor Conolly declared a less than significant non-pecuniary conflict of interest in this matter as he occasionally works with RSM Australia due to having mutual clients. RSM Australia are tendering for this service. There is no financial or significant relationship with RSM Australia. He does not stand to gain anything if they are (or aren't) awarded the tender and no further action is required.

MOTION:

The General Manager advised that whilst in closed session, the Council **RESOLVED** on the motion of Councillor Zamprogno, seconded by Councillor Rasmussen.

Refer to RESOLUTION

269 RESOLUTION:

The General Manager advised that whilst in closed session, the Council **RESOLVED** on the motion of Councillor Zamprogno, seconded by Councillor Rasmussen.

That Council:

1. Accept the tender offer of Centium Pty Ltd for the provision of internal audit services to Council, for the period ending 30 June 2024 with the option of a further two by one year periods which may be exercised at the discretion of Council.
2. Delegate to the General Manager the authority to sign documents relating to the contract for the Provision of Internal Audit Services to Council.
3. Authorise the affixing of the Seal of Council to any documentation in regard to this matter, if necessary.

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

Against the Motion: Councillor Ross.

Absent: Nil.

The meeting terminated at 8:45pm.

Submitted to and confirmed at the Ordinary meeting held on 26 October 2021.

.....
Mayor

Ordinary

Section **2**

Mayoral minutes

ORDINARY MEETING
SECTION 2 – Mayoral Minute
Meeting Date: 26 October 2021

ORDINARY MEETING
SECTION 2 – Mayoral Minute
Meeting Date: 26 October 2021

SECTION 2 – Mayoral Minutes

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

BACKGROUND:

I have been contacted by a number of Bligh Park residents that have requested Council provide a skate park and/or BMX track for local children in the area.

Recently NPWS removed some informal bike jumps from the Windsor Downs Nature Reserve which caused some disappointment in the community. This was one of a number of locations where informal jumps/tracks exist in the area, which demonstrates the demand for this type of activity.

Council has included skate parks/bike tracks in a number of its new plans of managements around the area, however currently no such plans exist for Bligh Park.

RECOMMENDATION:

That Council:

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

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF MAYORAL MINUTE Oooo

ORDINARY MEETING
SECTION 2 – Mayoral Minute
Meeting Date: 26 October 2021

Ordinary

Section 3

Reports
for determination

ORDINARY MEETING

SECTION 3 – Reports for Determination

Meeting Date: 26 October 2021

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 26 October 2021

SECTION 3 – Reports for Determination

PLANNING DECISIONS

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

Directorate: City Planning

PURPOSE OF THE REPORT:

The purpose of this report is to provide Council with an overview of a Planning Proposal that seeks to amend the Hawkesbury Local Environmental Plan 2012 to enable the subdivision of 457 Bells Line of Road, 79 and 95 Bells Lane, Kurmond into a total of nine lots.

The report provides an assessment of the merits of the Planning Proposal, including the outcome of community and relevant public agency consultation, and makes a recommendation that Council proceed with the making of an amendment to Hawkesbury Local Environmental Plan 2012 to give effect to the Planning Proposal.

EXECUTIVE SUMMARY:

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

- Slope of the land
- Location of minor watercourses
- Location of native vegetation
- Bushfire asset protection
- On-site wastewater disposal requirements
- Council's Kurmond Kurrajong Development Principles and the Kurmond and Kurrajong Landscape Character Study
- Conditions of the Department of Planning, Industry and Environment's Gateway determination.

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

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

This report recommends that Council proceed with the proposed amendment to the Hawkesbury Local Environmental Plan 2012.

RECOMMENDATION:

That Council:

1. Receive and note the outcome of consultation on the Planning Proposal and supporting documentation for 457 Bells Line of Road, 79 and 95 Bells Lane, Kurmond.
2. Proceed with the making of the plan to amend the Hawkesbury Local Environmental Plan 2012 in order to permit the subdivision of 457 Bells Line of Road, 79 and 95 Bells Lane, Kurmond into a total of nine lots with minimum lot size of not less than 4,000m², 9,100m² or 1 hectare.

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 26 October 2021

3. Submit the adopted Lot Size Map and Restricted Lot Yield map and supporting planning documentation to the Department of Planning, Industry and Environment for preparation and finalisation of a draft Instrument to give effect to the Planning Proposal.
4. Adopt and make the proposed amendment to the Hawkesbury Local Environmental Plan 2012 as outlined in this report, under the authorisation for Council to exercise delegation issued by the "Gateway" determination, upon receipt of the final Instrument from the Department of Planning, Industry and Environment.
5. Following the making of the plan advise the Department of Planning, Industry and Environment that the Plan has been made and request notification of the Plan on the NSW Legislation website.
6. Publicly exhibit the Draft Voluntary Planning Agreements attached as Attachments 3, 4 and 5 to this report for a minimum of 28 days and report back to Council following public exhibition.

BACKGROUND

SUBJECT SITES AND SURROUNDS

The subject sites are legally described as:

- Lot 31 DP 7565, 457 Bells Line of Road, Kurmond
- Lot 38 DP 7565, 79 Bells Lane, Kurmond
- Lot 12 DP 711049, 95 Bells Lane, Kurmond

The subject sites are located within the Kurmond and Kurrajong Investigation Area as shown in Figure 1 below.

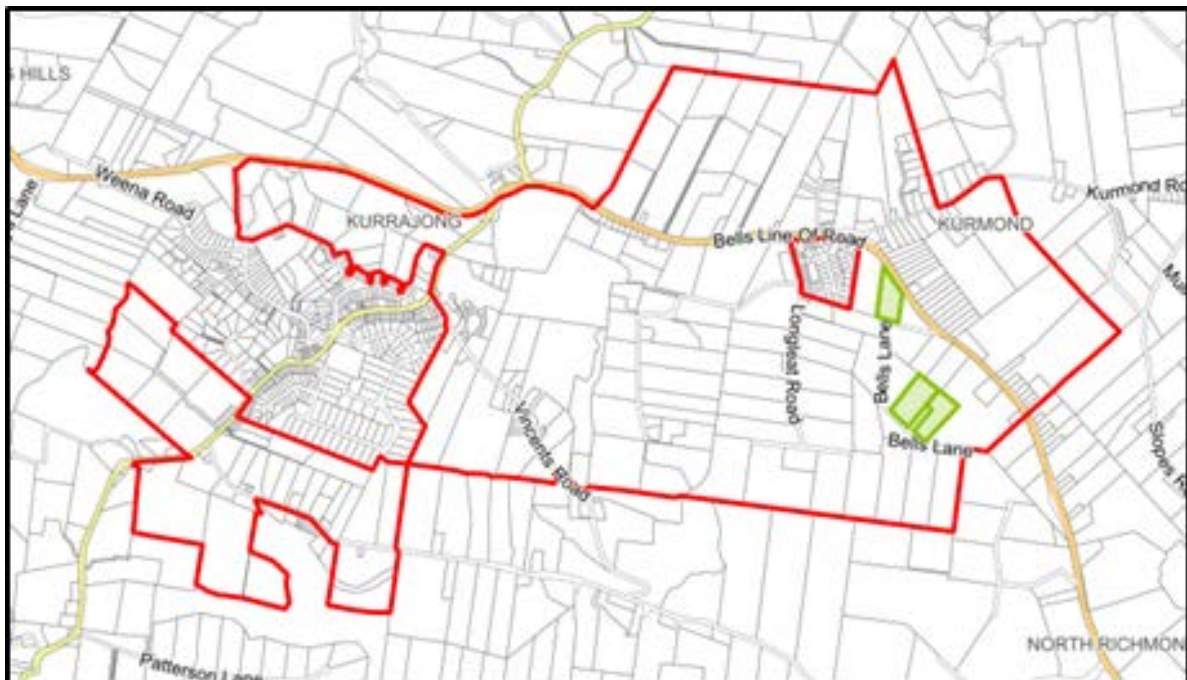


Figure 1 - Location of Subject Sites within Kurmond Kurrajong Investigation Area

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 26 October 2021

The subject sites are used for rural residential purposes and contain the following:

Address	Lot/DP	Area (ha)	Existing development
457 Bells Line of Road	Lot 31 DP 7565	2.378	Dwelling house and outbuildings Dam. Existing vehicular access from Bells Line of Road.
79 Bells Lane	Lot 38 DP 7565	2.757	Watercourse to the rear of the land Dam. Dual occupancy and outbuildings.
95 Bells Lane	Lot 12 DP 711049	2.448	Watercourse to the rear of the land Two dams. Dwelling house and outbuildings.

BACKGROUND

History of the Planning Proposal

Initial Application

On 30 January 2015 Council received a planning proposal in relation to 79, 95 and 100 Bells Lane and 457 Bells Line of Road, Kurmond. The purpose of the Planning Proposal was to amend the Restricted Lot Yield Map of Hawkesbury Local Environmental Plan 2012 to permit subdivision of the subject sites into a total of 24 lots.

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

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

Part B - Development Constraints

Planning proposals will not be supported by Council unless:

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

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 26 October 2021

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

Rezoning Review

On 5 October 2017, the Department of Planning and Environment notified Council that a request for a Rezoning Review for the Planning Proposal had been submitted for consideration by the Sydney Western City Planning Panel.

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

On 12 February 2018, the Sydney Western City Planning Panel resolved that the Planning Proposal should be submitted for a 'Gateway' determination.

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

1. The inclusion of an intention to amend the 'Minimum Lot Size Map' of Hawkesbury Local Environmental Plan 2012.
2. The consideration of the inclusion of an environmental zone to protect those areas identified in the supporting ecological assessments as being significant, such as watercourses and endangered ecological communities.
3. Referral of the planning proposal to relevant public authorities for comment.
4. Consideration of the following matters in the assessment of the planning proposal:
 - a) The impact of subsequent development on the creek system;
 - b) The impact of subsequent development on existing native vegetation on site;
 - c) The provision of adequate fire protection precautions and management measures; and
 - d) The extent to which resulting development meets the objectives of the RU1 Primary Production zone.
5. The ordered provision and improvement of infrastructure that may be needed to support the intensification of development resulting from the planning proposal.

Gateway Determination

On 23 June 2018 the Department of Planning, Industry and Environment determined that the Planning Proposal should proceed and issued their 'Gateway' determination, subject to conditions relating to:

- The provision of further studies including the following:
 - Flora and fauna assessment; and
 - Preliminary contamination reports.
- The determination of an appropriate minimum lot size and the preparation of a lot size map taking into consideration site constraints.
- The inclusion of assessment against the Greater Sydney Region Plan 2018 – A Metropolis of Three Cities and the Sydney Western District Plan.
- Formatting changes, and
- The requirements for public exhibition and consultation with public authorities.

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In January and October 2019, the Applicant provided additional information to Council in response to the Gateway determination, including submission of a flora and fauna assessment report, an updated bushfire hazard assessment, a Phase 1 preliminary environmental site assessment, and a revised Planning Proposal.

Following a request from Council in December 2019 to extend the timeframe for completion of the Planning Proposal, the Department of Planning, Industry and Environment issued an Alteration of Gateway Determination on 6 April 2020. The Department of Planning, Industry and Environment determined to alter the Gateway Determination dated 23 June 2018 (since altered) for the proposed amendment to the Hawkesbury Local Environmental Plan 2012 as follows:

1. *Delete:*

“condition no. 6”

And replace with:

A new condition no. 6: “The time frame for completing the LEP is by 13 December 2020”

2. *Delete:*

“condition no. 1(b)

And replace with:

New condition no. 1(b):

“amend the lot size to a minimum of 1 hectare for 79 and 95 Bells Lane, and 457 Bells Line of Road. Council may increase the lot size above 1 hectare to take into consideration site constraints, ensure compliance with Council’s Development Principles for Kurmond Kurrajong area and to ensure Council is satisfied the lot size is suitable for the landscape character of the area.

A lot size map and maximum residential lot yield (restricted lot yield LEP map) is to be prepared for 79 and 95 Bells Lane and 457 Bells Line of Road. 100 Bells Lane is to be removed from this Gateway”.

In providing the amended Gateway Determination, the Department also provided the following justification for the changes to the minimum lot size and the exclusion of 100 Bells Lane, Kurmond from the Planning Proposal:

“This Planning Proposal was submitted to the Department for Gateway in May 2018, after the District Plans came into effect and the implementation of the Metropolitan Rural Area.

The new strategic planning framework changed the way planning should be carried out for rural lands in Greater Sydney. The focus shifted to protecting and enhancing the environmental, social and economic values of rural areas. As a result of the Department’s review of planning proposals within Kurmond Kurrajong area, this Planning Proposal through the minimum lot sizes proposed and spatial distribution of the proposal, does not support the values of the rural areas the strategic planning framework aims to retain and enhance.

The sites are identified as containing ‘Ridgeline Street’ and ‘Pastoral Valleys’ in the Kurmond Kurrajong Landscape Character Study. The proposed minimum lot sizes do not support retaining this character, in particular ‘Pastoral Valleys’ as lightly sloping open pastures with scattered trees.

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The Department has determined this proposal is inconsistent with the objectives of the Metropolitan Rural Area, not supported by an updated strategic planning framework and is inconsistent with section 3.8(2)(a) of the EP&A Act."

Gateway Review, Final Gateway Determination and Endorsement

On 10 November 2020, the Applicant requested that the Department of Planning, Industry and Environment review the Altered Gateway Determination dated 6 April 2020.

As part of the Department's review, the Gateway Review request was referred to the Independent Planning Commission who provided advice in March 2021.

Following the review, a further Gateway Alteration was issued on 22 April 2021, followed by a subsequent Gateway Alteration on 30 July 2021. This Planning Proposal is now based on the 30 July Gateway Determination and compliance with the conditions therein:

1. *Delete:*

"condition no. 1(b)"

and replace with:

a new condition no. 1(b): "Amend the planning proposal for the sites as follows:

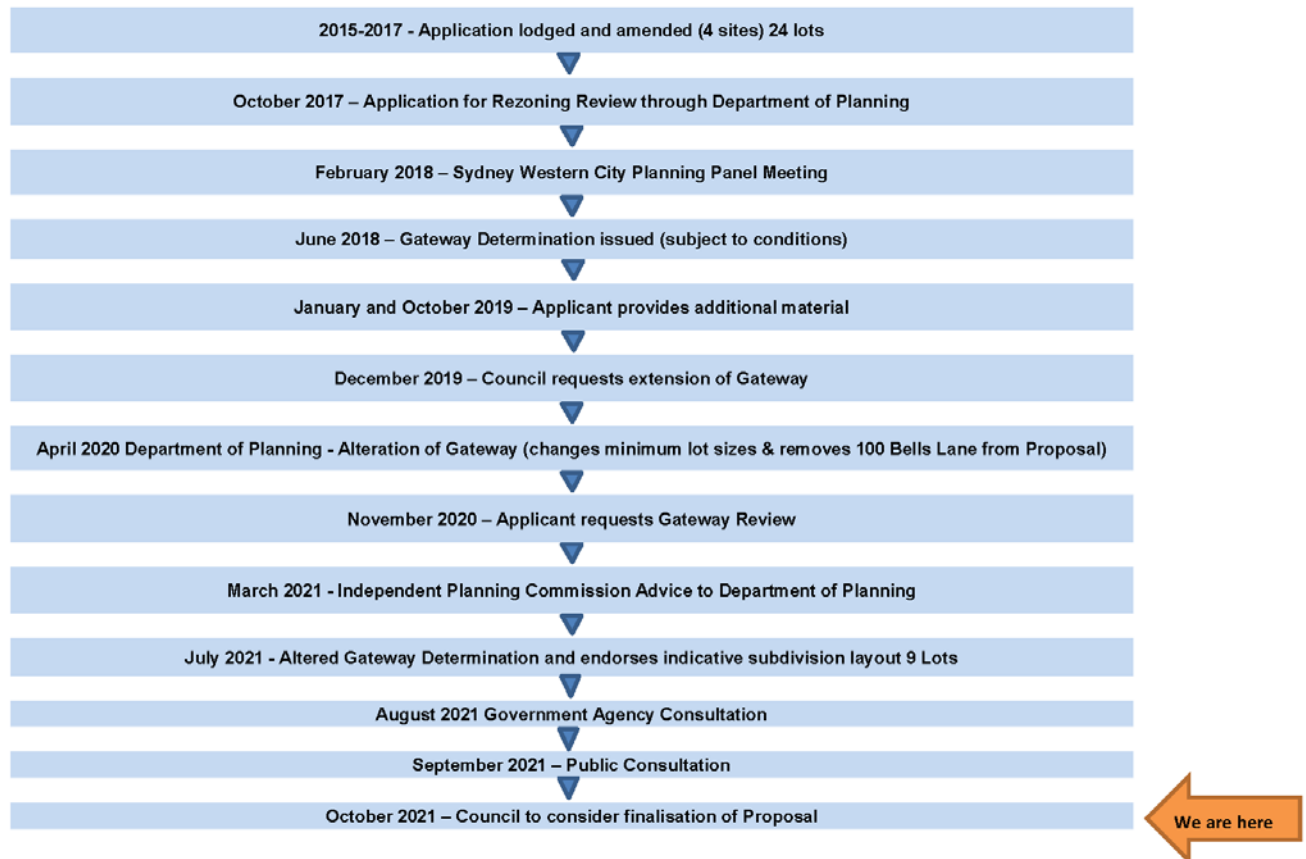
- *79 Bells Lane – minimum lot size of 9,100m²*
- *95 Bells Lane – minimum lot size of 1 hectare*
- *100 Bells Lane – to be removed from the planning proposal*
- *457 Bells Line of Road – minimum lot size of 4,000m²*

The above minimum lot sizes are to be considered within a revised subdivision concept plan to be submitted to the Department for endorsement. The concept plan is to demonstrate how the proposal adequately complies with all of Hawkesbury Council's 2015 Interim Policy – Kurmond Kurrajong Development Principles. Once an appropriate lot yield has been established, a restricted lot yield map is to be prepared.

The Department of Planning, Industry and Environment endorsed the current subdivision plan on 30 July 2021.

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



CURRENT PLANNING PROPOSAL

The Planning Proposal seeks to amend the Lot Size Map of Hawkesbury Local Environmental Plan 2012 to permit the subdivision of the subject sites as follows:

Address	Lot/DP	Area (ha)	Proposed Lot Yield	Minimum Lot Size
457 Bells Line of Road	Lot 31 DP 7565	2.378	4	4,000m ²
79 Bells Lane	Lot 38 DP 7565	2.757	3	9,200m ²
95 Bells Lane	Lot 12 DP 711049	2.448	2	1.0ha
Total			9	

A requirement of the Gateway Determination (as amended) is for the subdivision of 457 Bells Line of Road, Kurmond to be restricted to a maximum of four lots. In this regard the Restricted Lot Yield Map of Hawkesbury Local Environmental Plan 2012 is proposed to be amended.

Concept plans for each site are shown in Figures 2, 3 and 4 below. These plans have been provided for illustrative purposes and are the result of ongoing discussions between the Applicant, Council and the Department of Planning, Industry and Environment to determine a suitable potential lot yield and minimum lot sizes, and do not form part of the Planning Proposal.

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Figure 3 - 79 Bells Lane, Kurmond - Concept Subdivision Plan

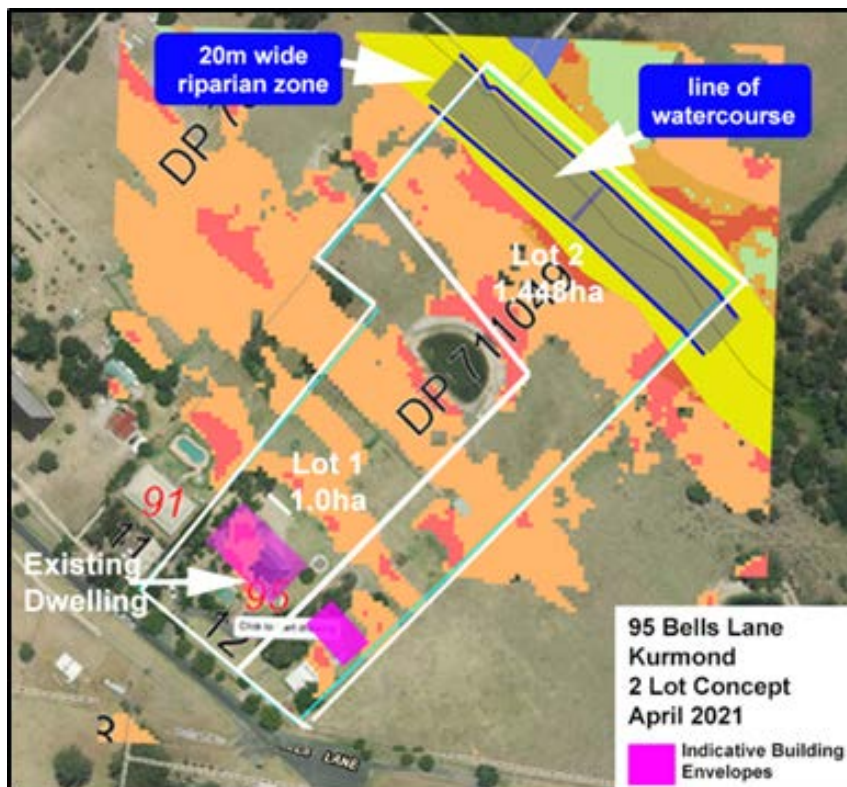


Figure 4 - 95 Bells Lane, Kurmond - Concept Subdivision Plan

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CURRENT PLANNING CONTROLS

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

The subject sites are shown as being bushfire prone on the NSW Rural Fire Service's Bushfire Prone Land Map.

Each site is shown as being within Class 5 Acid Sulfate Soils on the Acid Sulphate Soils Planning Maps contained within the LEP. Acid Sulfate Soil Classification 5 represents a relatively low chance of acid sulphate soils being present on the site.

The sites at 79 & 95 Bells Lane, Kurmond are shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture. The site at 457 Bells Line of Road is within Agriculture Land Classification 3 and 4.

The sites contain 'Significant Vegetation' as identified on the Terrestrial Biodiversity Map of Hawkesbury Local Environmental Plan 2012. The 'Significant Vegetation' is located at the rear of 79 & 95 Bells Lane, Kurmond, generally corresponding with riparian vegetation associated with the watercourse. It is located at the rear of 457 Bells Line of Road, along the boundary adjacent to Bells Lane.

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

POLICY CONSIDERATIONS

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

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

Greater Sydney Region Plan - A Metropolis of Three Cities

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

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

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

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

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

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

These Directions are supported by objectives and strategies.

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

The Applicant advises that the "*planning proposal satisfies the Metropolitan Rural Area requirements of the Plan in the following ways:*

- *It offers opportunities for people to live and work in an attractive rural / bushland setting, close to a major city;*
- *It increases the availability of this type of housing by adding to the supply, which would otherwise not increase in the absence of the proposal;*
- *There is no adverse impact on the amenity of the local area; and*
- *By maintaining and enhancing the distinctive rural village character of Kurmond."*

Western City District Plan

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

The Western City District covers the Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly local government areas. The Western City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney.

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

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

The Planning Proposal is considered to be consistent with the relevant objectives, strategies and actions for the following reasons:

- The Planning Proposal will facilitate a small number of large lot residential properties located within a rural village setting. This minor growth will assist in better utilising existing infrastructure, in terms of schools and community facilities by the marginal increase in population. In addition, the land owners have agreed to enter into a voluntary planning agreement with the Council for the provision and improvement of relevant public infrastructure, such as roads.

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- Two of the subject properties contain a very minor watercourse. The preliminary concept for both properties includes a single lot which contains the watercourse and associated riparian vegetation and are designed to ensure that future building envelope, bushfire asset protection zone and effluent disposal area will achieve required separation distances and will not create interference with the vegetation corridor.
- As a consequence of animal grazing over many years, the land is largely cleared pasture. Bushland remnants remain along the minor watercourses with scattered trees along fence lines. The preliminary concepts provide for protection and enhancement of the riparian bushland, by creating larger rural residential lots in these locations. The larger lots are designed to ensure that future building envelope, bushfire asset protection zone and effluent disposal area will achieve required separation distances and will not create interference with the vegetation corridor.
- In addition, vegetation management plans will be implemented for these future lots through positive covenants ensuring ongoing protection of the waterway and riparian corridor.

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

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

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

Section 9.1 Directions (Formerly Section 117 Directions)

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

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

Direction 1.2 Rural Zones

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

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

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

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The Department of Planning, Industry and Environmental issued a Gateway Determination to proceed with the Proposal on 23 June 2018, and in doing so has acknowledged that the Proposal has merit, and that any inconsistencies with, or variation to Section 9.1 Directions are acceptable.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

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

In accordance with the provisions of this Direction, the Department of Industry was consulted.

Direction 1.5 Rural Lands

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

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

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

Direction 2.6 Remediation of Contaminated Land

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

A Phase 1 Preliminary Environmental Site Assessment was prepared by Envirotech in October 2018. The Assessment identifies two potential minor contamination issues as follows:

- 79 Bells Lane – Unbundled storage of building materials including storage drums, and
- 457 Bells Line of Road – Remnant residence and farm shed & stockpile of rubbish.

The Assessment recommends that further investigation in the form of a targeted Phase 2 Investigation is warranted for these two lots, however, also concludes that the site can be remediated to support future residential use of the land. Therefore, the Planning Proposal is consistent with this Direction.

Direction 3.4 Integrating Land Use and Transport

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

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

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

The Department of Planning, Industry and Environment issued a Gateway Determination to proceed with the Proposal on 23 June 2018, and in doing so has acknowledged that the Proposal has merit, and that any inconsistencies with, or variation to Section 9.1 Directions are acceptable.

Direction 4.1 Acid Sulfate Soils

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

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

This Direction requires that a relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soil study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act. An acid sulfate soil study has not been included in the planning proposal however the Department of Planning, Industry and Environment issued a Gateway Determination to proceed with the Proposal on 23 June 2018 and did not require any further investigations in relation to this matter.

Direction 4.4 Planning for Bushfire Protection

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

The subject sites are shown as being either partially bushfire prone, or within the immediate vicinity of bushfire prone land, on the NSW Rural Fire Service’s Bushfire Prone Land Map. This Direction requires consultation with the NSW Rural Fire Service following receipt of a ‘Gateway’ determination, and compliance with Planning for Bushfire Protection 2006, and various Asset Protection Zone, vehicular access, water supply, layout, and building material provisions.

Consultation with NSW Rural Fire Services was carried out prior to the exhibition of the Planning Proposal, with no objection being raised.

Direction 6.1 Approval and Referral Requirements

It is considered that the Planning Proposal is consistent with this Direction as it does not contain provisions requiring the concurrence, consultation or referral of development applications to a Minister or public authority, and does not identify development as designated development.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. The Planning Proposal proposes an amendment to the Lot Size Map of Hawkesbury Local Environmental Plan 2012 and, in addition, a provision in the Local Environmental Plan to restrict the lot yield from subdivision of 457 Bell Line of Road, Kurmond. The Department of Planning, Industry and Environment have

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previously allowed similar restrictions on subdivision lot yields with the inclusion of *Clause 4.1G – Restriction on the number of lots created by subdivision of certain land* in Hawkesbury Local Environmental Plan 2012.

Direction 5.10 Regional Plans

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

State Environmental Planning Policies

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

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

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

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

The land has been used for agriculture in the form of animal grazing for many years. However, there is no evidence to suggest that any activities have occurred on the land which would give rise to contamination.

In accordance with the Gateway determination a Phase 1 Preliminary Environmental Site Assessment was prepared by Envirotech in October 2018. The Assessment identifies two potential minor contamination issues as follows:

- 79 Bells Lane – Unbundled storage of building materials including storage drums, and
- 457 Bells Line of Road – Remnant residence and farm shed and stockpile of rubbish.

The Assessment recommends that further investigation in the form of a targeted Phase 2 Investigation is warranted for these two lots, however, also concludes that the site can be remediated to support future residential use of the land. In this regard, future development applications for the subdivision of 79 Bells Lane and 457 Bells Line of Road will require a targeted Phase 2 Investigation.

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

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

The site is not within the vicinity of land described in Schedule 1, 2 and 5 of the Sydney regional Environmental Plan nor will the proposed development restrict the obtaining of deposits of extractive material from such land.

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

The aim of *Sydney Regional Environmental Plan No. 20 (No. 2 - 1997)* is to protect the environment of the Hawkesbury - Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. This requires consideration of the strategies listed in the Action Plan of the Hawkesbury-

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Nepean Environmental Planning Strategy, impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as total catchment management, water quality, water quantity, flora and fauna, agriculture, rural residential development and the metropolitan strategy.

Specifically the Plan encourages Council to consider the following:

- rural residential areas should not reduce agricultural viability, contribute to urban sprawl or have adverse environmental impact (particularly on the water cycle and flora and fauna);
- develop in accordance with the land capability of the site and do not cause land degradation;
- the impact of the development and the cumulative environmental impact of other development proposals on the catchment;
- quantify and assess the likely impact of any predicted increase in pollutant loads on receiving waters;
- consider the need to ensure that water quality goals for aquatic ecosystem protection are achieved and monitored;
- consider the ability of the land to accommodate on-site effluent disposal in the long term and do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site;
- minimise or eliminate point source and diffuse source pollution by the use of best management practices;
- site and orientate development appropriately to ensure bank stability;
- protect the habitat of native aquatic plants;
- locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land;
- consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms;
- conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities and existing or potential fauna corridors;
- minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices;
- consider the impact on ecological processes, such as waste assimilation and nutrient cycling;
- consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas;
- consider the need to control access to flora and fauna habitat areas;
- give priority to agricultural production in rural zones;
- protect agricultural sustainability from the adverse impacts of other forms of proposed development;
- consider the ability of the site to sustain over the long term the development concerned;

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- maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development;
- consider any adverse environmental impacts of infrastructure associated with the development concerned.

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

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

Council Policies

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

On 30 August 2011, Council adopted the following Policy:

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

Note 1:

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

Note 2:

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

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

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

"2.10 Strategy for Rural Village Development

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

Future development in rural villages should be of low density and large lot dwellings, which focus on proximity to centres and services and facilities. Rural village development should also minimise

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impacts on agricultural land, protect scenic landscape and natural areas, and occur within servicing limits or constraints.”

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

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

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

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

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

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

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

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

- Has demonstrated that the land is capable of supporting onsite sewerage disposal on the future lots
- Involves land that is located within the boundaries of the previous Kurmond Kurrajong Investigation Area, and therefore satisfies the locational criteria of being within a 1km radius of the village centre and being on the periphery of the village
- Will create additional residential lots that can be supported within the capacity of the Kurmond village
- Will have no adverse environmental impacts as demonstrated further in this report.

It is considered that the Planning Proposal is consistent with Council's Community Strategic Plan (CSP) as discussed later in this Report.

Council Policy - Our City Our Future Rural Rezoning Policy

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

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

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

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

- a) Fragmentation of the land is to be minimised

Applicant's Response

"It is considered that the proposal minimises fragmentation of rural lands by creating an average density of one lot per 7,000m², allowing for an acceptable increase in population, while not fragmenting larger agricultural lots."

Comment

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

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

Applicant's Response

"It is submitted that the proposal is within a location which has access to services and facilities and is contiguous with residential lots associated with Kurmond Village."

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

Cluster around or on the periphery of villages

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

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

Applicant's Response

"Bells Lane is a minor local road. One lot will have access to Bells Line of Road, while the remaining 17 (sic) lots will have access to Bells Lane. Screen planting will be incorporated with future dwellings."

Comment

Whilst this Planning Proposal includes property 457 Bells Line of Road, Kurmond, the future subdivision of this subject site can be designed so that the additional lots do not have frontage to Bells Line of Road as shown in Figure 1. In this way, future development will be located below the ridgeline, preserving existing views and vistas along this main road, the character of Bells line of Road in the locality and avoiding the impacts of ribbon development.

- d) No subdivision along ridgelines or escarpments.

Applicant's Response

"The subject land is below the minor ridgeline which runs along Bells Line of Road. There will be no impact on ridgelines or escarpments."

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

Applicant's Response

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

Be able to have onsite sewerage disposal

The minimum proposed lot size is 4,000m². An on-site wastewater disposal assessment was carried out by Envirotech Consultancy which confirms that the land is suitable for on-site effluent disposal.

It is submitted that the Planning Proposal is consistent with this policy statement."

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

Applicant's Response

"The Planning Proposal will have minimal impact on tree coverage. The subdivision concept has been designed to retain vegetation associated with the riparian corridor within larger lots. The remainder of the land is cleared grazing pasture."

Comments

The subdivision concept plan demonstrates that future building envelopes can be located within existing cleared areas. In addition, no trees or vegetation is required to be removed for the establishment of asset protection zones in association with these building envelopes.

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

Applicant's Response

It is submitted that an environmental study is not required, as sufficient information is provided with the Planning Proposal in accordance with Department of Planning Local Plan Making Guidelines. Notwithstanding, the following studies have been submitted with this planning proposal:

- *Phase 1 Preliminary Environmental Site Assessment*
- *Bushfire Hazard Assessment*
- *Flora and Fauna Assessment*
- *On-site Wastewater Disposal Assessment*

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

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

Applicant's Response

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

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Comments

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

DISCUSSION

Assessment of the Merits of the Planning Proposal

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

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

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

Topography

The subject sites vary in height as shown:

Address	Land Levels
457 Bells Line of Road, Kurmond	The land falls from 114m AHD at Bells Line of Road to 82m AHD at the rear of the subject site.
79 Bells Lane, Kurmond	The land falls from 95m AHD at the Bells Lane frontage to 65m AHD at the watercourse at the rear of the subject site.
95 Bells Lane, Kurmond	The land falls from 94m AHD at the Bells Lane frontage to 62m AHD at the watercourse at the rear of the subject site.

Based on Council's slope mapping, the subject sites contain land having slopes in excess of 15% as shown by the areas coloured orange and red in Figures 5, 6 and 7.

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

Figures 5, 6 and 7 also demonstrate that building envelopes, asset protection areas and driveways can be accommodated on land with slopes less than 15%.

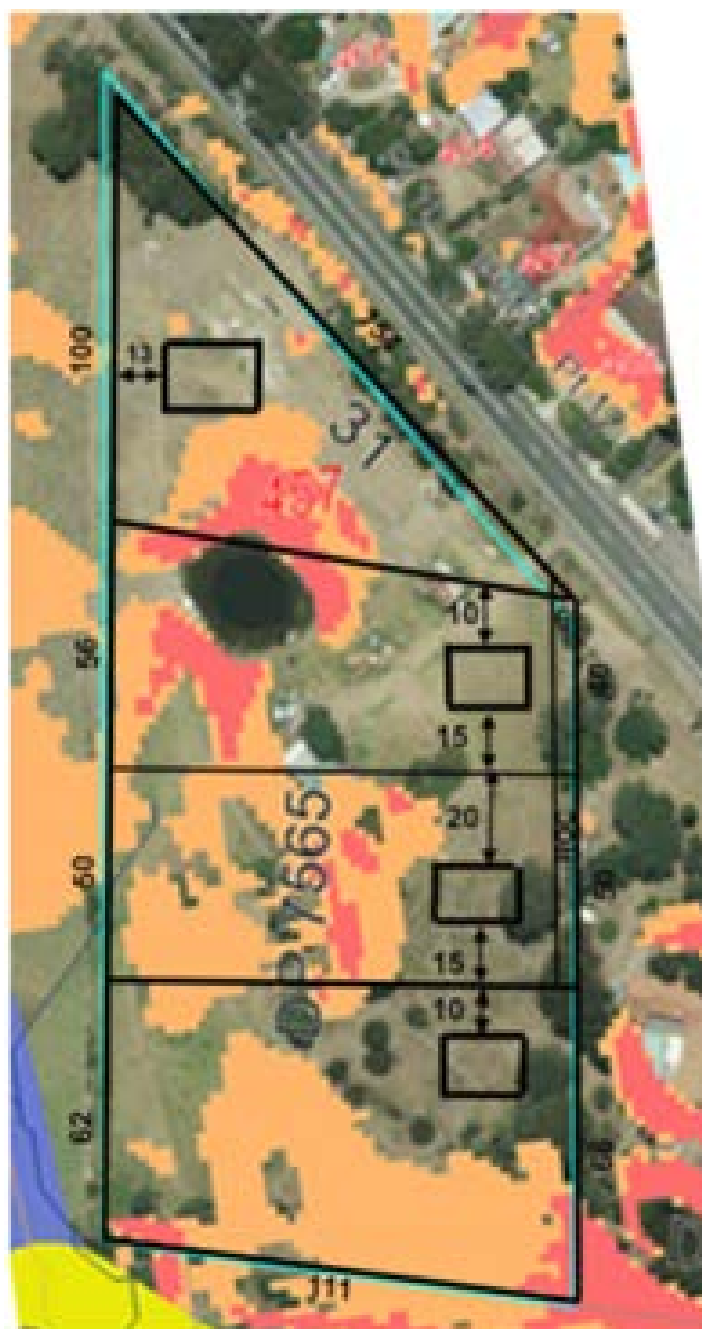


Figure 5 – 457 Bells Line of Road, Kurmond – Slope Analysis

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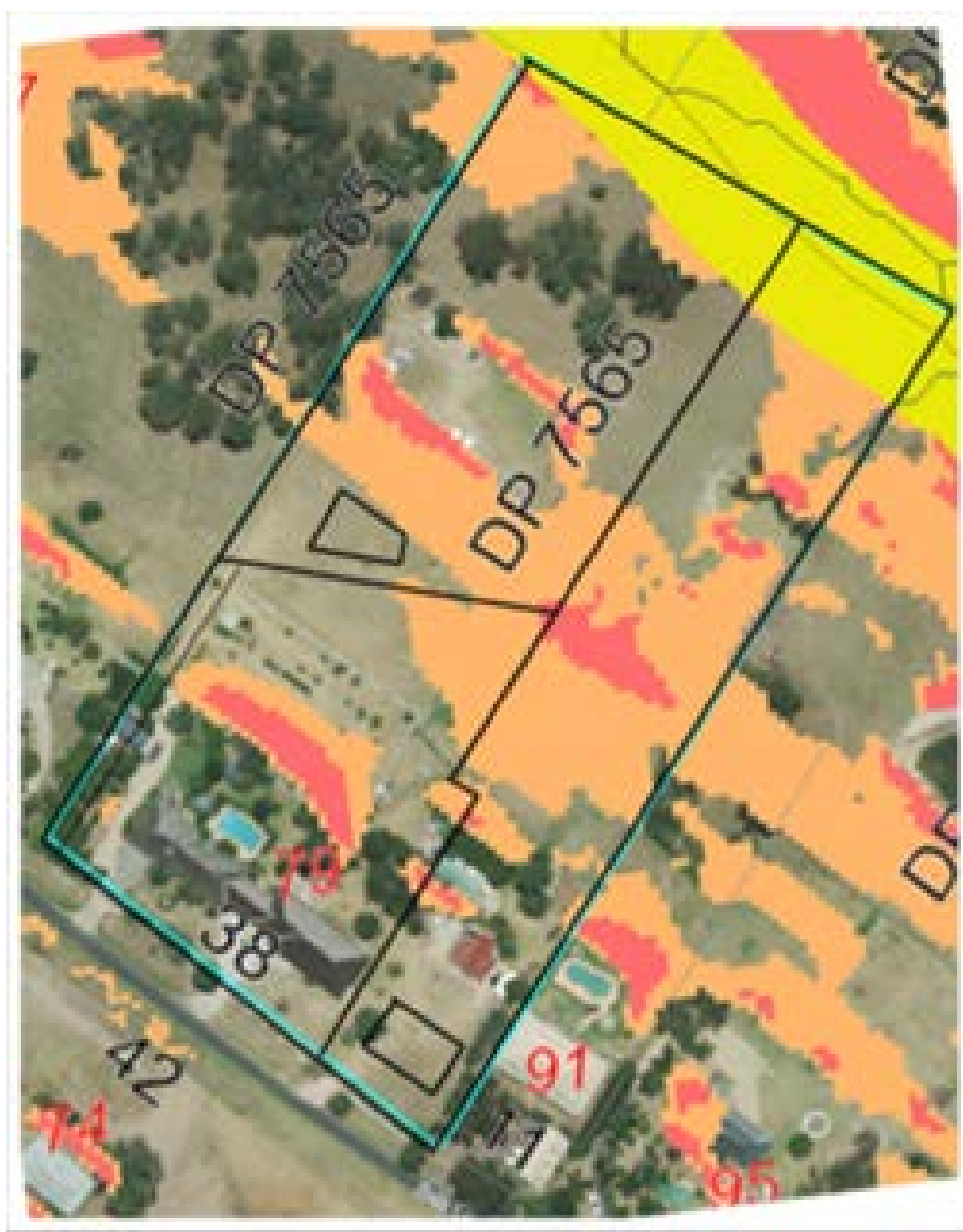


Figure 6 – 79 Bells Lane, Kurmond – Slope Analysis

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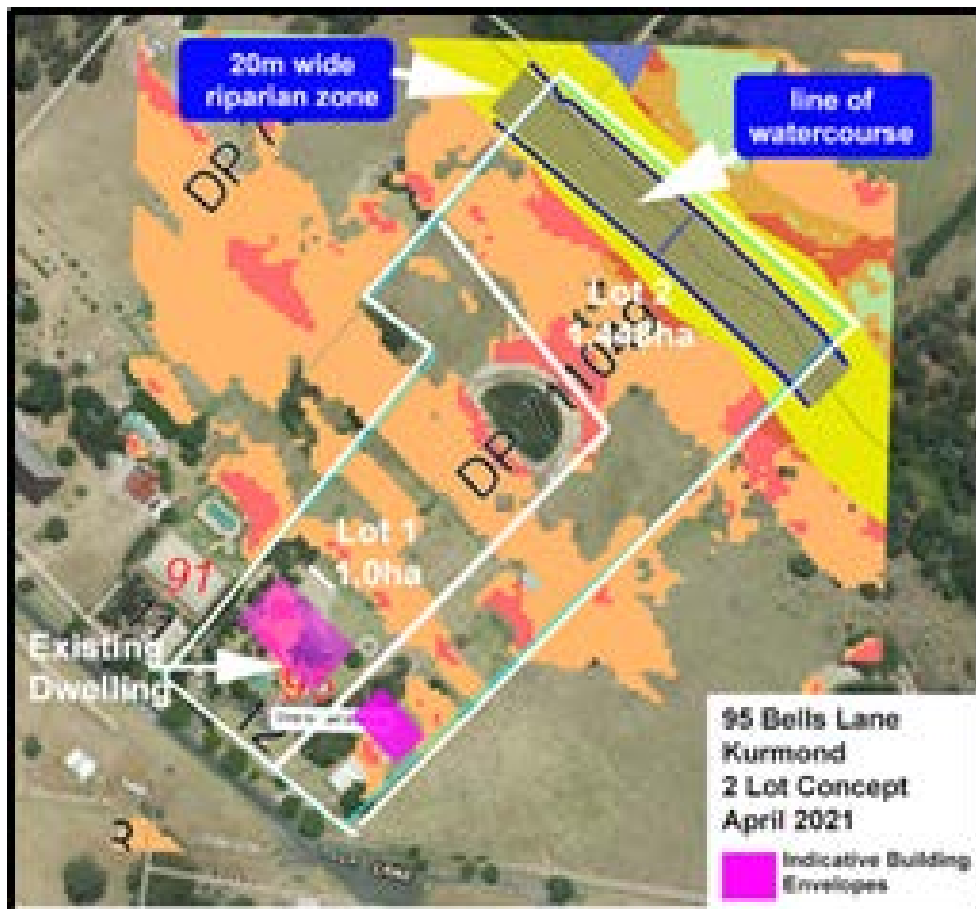


Figure 7 – 95 Bells Lane, Kurmond – Slope Analysis

Ecology

Council vegetation mapping records the subject sites as containing Shale Sandstone Transition Forest and/or Shale Plains Woodland, which are a critically endangered ecological community under the Biodiversity Conservation Act, 2016. These vegetation communities are located:

- along the watercourse at the rear of 79 and 95 Bells Lane, Kurmond
- along the rear boundary of 457 Bells Line of Road, Kurmond
- within the north western front corner of 457 Bells Line of Road, Kurmond.

As shown in Figure 8 below.

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Figure 8 – Mapped Significant Vegetation

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

Figures 9 and 10 below show that future building envelopes can be accommodated on future lots within existing cleared areas in relation to 457 Bells Line of Road and 79 Bells Lane, Kurmond.

The future building envelope on 95 Bells Lane, Kurmond is located at the front of the property within an existing cleared area as shown in Figure 7.

The Planning Proposal is supported by a bushfire assessment that, in relation to 457 Bells Line of Road and 79 Bells Lane, Kurmond, states:

“In this instance compliance is easily achieved for the asset protection zone compliance without removal of any standing vegetation apart from continued mowing of the grass cover.”

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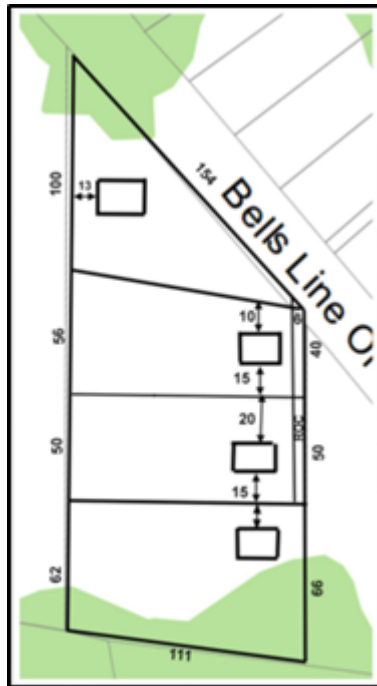


Figure 9 – Significant Vegetation – 457 Bells Line of Road, Kurmond



Figure 10 –Significant Vegetation – 79 Bells Lane, Kurmond

The Planning Proposal is considered to be consistent with the development principles adopted by Council given that:

- future building envelopes are located within existing cleared areas and provide appropriate setbacks from the watercourse, riparian area and significant vegetation.
- The establishment of asset protection zones will not require removal of vegetation to achieve required fuel load.
- the existing dams located on the subject sites are being retained.

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- it is considered that future subdivision and development will have minimal impact on the existing watercourse, associated riparian vegetation and other significant vegetation.

Zone Objectives

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

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

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

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

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

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

Character, Views and Vistas

The Kurmond and Kurrajong Landscape Character Study provides guidelines for future development within the locality, including the following principles which are relevant to the subject Planning Proposal:

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

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- *Document and maintain key regional and district views (see maps).*
- *Interpret views at key locations.*

On 31 July 2018, Council considered a report on the matter and resolved to apply the approach adopted in the Study, which is in part a response to the requirements of the Western City District Plan.

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

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

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

Table 1 identifies the Landscape Character for each of the sites:

Table 1: Landscape Character

Site	Landscape Character	Location
457 Bells Line of Road, Kurmond	Ridgeline Street	Whole of site
79 Bells Lane, Kurmond	Ridgeline Street	Approximately rear third of site
	Pastoral Valley	Approximately front two thirds of site
95 Bells Lane, Kurmond	Ridgeline Street	Approximately rear third of site
	Pastoral Valley	Approximately front two thirds of site

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

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

The ‘Biodiversity Priority Rank’ vegetation map included as part of the Kurmond and Kurrajong Landscape Character Study provides rankings for the subject sites as shown in Table 2:

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Table 2: Significant Vegetation and Biodiversity Priority Ranking

Site	Significant Vegetation Location	Corresponding Biodiversity Priority Ranking
457 Bells Line of Road, Kurmond	Northern front corner (Bells Line of Road) of the site, as well as along the rear boundary.	Moderate
79 Bells Lane, Kurmond	Either side of the watercourse at the rear of the site, as well as in an area in the north west rear section of the land.	Moderate and Very High
95 Bells Lane, Kurmond	Either side of the watercourse at the rear of the site.	Moderate and Very High

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

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

The subject sites are located within identified significant view/vista corridors as shown in Table 3.

Table 3: Significant View/Vista Corridors

Site	Corridor	Description	Significance	Action
457 Bells Line of Road, Kurmond	I	Gently sloping pastoral landscape	Medium	Retain and protect view
79 Bells Lane, Kurmond	E	Pastoral landscape with views to Blue Mountains	High	Retain and protect view
	G	Rural residential with glimpses of Blue Mountains	Medium	Retain and protect view
95 Bells Lane, Kurmond	E	Pastoral landscape with views to Blue Mountains	High	Retain and protect view
100 Bells Lane, Kurmond	B	Dense vegetation in foreground with views to the Blue Mountains	High	Retain and protect view
	C	Frontage road with views to Blue Mountains	Medium-High	Retain and protect view

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

In consideration of the significance of the view/vista corridors described in Table 3 above, and the landscape character of the subject site, the impacts of future development of that character and the view/vista corridor have been considered in Table 4 below:

Table 4: Likely Impact of Planning Proposal on Character, and Views and Vistas

Site	Landscape Character	Location	Comment
457 Bells Line of Road, Kurmond	Ridgeline Street	Whole of site	Proposed Lot 1 will have a main frontage to Bells Line of Road. Future development of the lot is unlikely to result in barriers to near and distance views and vistas. Buildings on Proposed Lots 2, 3 & 4 will be on land lower in elevation to Bells Line of Road and therefore will not obstruct views and vista when viewed from this Road. Future development density/scale will be consistent with urban character of Ridgeline Streets.
79 Bells Lane, Kurmond	Ridgeline Street	Approximately rear third of site	Future development of new vacant lots will not obstruct views to Blue Mountains as will be sited on land at a lower level than viewing point. Future building envelopes will be located within the front of the subject site. Future development density/scale will not be unlike that which exists and therefore no significant additional impacts on Pastoral Valley character expected.
	Pastoral Valley	Approximately front two thirds of site	
95 Bells Lane, Kurmond	Ridgeline Street	Approximately rear third of site	Future development of new vacant lots will not obstruct views to Blue Mountains as will be sited on land at a lower level than viewing point. Future building envelope of additional lot will be located within the front of the subject site. Future development density/scale will not be unlike that which exists and therefore no significant additional impacts on Pastoral Valley character expected.
	Pastoral Valley	Approximately front two thirds of site	

Agricultural Land Classification

The subject sites are shown as being Agriculture Land Classification 3 and/or Agriculture Land Classification 4 on maps prepared by the former NSW Department of Agriculture. These lands are described by the classification system as:

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- "3. *Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with sown pasture. The overall production level is moderate because of edaphic factors or environmental constraints. Erosion hazard, soil structural breakdown or other factors including climate may limit the capacity for cultivation, and soil conservation or drainage works may be required.*
4. *Land suitable for grazing but not for cultivation. Agriculture is based on native pastures or improved pastures established using minimum tillage techniques. Production may be seasonally high but the overall production level is low as a result of major environmental constraints.*

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

Access and Transport

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

The planning proposal is not supported by a traffic impact statement and the cumulative impact of similar proposals that may occur in the future has not been taken into consideration by the planning proposal. It is considered that this is a matter for Council and Roads and Maritime Services to address with the outcome being incorporated into relevant planning proposals.

In previous reports to Council dealing with other planning proposals within the vicinity of Kurmond and Kurrajong it has been noted that Council has received petitions from residents west of the Hawkesbury River concerned about rezoning of land for residential purposes in the absence of required infrastructure upgrades. It is considered that it is a fundamental matter to be dealt with by Council prior to the finalisation of any planning proposals in the locality as the cumulative impact of these types of development could be unacceptable if no traffic improvements are made. In response to this issue the Applicant advises that land owners have agreed to enter into a voluntary planning agreement with the Council for the provision and improvement of relevant public infrastructure.

Services

The land is serviced by electricity, telephone and communications.

Roof water from each proposed future dwelling will be harvested and stored for potable supply. Wastewater from future dwellings on the proposed lots will be treated and disposed on-site. Therefore, there will be no additional demand for reticulated water or sewerage.

The Planning Proposal is accompanied by a wastewater feasibility assessment report that confirms that lots to be created from the subdivision of the subject sites are suitable for on-site disposal of wastewater.

The land owners agree to enter into a voluntary planning agreement with the Council for cash contributions towards public facilities and infrastructure.

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Section 7.11 Contributions or a Voluntary Planning Agreement

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

"That:

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

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

COMMUNITY ENGAGEMENT

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

- "2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:*
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and*
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing local environmental plans' (Department of Planning and Environment, 2016).*
- 3. Consultation is required with the following public authorities and organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:*
 - NSW Officer of Environment and Heritage;*
 - NSW Rural Fire Service, prior to public exhibition;*
 - NSW Office of Water;*
 - NSW Roads and Maritime Services; and*
 - NSW Trade and Investment.*

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In accordance with the Gateway Determination requirements:

- the relevant public agencies were consulted under section 3.34(2)(d) of the Environmental Planning and Assessment Act, 1979 on 4 August 2021.
- the community was consulted under sections 3.34(2)(c) and Schedule 1 clause 4 of the Environmental Planning and Assessment Act, 1979 from Thursday 2 September 2021 to Friday 1 October 2021.

Government Agency Consultation

Council received responses from NSW Rural Fire Service, the Department of Planning, Industry and Environment – Environment, Energy and Science Group and Transport for NSW as outlined below:

NSW Rural Fire Services

In their letter of 27 August 2021, the NSW Rural Fire Services advised that they raise no objections to the Planning Proposal.

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

The Environment, Energy and Science Group raised concerns in relation to the methodology of the Flora and Fauna Assessment requesting that the Planning Proposal be assessed in accordance with the provisions of the Biodiversity Conservation Act 2016. However, it is considered that such an assessment is not warranted given that:

- All future building envelopes on proposed lots area located outside of the areas mapped as having biodiversity values under the Biodiversity Conservation Act 2016;
- The establish of asset protection areas will not require the removal of vegetation to meet required fuel loads;
- It can be ensured that future development can be accommodated within existing cleared areas;
- It is considered that future development in the existing cleared areas are unlikely to result in a significant impact; and
- Given the above, the use of the Biodiversity Assessment Method for flora, fauna and biodiversity consideration would not be required at development application stage.

Transport for NSW

Transport for NSW raised matters in relation to road widening and future access in relation to 457 Bells Line of Road, Kurmond, as well as clarification of lots and lot yield.

The matters raised in the Government Agency responses are discussed in detail in Attachment 1 to this report.

Community Consultation

The Planning Proposal and other supporting documentation was publicly exhibited for the period Thursday 2 September 2021 to Friday 1 October 2021.

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

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Council received seven submissions:

- three submissions raising concerns in relation to:
 - loss of character and scenic amenity,
 - lack of infrastructure and support services,
 - traffic safety along Bells Lane,
 - access to existing water pipeline in the future.
- four in support of the creation of additional lots in the locality.

The matters raised in the submissions are discussed in Attachment 2 to this report.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Future

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

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

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

Planning Decision

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

ATTACHMENTS:

- AT - 1** Detailed Response to Public Authorities Comments.
- AT - 2** Response to Community Comments.
- AT - 3** Draft Voluntary Planning Agreement – 79 Bells Lane, Kurmond - *(Distributed under separate cover)*.
- AT - 4** Draft Voluntary Planning Agreement – 95 Bells Lane, Kurmond - *(Distributed under separate cover)*.
- AT - 5** Draft Voluntary Planning Agreement – 457 Bells Line of Road, Kurmond - *(Distributed under separate cover)*.

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AT - 1 Detailed Response to Public Authorities Comments

Matters Raised	Applicant's Response
NSW Planning Industry and Environment (Environment Energy and Science Group)	
Planning Proposal should be assessed in accordance with Biodiversity Conservation Act 2016 and the biodiversity offset scheme.	A biodiversity assessment is required for development under Part 4 or Part 5 of the Environmental Planning and Assessment Act, 1979. The Planning Proposal is an environmental planning instrument under Part 3 of the Environmental Planning and Assessment Act.
Recommended that where a planning proposal could result in development that triggers the BOS that biodiversity is assessed using Stage 1 assessment method.	The Department of Planning Industry and Environment through their consideration of the Planning Proposal required that the final lot layout (in Version 7) will not result in the removal of any vegetation. As a consequence the resulting development does not trigger any of the key threatening processes listed in Schedule 4 of the Biodiversity Conservation Act 2016.
Flora and fauna Assessment does not reflect the revised lot layout - EES requests a revised biodiversity assessment.	<p>The flora and fauna assessment informed the revised lot layout. In consultation with the Department of Planning, Industry and Environment, the layout was revised (Version 7) to ensure that no vegetation will be removed as a consequence of a future subdivision, including sufficient areas for dwellings, bushfire asset protection zones, driveways and infrastructure.</p> <p>This matter was considered by the Department of Planning, Industry and Environment in discussions with the applicant. The Department of Planning, Industry and Environment agreed that an updated flora and fauna assessment was not required if it could be demonstrated that no vegetation would need to be removed. The applicant subsequently demonstrated to the satisfaction of Department of Planning, Industry and Environment that no vegetation will be removed.</p>

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Matters Raised	Applicant's Response
Transport for NSW	
<p>A strip of land along the frontage of 457 Bells Line of Road is zoned SP2 Infrastructure – Classified Road. A new lot will need to be created to cover the road reserve area and layout may need to reflect changes to proposed lots 1 and 2.</p>	<p>There is a discrepancy between the published Hawkesbury Local Environmental Plan 2012 Land Zoning Map and the zoning information contained on ePlanning Spatial Viewer website.</p> <p>Hawkesbury Local Environmental Plan 2012 Land Zoning Map LZN008AA indicates that the land is clear of the Special Purposes SP2 zone. However, the ePlanning Spatial Viewer indicates that the land is partially zoned Special Purposes SP2.</p> <p>The Planning Proposal is based on the Hawkesbury Local Environmental Plan 2012 Land zoning map.</p> <p>Based on the SIX Maps Satellite image, which indicates that road widening has been taken from the adjoining Lot 30, it appears that the ePlanning Spatial Viewer may be correct.</p> <p>Therefore, a strip of road widening may need to be provided upon the subdivision of the land. Calculations indicate that the road widening is approximately 1,200m². The Planning Proposal provides for a minimum lot size of 4,000m² and a maximum yield of 4 lots with a total area of 2.387ha. Therefore, the road widening strip will not impact on the subdivision, and has no implications for this Planning Proposal.</p>
<p>TfNSW requests clarification of lot yield and minimum lot sizes as described on pages 6 and 9 of Version 6 of the Planning Proposal.</p>	<p>The table on page 6 of Version 7 of the Planning Proposal correctly shows 9 lots with minimum sizes of 4,000m², 9,100m² and 1.0ha. It is noted that a typographic error in the second paragraph refers to 10 lots.</p> <p>Figure 5 on page 11 of Version 7 of the Planning Proposal only shows the proposed lot yield for 457 Bells Line of Road, as required by the Department of Planning, Industry and Environment.</p> <p>The proposal will facilitate a maximum of 9 lots across the 3 subject sites.</p>

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Matters Raised	Applicant's Response
Transport for NSW	
Concern that 457 Bells Line of Road is large enough to create 5 lots of minimum 4,000m ² .	This property will be subject to a maximum yield of 4 lots on the proposed Restricted Lot Yield Map. Accordingly, subdivision into 5 lots will be prohibited.
Clarification of lot yield for 457 Bells Line of Road	<p>Page 33 of the Planning Proposal contains an error which has transferred from previous versions. The statement on page 13 indicates that there are a total of 18 lots. The document tracking table clearly outlines that the lot yield has been reduced on several occasions due to discussions with Council and the Department of Planning, Industry and Environment.</p> <p>The total yield for the Planning Proposal will be 9 lots across the 3 subject sites, including 4 lots on 457 Bells Line of Road, 3 lots on 79 Bells Lane and 2 lots on 95 Bells Lane.</p>
TfNSW considers that access to all proposed lots on 457 Bells of Line Road should be obtained via Bells Lane, in accordance with State Environmental Planning Policy (Infrastructure) 2007, unless Council is satisfied that a safe and practicable access cannot be provided from Bells Lane. TfNSW requests confirmation from Council in this regard.	<p>On 14 May 2021, the Department of Planning, Industry and Environment advised the applicant that access from Bells Lane does not seem feasible due to the slope constraints.</p> <p>Accordingly, the concept plan was revised to provide a single joint access to all proposed lots from Bells Line of Road.</p>
TfNSW requires restriction on title with the registration of the first subdivision of 457 Bells Line of Road to prevent access to Bells Line of Road other than a single common access.	While not a matter for the Planning Proposal, the owners of 457 Bells Line of Road have agreed to incorporate such a restriction as suggested in any subdivision.
Council should consider the need for appropriate funding mechanisms for developer contributions towards the regional road network.	The Council requires the property owners to enter into a planning agreement prior to finalisation of the planning proposal to pay a contribution of \$30,000 per additional lot created by the subdivision. Draft Voluntary Planning Agreements have been prepared for each subject site, and have been included as attachments.
Noting the growing number of planning proposals of this nature, TfNSW recommends that Council develop a future access strategy for the Kurmond area which could be included as a 'local road network' in the DCP to ensure the provision of future local road connections for future development as the area grows.	Council has undertaken an LGA wide traffic study in order to inform decision making. The scenario modelling of the proposed dwellings within the Kurmond Kurrajong investigation area indicated that development within the investigation area would not have a significant impact on the road network.

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Matters Raised	Applicant's Response
NSW Rural Fire Service	
RFS raises no objection to the Planning Proposal.	Noted.
When determining minimum lot sizes, strategic planning should consider the provision of asset protection zones to achieve a maximum of 29kW/m ² radiant heat flux at the dwelling.	The concept subdivision layout and lot sizes were determined with the input of Control Line Consulting, a Level 3 Certified BPAD Practitioner. The reports from Control Line, included in Version 7 of the Planning Proposal, confirm that each lot complies with the maximum 29kW/m ² radiant heat flux.
Access roads and property access to comply with Planning for Bushfire 2019.	This has been taken into consideration in designing the subdivision concepts. Subsequent subdivisions will be subject to the integrated development application process and will require the issue of a s100B Bushfire Authority under the Rural Fires Act 1997.
Water and Electricity and Gas must comply with Planning for Bushfire 2019.	Subsequent subdivisions will be subject to the integrated development application process and will require the issue of a s100B Bushfire Authority under the Rural Fires Act 1997.
Special Fire Protection Purpose development requirements should be considered where required.	The proposal has been assessed under the subdivision provisions of Planning for Bushfire Protection 2019, as required.

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AT - 2 Response to Community Comments

Submission No.	Matters Raised	Officer Comment
1.	Loss of character/scenic amenity.	It is considered that the future lots will be of size and configuration to facilitate development that will be compatible with the existing character of the locality and can be sited so as not to have an adverse impact on significant views and vistas as outlined in the report.
2.	Increasing development in an area with poor infrastructure and support services.	The Planning Proposal will facilitate a small number of large lot residential properties located within a rural village setting. This minor growth will assist in better utilising existing infrastructure, in terms of schools and community facilities by the marginal increase in population. In addition, the land owners have agreed to enter into a voluntary planning agreement with Council for the provision and improvement of relevant public infrastructure.
3.	In support of additional lots in the locality, and proposed lot sizes.	Noted.
4.	In support of additional lots in the locality, and proposed lot sizes.	Noted.
5.	In support of additional lots in the locality, and proposed lot sizes, especially along Bells Line of Road.	Noted.
6.	In support of the Proposal.	Noted.
7.	<p>Concerned that a new land subdivision may affect future access for maintenance and necessary repairs or that may compromise an existing water pipe line that traverses 79 Bells Lane and services our property.</p> <p>Concerns raised in respect to traffic safety of Bells Lane given that the narrow width of the road in places (one lane) and additional vehicles generated by the additional properties resulting from the Planning Proposal.</p>	<p>Council would require as a condition of consent for any subdivision of 79 Bells Lane, Kurmond that an easement be created over the existing pipeline. In this respect, the interests will be protected, including access for maintenance and repairs.</p> <p>This matter would be assessed when a development application is received for the subdivision of land, noting that the Department of Planning, Industry and Environment have indicated that access to lots on 457 Bells Line of Road, should be provided from Bells Line of Road.</p>

oooO END OF REPORT Oooo

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GENERAL MANAGER

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

Directorate: General Manager

PURPOSE OF THE REPORT:

The purpose of this report is to provide information to assist Council in resolving to set the frequency, time, date and place of its ordinary meetings for January, February and March 2022, with the meetings for the remainder of 2022 being set following adoption of a new Code of Meeting Practice in 2022.

EXECUTIVE SUMMARY:

The Local Government Act 1993 requires all councils to meet at least ten times each year, each time in a different month.

Council is required to schedule its Ordinary Meetings for 2022, in accordance with Council's Code of Meeting Practice, adopted at its Ordinary Meeting on 23 February 2021.

Prior to 2020, the Code of Meeting Practice required Council to meet on the second and last Tuesday of each month except for January and December. When the Code of Meeting Practice changed in 2020 to require Council to set the frequency, time, date and place of its ordinary meetings, Council continued the practice of meeting on the second and last Tuesday of each month except January and December.

Local Government Elections are scheduled for Saturday, 4 December 2021. Council is required to elect a Mayor within three weeks of the declaration of the election result. The Office of Local Government has indicated that the declaration is expected to be made between 21 and 23 December 2021. For practical purposes the most likely convenient date for the first meeting of the new Council is Tuesday, 11 January 2022.

Council is also required to adopt a Code of Meeting Practice within 12 months of the declaration of the election result. The Code of Meeting Practice will need to be consistent with the Model Code of Meeting Practice issued by the Office of Local Government and be placed on public exhibition prior to adoption.

Council must resolve, prior to the end of the current Council Term, to set at least the first meeting of the new Council. However, the requirement to adopt a Code of Meeting Practice following the election of a new Council provides an opportunity for Council to give further consideration to the setting of the frequency, time and date of meetings for 2022. It is therefore proposed that consideration be given to setting meeting dates for the first three months of 2022.

During this time Council could resolve to place a Draft Code of Meeting Practice on public exhibition and receive a post-exhibition report, prior to adoption of a Code of Meeting Practice. At the same time Council could set a schedule of Council Meetings for the remainder of 2022.

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RECOMMENDATION:

That:

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

BACKGROUND

Code of Meeting Practice

Council's Code of Meeting Practice contains the rules for the conduct of meetings of Council and Council Committees the members of which are all Councillors. It is based on the Model Code of Meeting Practice (Model Code) prescribed under the Local Government (General) Regulation 2021 to provide a uniform set of rules to help ensure accessible, orderly, effective and efficient meetings.

Amendments to the Code of Meeting Practice

In December 2018, a new Model Code was prescribed by Government Gazette. Councils were required to adopt a Code of Meeting Practice based on the Model Code within six months.

A proposed new Code was drafted and reported to Council in March 2019, and following public exhibition of the draft Code, Council resolved to adopt the Code of Meeting Practice on 28 May 2019.

Amended versions of the Code of Meeting Practice were adopted by Council at meetings on 10 September 2019 and 18 February 2021.

At its meeting on 23 February 2021 Council resolved to adopt the most recent version of the Code of Meeting Practice.

Timing of Ordinary Council Meetings

Council's Code of Meeting Practice provides as follows in regard to the timing of ordinary council meetings:

- "3.1 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.*
- 3.2 In addition to the meeting cycle adopted, the council may resolve to hold additional meetings as considered necessary.*
- 3.3 Additional meetings of the council convened by resolution of the council are subject to the three days' notice rule and must also be advertised in accordance with clause 3.9 of this Code of Meeting Practice.*
- 3.4 Generally, the council will recess during school holiday periods.*
- 3.5 Council meetings will generally commence at 6:30pm, but this commencement time may vary for particular meetings if the council resolves.*

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- 3.6 *Public notice will be given as to the time of the meeting. However, the meeting schedule may be amended by the mayor, general manager, or resolution of Council if circumstances necessitate. Such circumstances would include public holidays, the Local Government Conference, or decisions to revise meeting times, etc. Public notification must be given prior to altering the meeting schedule, time or venue."*

In 2018 and 2019, Council's Code of Meeting Practice required that Ordinary Meetings of Council be held on the second and last Tuesday of every month (except January and December).

In 2020, the Code of Meeting Practice was amended to require Council to set, by resolution, the frequency, time, date and place of its ordinary meetings.

At its meeting on 24 November 2020, Council set the frequency of meetings for 2021 and continued the practice of meeting on the second and last Tuesday of each month, with exceptions for January and December and with additional meetings around key reporting requirements such as the Operational Plan.

Local Government Elections

Local government elections were scheduled to be held on 12 September 2020. In response to the COVID-19 Pandemic, these elections were postponed to 4 September 2021, and as a result of the Delta outbreak of COVID-19, were in July 2021 postponed to 4 December 2021.

Relevant Legislation

- The Local Government Act 1993
- The Local Government (General) Regulation 2021

DISCUSSION

Schedule of Council Meetings for 2021

The schedule of Council Meetings for 2021 contained meetings on the second last Tuesday of every month, with allowance made for Council's legislative reporting requirements.

For example, Council Meetings were moved in April and June to provide adequate time to report on the 2021/2022 Operational Plan.

Additionally, when the postponement of the local government elections from 4 September 2021 to 4 December 2021 was announced, Council resolved to change meeting dates in September and December 2021.

Schedule of Council Meetings for 2022

The proposed schedule of Council Meetings for the first three months of 2022, attached as Attachment 1 to this report, reflects the 2021 schedule in that meetings are set for the second Tuesday and last Tuesday of every month.

Post-Election Meeting

The Local Government Elections are set to take place on 4 December 2021. The Office of Local Government has advised that election results are likely to be declared between 21 and 23 December 2021.

In accordance with Section 290(1)(a) of the Local Government Act 1993, the election of a Mayor (and Deputy Mayor, if required), by Councillors is to be held within three weeks after the ordinary election.

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The following will be required to be carried out prior to the first meeting of the new Council:

- Preparation of a business paper containing the following reports:
 - Election of the Mayor
 - Election of the Deputy Mayor
 - Filling casual vacancies within 18 months of the election by countback
 - Appointment of committees, representatives and delegates
 - Election of members of the Hawkesbury River County Council
 - Local Government NSW Special Conference 28 February to 2 March 2022 (consideration of proposed Conference motions before the 30 January 2022 deadline, and substitution of delegates if required)
- Preparation and distribution of nomination forms for the election of Mayor, Deputy Mayor, and Hawkesbury River County Council members
- The holding of at least one Councillor Induction Session.

Due to the days on which Christmas Day, Boxing Day and New Year's Day fall, there are additional public holidays on Monday, 27 and Tuesday, 28 December 2021, and on Monday, 3 January 2022.

For practical purposes, having regard to the matters required to be attended to prior to the first meeting of the new Council, it is proposed that this meeting take place on Tuesday, 11 January 2022.

As the Code of Meeting Practice is required to be adopted within 12 months of the declaration of the elections result, Council could take the opportunity to review the Code of Meeting Practice early in the new term of Council, adopt it prior to the end of March 2022 and at the same time set the schedule of meetings for the remainder of 2022.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

The proposal is consistent with the following Focus Area, Direction and Strategy within the Community Strategic Plan.

Our Leadership

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

FINANCIAL IMPACT

There are no financial implications for the proposal in this report.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

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

ATTACHMENTS:

- AT - 1** Schedule of Council Meetings January to March 2022, dated October 2021.

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AT - 1 Schedule of Council Meetings January to March 2022, dated October 2021

COUNCIL MEETING DATES 2022

JANUARY

Tuesday,	11	Ordinary	<i>Proposed subject to declaration of poll of local government election held on 4 December 2022</i>
			<i>Election of Mayor, Deputy Mayor</i>

Tuesday	25	Ordinary
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FEBRUARY

Tuesday	8	Ordinary
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Tuesday	22	Ordinary
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MARCH

Tuesday	8	Ordinary
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Tuesday	29	Ordinary
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oooO END OF REPORT Oooo

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SUPPORT SERVICES

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

Previous Item: 097, Ordinary (25 May 2021)

Directorate: Support Services

PURPOSE OF THE REPORT:

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

EXECUTIVE SUMMARY:

This report indicates that Council held \$79.93 million in investments at 30 September 2021 and outlines that all investments were made in accordance with the Act, the Regulation and Council's Investment Policy.

RECOMMENDATION:

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

BACKGROUND

Council held \$79.93 million in investments as at 30 September 2021. Details on the composition of the Investment Portfolio, and its compliance with Council's Investment Policy are provided below. Details include the financial institutions with which the investments were made, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, the percentage of the total portfolio, exposure to credit ratings bands and the spread of maturities.

1. Composition of Investment portfolio

Tables 1 to 3 below provide details regarding the \$79.93 million in investments held as at 30 September 2021.

Table 1 – Summary of Council's Investment Portfolio as at 30 September 2021

Product Type	Face Value	% of Total
At Call Deposits	\$4,500,000	5.6%
Tcorp Cash Fund	\$2,133,496	2.7%
Term Deposits – Fixed Rate	\$73,300,000	91.7%
Grand Total	\$79,933,496	100.0%

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

Long Term Credit Rating	Face Value	% of Total
AA-	\$71,800,000	89.8%
BBB+	\$6,000,000	7.5%
NSW Tcorp Cash Fund	\$2,133,496	2.7%
Grand Total	\$79,933,496	100.0%

Table 3 – Fixed Term Deposits

Institution	Long Term Rating	Short Term Rating	Maturity	Rate	Face Value
Bank of Queensland	BBB+	A-2	16-Dec-21	0.55%	\$500,000
			16-Dec-21	0.45%	\$2,000,000
ME Bank (part of BOQ)	BBB+	A-2	9-Dec-21	0.50%	\$2,000,000
			3-Jun-22	0.50%	\$1,500,000
Commonwealth Bank of Australia	AA-	A-1+	14-Oct-21	0.64%	\$3,000,000
			4-Nov-21	0.55%	\$1,500,000
			13-Jan-22	0.40%	\$1,000,000
			10-Feb-22	0.41%	\$1,500,000*
			23-Feb-22	0.43%	\$2,000,000
			17-Mar-22	0.40%	\$1,000,000
			29-Mar-22	0.30%	\$4,000,000
			7-Apr-22	0.40%	\$2,000,000
			21-Apr-22	0.42%	\$500,000
			27-Jun-22	0.34%	\$1,000,000
			21-Jul-22	0.41%	\$2,000,000*
			28-Nov-22	0.46%	\$2,000,000
			8-Dec-22	0.46%	\$1,000,000
			22-Feb-23	0.50%	\$2,000,000
			20-Nov-23	0.65%	\$1,000,000
National Australia Bank	AA-	A-1+	14-Oct-21	0.50%	\$500,000
			10-Nov-21	0.50%	\$2,000,000
			13-Jan-22	0.45%	\$2,000,000
			27-Jan-22	0.42%	\$800,000
			17-Mar-22	0.29%	\$1,000,000
			27-Jun-22	0.32%	\$2,000,000
			7-Jul-22	0.35%	\$1,000,000
			22-Sep-22	0.35%	\$2,000,000
			29-Dec-22	0.45%	\$3,000,000
			8-Mar-23	0.50%	\$1,000,000
			8-Sep-23	0.60%	\$1,000,000
			19-Aug-24	0.75%	\$3,000,000
			10-Sep-24	0.80%	\$1,000,000
			19-Nov-24	0.75%	\$1,000,000
			15-Jan-25	0.80%	\$500,000
			5-Mar-25	1.05%	\$1,500,000
			3-Nov-25	0.95%	\$500,000
			19-Nov-25	0.90%	\$500,000
			13-Jan-26	1.00%	\$500,000
			4-Mar-26	1.30%	\$1,500,000

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Institution	Long Term Rating	Short Term Rating	Maturity	Rate	Face Value
Westpac	AA-	A-1+	9-Dec-21	0.49%	\$2,000,000*
			28-Apr-22	0.36%	\$1,000,000*
			28-Apr-22	0.32%	\$2,000,000
			5-May-22	0.35%	\$1,000,000*
			5-May-22	0.33%	\$1,000,000
			22-Jun-22	0.35%	\$3,500,000
			7-Jul-22	0.35%	\$2,000,000
			30-Sep-22	0.34%	\$3,000,000
Grand Total					\$73,300,000

*Environmental, Social and Governance (ESG) investments as per Council's Investment Policy.

2. Environmental, Social and Governance (ESG) Investments

Tables 4 and 5 below provide the details on Environment, Social and Governance (ESG) investments and the proportion compared to the total Investment Portfolio.

Table 4 – ESG Investments

Institution	Long Term Rating	Short Term Rating	Maturity	Rate	Face Value
Commonwealth Bank of Australia	AA-	A-1+	10-Feb-22	0.41%	\$1,500,000
			21-Jul-22	0.41%	\$2,000,000
Westpac	AA-	A-1+	09-Dec-21	0.49%	\$2,000,000
			28-Apr-22	0.36%	\$1,000,000
			05-May-22	0.35%	\$1,000,000
Grand Total					\$7,500,000

Table 5 – Summary of Council's Investment Portfolio in Terms of ESG

Product Type	Face Value	% of Total
Environmental, Social and Governance (ESG)	\$7,500,000	10.23%
Other	\$65,800,000	89.77%
Grand Total	\$73,300,000	100.0%

3. Compliance to Investment Policy

Tables 6 to 7 below summarise Council's exposure limits to the credit ratings bands, term to maturity parameters and compliance with Council's Investment Policy.

Table 6 – Exposure Limits to credit ratings bands

Long-Term Credit Rating	Exposure of Entire Portfolio		
	Actual	Maximum	Compliant
AAA to AA- or Major Bank and below	97.33%	100%	Yes
A+ to A- and below	7.51%	50%	Yes
BBB+ to BBB and below	7.51%	40%	Yes
BBB- and below	0%	10%	Yes
TCorp Cash Fund	2.67%	20%	Yes

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Table 7 – Term to Maturity

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

4. Portfolio Return

Council's investment portfolio (excluding At Call Deposits and TCorp Cash Fund) provided a weighted average return (running yield) as shown in Table 8 below.

Table 8 – Portfolio Return

30 September 2021	Weighted Average Monthly Return
Hawkesbury City Council – Investment Portfolio	0.041%
Benchmark – Bloomberg Ausbond Bank Bill Index	0.001%
Performance Relative to Benchmark	0.040%

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 September 2021 and has advised as follows:

- *Council's investment portfolio annual return is around 73bps above the Bank Bill index. This return excludes at Call Accounts and the NSW TCorp Cash Fund.*
- *Overall, exposures to individual entities and to credit limits have been well managed such that there is additional capacity to add exposures to any of the existing entities if an opportunity arises, or to absorb any downgrades. Amicus generally recommends its clients operate with "buffers" between policy limit maximums and minimums to provide flexibility and avoid breaches, which is the strategy adopted by Hawkesbury City Council.*

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In the current investment environment, Amicus suggests Council pursues the following investment strategies with regards to any excess liquidity:

- *Invest in the best Term Deposit rates available within the capacity of Policy limits.*
- *Take limited exposures (no more \$4 million of the total portfolio per entity, obviously within policy limits of 10% with a buffer) to issuers outside the Major Banks in short-dated Term Deposits if rates are attractive. This is a very low risk strategy given the steps taken by the Reserve Bank of Australia to ensure no Authorised Deposit Taking Institutions will fail due to liquidity reasons in the short-term. In making these investments, Council should consider the likely lowest overall total size of the investment portfolio over the year to ensure that total exposures to an issuer outside the Major Banks does not exceed the 10% limit because the overall portfolio size has decreased since the initial investment was made.*
- *Consider investing in Bonds and Floating Rate Notes where the yields and risks are attractive relative to Term Deposits. As per prior reports, the relative value of these two instruments varies with market conditions and there are commonly periods where one is more attractive than the other and vice versa.*
- *Consider investing in the NSW TCorp Long Term Growth Fund. A meeting with Council officers was held to discuss the advantages of this investment strategy. As per those discussions, Amicus suggests an initial \$1 million investment and later adding \$1 million investments each month or every two months depending on Council's comfort levels with the investment through time as Council sees early performance and prevailing market conditions (Amicus may recommend additional investments are suspended if markets become volatile). Amicus recommends up to a total value of \$5 million or \$6 million (around 10% of the portfolio).*
- *As per Amicus' recent interest rate commentary, Amicus is of the view that interest rates will not rise in Australia as quickly as the market expects (i.e. in 2022 or 2023). Amicus' view is interest rate rises are more likely not to occur until 2024 in line with the RBA's guidance. We therefore favour locking in higher interest rates by purchasing high credit quality longer dated fixed rate securities to maintain current portfolio running yields where possible so long as liquidity considerations allow. We view re-investment risk caused by interest rates remaining low as the greater risk compared with interest rate risk caused by buying fixed rate assets in a rising interest rate environment.*
- *With current Term Deposit rates well below the average of Council's average annual yield investment returns will fall in the coming months and so Amicus recommends Council actively pursue the strategies outlined above to mitigate the coming impact on absolute returns.*
- *Amicus has instituted regular monthly calls with many of its other clients and these have been useful for progressing strategic initiatives. We would like to initiate these with Hawkesbury City Council as it has proven to be beneficial.*

During the reporting period, the investment increased by \$16.5 million from August 2021 due to the receipt of funds for a loan taken out for essential infrastructure for the Vineyard Precinct. Fifty percent of the loan interest will be subsidised by the NSW Government as part of the Low Cost Loan Initiative. The remaining cost of the borrowings will be funded by developer contributions to be received as part of the Vineyard Precinct Section 7.11 Contributions Plan.

Restriction of Funds

Council's total investment portfolio as at 30 September 2021 included funds that are restricted as to what they can be expended on.

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Table 9 – Restriction of Funds

Restriction Type	Amount	%
External Restrictions - S7.11 and S7.12 Developer Contributions	\$14,310,691	17.90%
External Restrictions - Western Parkland City Liveability Program	\$3,167,149	3.96%
External Restrictions - Bushfire and Flood Grants	\$1,768,962	2.21%
External Restrictions - Other (e.g. domestic waste, sewerage)	\$3,720,441	4.66%
Internal Restrictions (e.g. election, workers compensation, Employee Leave Entitlements)	\$22,085,198	27.63%
Unrestricted	\$34,881,055	43.64%
Total	\$79,933,496	100.00%

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

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

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

Liveability, Fire and Flood Funding

At its meeting on 28 July 2020, Council resolved that future monthly investment reports identify the proportion of total investments made up with:

- Western Parkland City Liveability Program funding
- State and Federal Government grant funding for fire and flood.

Table 9 (above) has been amended to provide the details of the proportions.

COMMUNITY ENGAGEMENT

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

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CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Leadership

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

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. The income applicable is provided for in the 2021/2022 Adopted Operational Plan.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

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

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 26 October 2021

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

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

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to advise Council of the outcome of the public exhibition of the Draft Payment of Expenses and Provision of Facilities to Councillors Policy, and to seek adoption of the Policy.

EXECUTIVE SUMMARY:

Council last adopted a Policy regarding Payment of Expenses and Provision of Facilities to Councillors on 11 October 2016 (the current Policy).

At its meeting on 15 June 2021 Council considered a Notice of Motion in relation to a review of the current Policy, and resolved for a review to be carried out so that a revised Policy could be adopted prior to the commencement of the next Council term.

A revised Draft Policy was prepared and at its meeting on 27 July 2021 Council resolved to place the Draft Policy on exhibition. The Draft Policy was publically exhibited for 28 days from 18 August 2021 to 15 September 2021.

Two submissions were received during the public exhibition and they are detailed in the report.

RECOMMENDATION:

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

BACKGROUND

Section 252 of the Local Government Act 1993 (the Act) requires each council, within the first 12 months of each term of Council, to adopt a policy concerning the payment of expenses and provision of facilities to the Mayor, the Deputy Mayor, and Councillors in relation to discharging the functions of civic office.

The current 'Policy Regarding Payment of Expenses and Provision of Facilities to Councillors' was adopted by Council at its meeting on 11 October 2016, following a public exhibition period.

At its meeting on 15 June 2021 Council considered a Notice of Motion concerning the current Policy, and Council resolved as follows:

"That:

1. *Council concludes a review of its "Payment of Expenses and Provision of Facilities to Councillors" policy so that the revised policy is active in time for the new term of Council in September.*

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2. *The draft policy to be formulated and presented for exhibition consider the following issues:*
 - a) *Additional flexibility within the allocated budget for each Councillor to choose the resources that best equip them to discharge Council business, i.e Phones, iPads, laptop, cellular modem, printer etc.*
 - b) *Updating anachronistic clauses such as those referring to the installation of land lines or fax machines for Councillors (Part 3.2.a.ix and Part 3.2.c.iii)*
 - c) *Examines what options can be presented in the policy without contravening Section 403 of the Local Government General Regulation 2005 (Payment of expenses and provision of facilities) which states: "A policy under section 252 of the Act must not include any provision enabling a council: (a) to pay any councillor an allowance in the nature of a general expense allowance."*
 - d) *Considers updating section Part 2.2.d (Superannuation) to reflect recent changes to Section 254B of the Local Government Act as they relate to Superannuation for Local Government Councillors, and suggest clauses that become enacted if and when Council decides to make such payments, preferably on an opt-out basis, after 1 July 2022.*
 - e) *Deletes Part 3.13 (Provision of recordings of Council meetings to Councillors), so long as the retention period for publicly available podcasts of Council meetings is extended to the whole term of Council.*
3. *Council report on the feasibility and cost of moving to an on-line system for the lodgment and reconciliation of Councillor expense claims."*

A report was provided to the Council Meeting on 13 July 2021 to which was attached a Draft Payment of Expenses and Provision of Facilities to Councillors Policy. Part of updating and reviewing the current Policy included transitioning content to a different format based on a suggested template from the Office of Local Government.

At its meeting on 13 July 2021 Council also considered a late Supplementary Business Paper in relation to this matter.

At that meeting, Council resolved as follows:

"That this matter be deferred to the next Council Meeting for consideration.

A revised Draft Policy was prepared and at its meeting on 27 July 2021 Council resolved to place the Draft Policy on exhibition. The Draft Policy was publically exhibited for 28 days from 18 August 2021 to 15 September 2021.

The public exhibition of the Draft Policy was advertised by newspaper, social media, and through Your Hawkesbury Your Say on Council's website.

Two submissions were received during the public exhibition and they are detailed in the report.

Legislative requirements

The Act provides that a policy concerning the payment of expenses and provision of facilities to Councillors must:

- Prior to adoption, be publically exhibited for at least 28 days
- Comply with the provisions of the Act, the regulations and any relevant guidelines issued under Section 23A of the Act.

Guidelines for the Payment of Expenses and Provision of Facilities were issued by the then Division of Local Government in 2009 (Guidelines).

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Council must not pay any expenses incurred or to be incurred by, or provide any facilities to, Councillors otherwise than in accordance with a policy made under the Act.

The Draft Policy follows the format of the Office of Local Government suggested template policy.

The Office of Local Government advises that the template has been prepared to be consistent with the Local Government Act 1993 and Local Government (General) Regulations 2005, and that the template has been designed to be amended to suit local needs and circumstances.

In preparing the Draft Policy, consideration has been given to the mandatory provisions of the Guidelines and Council's past practices with respect to some aspects of the payment of expenses and provision of facilities. Using the format of the Office of Local Government template has meant the inclusion of some explanatory and facilitative provisions and the rewording of some provisions concerning expenses and facilities.

DISCUSSION

Draft Payment of Expenses and provision of Facilities to Councillors Policy

The significant proposed amendments to the current Policy, other than those relating to layout and content realignment, are summarised below, by reference to the provisions in the Draft Policy, attached as Attachment 1 to this report.

Part B – Expenses

- The reference to payment of annual fees has been removed. The Guidelines say that policies concerning expenses and facilities are not required to deal with Councillors' annual fees, although it is acknowledged that there is likely to be some correlation between the annual fees paid to mayors and Councillors and the level and scope of expenses and facilities required and provided for in a Councillor expenses and facilities policy.
- Sacrificing annual fees to complying superannuation funds has been removed. Council resolved that the Draft Policy consider updating this section of the current Policy to reflect recent amendments to the Act concerning superannuation for Councillors. Under those amendments:
 - Payments for superannuation to Councillors can be made after 1 July 2022, subject to Council resolving to make such payments
 - Councillors can agree in writing to forgo superannuation payments
 - Superannuation contribution payments are payable with, and at the same intervals as, the annual fees payable to Councillors.

It is recommended that consideration be given to not including superannuation payments in the Policy, in the same way that the proposed Policy does not include clauses concerning the payment of annual fees for Councillors.

Advice has been obtained from the Office of Local Government to the effect that Councils are not required to include provisions concerning annual fees and superannuation contributions in the Policy. Therefore these provisions have not been included in the Draft Policy.

- In Clause 7, Specific expenses, additional flexibility has been added to enable Councillors to choose information and communications technology resources from categories of resources which Council would otherwise make available.

Clause 403 of the Local Government Regulation 2005 says that a Policy under Section 252 of the Act must not allow Council to pay a Councillor an allowance in the nature of a general expense allowance.

ORDINARY MEETING

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Advice has been obtained from the Office of Local Government that provisions in the nature of those proposed offering Councillors flexibility in relation to obtaining their own equipment (within categories provided by Council) would not contravene Clause 403 of the Regulation provided:

- There is a cap on the expenditure permitted
- The expenditure is limited to categories of equipment reasonably required by Councillors to carry out their civic duties.

Part C – Facilities

- Clause 10 now contains provision for a Councillor office. Presently Councillors are able to use the room adjacent to the Council Chambers foyer. It is proposed that this room contain enhanced facilities to enable the holding of meetings for small groups.
- Provisions concerning reimbursement of call and data charges have been moved from the Facilities section to the Expenses section - Clause 7, Specific expenses, and repetition concerning facilities and reimbursement provisions for the Mayor, the Deputy Mayor, and Councillors has been removed.
- Provisions concerning installation of land lines or fax machines for Councillors, and supply of Council Meeting recordings have been removed. Podcasts of Council meetings since podcasting commenced in November 2017 remain on Council's website.

Part D – Processes

- Clause 13 clarifies the timeframe for reimbursement of expense with all claims required to be made within three months of the expense being incurred.

Submissions in response to the public exhibition of Draft Policy

The two submissions received are summarised below along with a response from staff:

Comment	Response
Submission 1 In line with every corporate body or business I have worked with over 40 years, those that receive tools of trade, are held accountable for the said use, with log books and receipts, to hold the individual accountable for the correct and honest behaviour for the "privilege" given. Councillors should be held accountable for the usage of vehicles that the community pay for.	The effect of the Draft Policy is that the Mayor is provided with a motor vehicle to carry out civic responsibilities, and for private use. This reflects the position under the current Policy.

ORDINARY MEETING

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Comment	Response
Submission 2	
<ul style="list-style-type: none"> Clause 7.28 (Where Councillors chose to provide their own equipment they will be entitled to reimbursement of their costs up to a maximum value the equivalent equipment provided to Councillors under the policy) Support for the deletion of this paragraph. The understanding of the purpose of the relevant amendment is to reduce e-waste as a result of mandatory purchases for Councillors. This paragraph encourages the purchase of equipment (but rather than Council chosen equipment, it is specifically Councillor chosen equipment), which appears to nullify the intention of the amendment. Clause 11.I. (Provision of a motor vehicle for the Mayor). Support the insertion of 'electric' vehicle. I rely on the adoption of the Hawkesbury City Council Net Zero Emissions and Water Efficiency Strategy in March 2021. Two of the strategies listed are 'Low carbon and local transport', and 'Council leading by example'. To encourage Hawkesbury residents to make the change towards electric vehicles, Council must lead by example. Evidence shows that transport is a particularly high contributor of greenhouse gas emissions, and the Hawkesbury is an area of high car dependence. Therefore conversion to electric vehicles should be a priority for the Hawkesbury area. 	<p>In relation to information and communications technology, Council resolved to make amendments to the current Policy which provided “<i>Additional flexibility within the allocated budget for each Councillor to choose the resources that best equip them to discharge Council business, i.e Phones, iPads, laptop, cellular modem, printer etc</i>”.</p> <p>This clause provides that additional flexibility and aims to ensure that Council provided equipment is utilised.</p> <p>The Draft Policy reflects the provision in the current Policy which permits private use of the motor vehicle provided to the Mayor. The Draft Policy would permit the Mayor to select an electric vehicle.</p> <p>The provision of an electric vehicle would be considered as part of Council's broader Electric Vehicle Strategy and a transition of Council's fleet. The Payment of Expenses and provision of Facilities to Councillors Policy is required to be adopted by Council within the first 12 months of each Council term, and this will provide an opportunity for further opportunity for review of this Clause in 2022.</p>

The current Policy was reviewed, and it has been amended as outlined in this report, prior to being placed on public exhibition. The Draft Policy has not been amended in response to the submissions received during the public exhibition and those submissions are provided for Council's consideration.

The only changes to the Draft Policy as exhibited is to:

- Amend Clause 7.35 to reflect the correct names of the Council Corporate Policies that apply to the usage of Council information technology equipment, and which Councillors are required to comply with.
- Update the name of The Local Government (General) Regulation 2021.

Accordingly the Payment of Expenses and Provision of Facilities to Councillors Policy to be considered for adoption is attached as Attachment 1 to this report.

Lodgement and reconciliation of Councillor expense claims

Council's resolution at its meeting on 15 June 2021 called for a report concerning online lodgement of Councillor expense claims.

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In response, information was provided in the report to the Council Meeting on 27 July 2021. Currently, Councillors lodge claims for travel expenses (for kilometres travelled on Council business) and telephone expenses by manually completing forms provided by Council staff. Completed forms are approved by the Manager Corporate Services and Governance, provided to Payroll for processing, and registered in Council's Electronic Content Management system.

As reported to Council, the solution for an online system for lodgement and reconciliation of Councillor expense claims would likely involve the creation of online template forms. These would contain content options in the relevant fields in the forms, with capability to pre-populate the forms based on known information relevant to each Councillor.

It remains the case that to make optimal use of such a system, it would ideally utilise the existing workflow capabilities within Council's Electronic Content Management System.

Having regard to existing Information Services project demands and resources, additional time is required to develop proposals for an online system.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

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

Our Leadership

- 1.1 Local Leadership and effective governance - Provide representative, responsive and accountable governance.
- 1.6 Corporate Services - Support the operation of the organisation through the provision of effective and efficient corporate support services.

FINANCIAL IMPACT

Financial implications arising from the payment of expenses and provision of facilities to Councillors, as detailed in the Policy, as proposed, are applicable and are provided for in the 2021/2022 Adopted Operational Plan.

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

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

ATTACHMENTS:

- AT - 1** Payment of Expenses and Provision of Facilities to Councillors Policy - (*Distributed under separate cover*).

oooO END OF REPORT Oooo

ORDINARY MEETING

SECTION 3 – Reports for Determination

Meeting Date: 26 October 2021

Ordinary

Section **4**

Reports
of committees

ORDINARY MEETING

SECTION 4 – Reports of Committees

Meeting Date: 26 October 2021

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 26 October 2021

SECTION 4 – Reports of Committees

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

Directorate: Infrastructure Services

PURPOSE OF THE REPORT:

The purpose of this report is to present the Minutes of the Local Traffic Committee, held on 11 October 2021. The Local Traffic Committee is not a Committee of Council but a Statutory Committee.

EXECUTIVE SUMMARY:

The Local Traffic Committee considered four items, contained within the Minutes of the Local Traffic Committee. As these items have no policy or financial implications to Council, they are presented for information only.

RECOMMENDATION:

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

DISCUSSION

The Committee considered staff reports on a range of matters as shown in the attached minutes (Attachment 1).

- Special Event Update – Postponement and Cancellation of 2021 Special Events
- General Traffic Matter – TfNSW Advice on New Mobile Speed Camera Warning Signs being Installed in the Hawkesbury Local Government Area
- General Traffic Matter – Local Traffic Committee 2022 Meeting Calendar.

ATTACHMENTS:

AT - 1 Minutes of the Local Traffic Committee held on 11 October 2021

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 26 October 2021

AT - 1 Minutes of the Local Traffic Committee held on 11 October 2021

Minutes of the Meeting of the Local Traffic Committee held remotely, on 11 October 2021, commencing at 3pm.

ATTENDANCE

Present: Councillor Peter Reynolds, Hawkesbury City Council
Mr Peter Bache, Transport for NSW
Mr Steve Grady, Busways
Mr Mark Rusev, representing Ms Robyn Preston, MP (Hawkesbury)

Apologies: Acting Inspector Andrew Knight, NSW Police Force
Senior Constable Damien Mitchell, NSW Police Force

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

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

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Mr Mark Rusev that the apologies be accepted.

SECTION 1 - Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the Motion of Councillor Peter Reynolds, seconded by Mr Mark Rusev, that the Minutes from the previous meeting held on Monday, 13 September 2021 be confirmed.

Item 1.2 Business Arising

There was no Business Arising from the previous minutes.

SECTION 2 - Reports for Determination

Item: 2.1 LTC - Cancellation/Rescheduling of 2021 Special Events due to COVID-19- (Hawkesbury) - (80245)

Previous Item: LTC 13 September 2021 – Item 2.1

REPORT:

Several Events planned to be undertaken during 2020 within the Hawkesbury Local Government Area were either cancelled or rescheduled due to the COVID-19 pandemic, with some of these events being undertaken during 2021.

The current Public Health Order and restrictions (COVID-19) Order 2021 under the Public Health Act 2010 (NSW) is ongoing in 2021.

The following events have been rescheduled or cancelled:

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1. Bridge to Bridge Water Ski Classic 2021: The event was approved for Saturday, 20 and Sunday, 21 November 2021. **Event Postponed with a date yet to be determined.**
2. Tour de PIF Charity Ride & Run/Walk 2021: The event was initially approved for Friday, 10 September 2021 and rescheduled to Friday, 22 October 2021. **Event Cancelled.**
3. The Hawkesbury 120 Ski Race Classic 2021. The event was approved for Saturday, 16 and Sunday, 17 October 2021. **Event has been rescheduled to Saturday, 26 and Sunday, 27 March 2022.** The conditions of approval granted for the original event date are to apply to the rescheduled event date.
4. Light Up Windsor 2021: The event was approved for Saturday, 04 December 2021. Event was cancelled as reported to LTC in September 2021. Event has been rescheduled to Saturday, 11 December 2021. The conditions of approval granted for the original event date are to apply to the rescheduled event date.

RECOMMENDATION TO COMMITTEE:

That the information be received.

APPENDICES:

There are no supporting documents for this report.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Mr Mark Rusev.

Support for the Recommendation: Unanimous support

That the information be received.

Item: 2.2 LTC - TfNSW Advice on New Mobile Speed Camera Warning Signs being Installed in the Hawkesbury Local Government Area - (80245, 73621, 123265)

REPORT:

Advice has been received that Transport for NSW (TfNSW) is installing 1000 static mobile speed camera signs across the NSW road network. These signs will remind drivers that mobile speed cameras are in use in NSW and encourage drivers to stay within the speed limit every time they drive on roads. The signs will be installed on a mix of both State and local roads and will start rolling out across NSW in September 2021.

TfNSW also indicate that the signs are being rolled out to support the expansion of the mobile speed camera program in NSW. Speeding is the biggest contributor to road trauma in NSW, consistently contributing to around 40 per cent of road fatalities and almost a quarter of serious injuries on NSW roads every year. Speed cameras are proven to slow drivers down and save lives.

ORDINARY MEETING
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The signs will be installed across 16 Sites within the Hawkesbury Local Government Area and are outlined in Attachment 1. Details of each specific site in outlined in Attachment 2 – provided under separate cover.

RECOMMENDATION TO COMMITTEE:

That the information be received.

APPENDICES:

There are no supporting documents for this report.

AT - 1 Hawkesbury Mobile Speed Camera Location Plan

AT - 2 Hawkesbury Mobile Speed Camera Location and Site Specific Plans - (ECM Document Set ID No: 7699995) - *see attached*

Meeting Date: 26 October 2021

Installation of Fixed Mobile Speed Camera Signage in Hawkesbury City Council

Transport for NSW

State Road MSC enforcement zone

ORDINARY MEETING
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COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Mr Mark Rusev.

Support for the Recommendation: Unanimous support

That the information be received.

Item: 2.3 LTC - Local Traffic Committee 2022 Calendar - (Hawkesbury) - (80245)

REPORT:

The current format for the Local Traffic Committee (LTC) meetings is to meet on the second Monday of the month, commencing at 3pm in the Small Committee Room, Council Offices at 366 George Street, Windsor. Due to COVID restrictions these meetings may be undertaken remotely.

Proposed is a list of dates, outlined below, for 2022 in the current Monday format (second Monday of the month) with the exception of June which is proposed to be held on the third Monday due to the Queen's Birthday public holiday on 13 June 2022.

- 10 January 2022
- 14 February 2022
- 14 March 2022
- 11 April 2022
- 09 May 2022
- 20 June 2022 (third Monday due to Queen's Birthday Holiday on 13 June 2022)
- 11 July 2022
- 08 August 2022
- 12 September 2022
- 10 October 2022
- 14 November 2022

RECOMMENDATION TO COMMITTEE:

That the 2022 Local Traffic Committee Meetings be undertaken from January to November on the second Monday of the month with the exception of June which will be undertaken on the third Monday.

APPENDICES:

There are no supporting documents for this report.

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 26 October 2021

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Mr Mark Rusev.

Support for the Recommendation: Unanimous support

That the 2022 Local Traffic Committee Meetings be undertaken from January to November on the second Monday of the month with the exception of June which will be undertaken on the third Monday.

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, 8 November 2021 at 3pm in the Large Committee Room.

The meeting terminated at 3:15pm.

oooO END OF REPORT Oooo

ORDINARY MEETING

SECTION 4 – Reports of Committees

Meeting Date: 26 October 2021

Ordinary

Section 5

Notices of motion

ORDINARY MEETING
SECTION 5 – Notices of Motion
Meeting Date: 26 October 2021

ORDINARY MEETING
SECTION 5 – Notices of Motion
Meeting Date: 26 October 2021

SECTION 5 – Notices of Motion

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

Submitted by: Councillor Wheeler

NOTICE OF MOTION:

That Council:

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

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING
SECTION 5 – Notices of Motion
Meeting Date: 26 October 2021

Item: 209

NM2 - March 2021 Flood - (138885, 79351)

Submitted by: Councillor Ross

NOTICE OF MOTION:

That:

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

BACKGROUND

Seven months have elapsed since the most recent flood event impacted this local government area. To date neither the elected body nor the community has been made aware of the full extent of damage that occurred, nor its potential ongoing financial impact or future access to Council facilities/infrastructure. Sufficient time has elapsed to now report, with a degree of certainty, upon both assets involved and Council's intentions regarding its ongoing work programme commitments

NOTE BY MANAGEMENT

March 2021 Flood

Details on assets impacted by the March 2021 Flood

The March 2021 resulted in damage to various asset types including roads assets, open space and parks assets and buildings. The damage sustained, and consequently the repair work required, varies in extent across the various assets. Significant repair work was undertaken as the flood unfolded and in the immediate days as flood waters receded. Other major and more complex works are either in progress or will be commenced in the next few months as funding availability and scope continues to be ascertained with the various funding bodies.

All costs associated with the repair or re-establishment of assets are being captured through specifically created account numbers. In light of the significant impact of the March 2021 Flood, Council engaged an external consultant, Morrison Low, to assist Council in putting together the necessary claims for the various funding bodies. The consultant's extensive experience in regard to claims associated with floods, has been

ORDINARY MEETING
SECTION 5 – Notices of Motion
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complementing Council's staff's work in regard to restoring damaged assets as soon as practical. Extensive discussions have also been ongoing between staff and funding bodies, including onsite visits.

The consultant continues to assist Council with this process as costs continue to be incurred, and funding avenues and conditions continue to evolve. A parallel process is occurring in regard to costs claimable through Council's insurers, Civic Risk. The process of recouping incurred costs and securing funding and scope for work yet to be undertaken will continue for some months. Until the claiming process is complete and funding approval finalised, the net financial impact of the March 2021 will not be known.

However, in light of the processes in place to capture costs, and the rigorous process and resourcing being applied towards maximising Council's success in securing funding to cover these costs, it is not anticipated that any remaining unfunded costs will have an impact on Council's financial sustainability. It is further to be noted that costs and funding will impact across financial years. A number of claims have been submitted to various State Government Agencies and Council's insurers to date.

It is estimated that the provision of this information would take in the order of three weeks with multiple staff within Engineering and Finance to collate, if this request was the only activity being undertaken. Given that staff are at capacity, this request is unable to be fulfilled without an impact on flood recovery, delivery of the 2021/2022 Operational Plan, services to the community and meeting legislative requirements.

Reporting on the details of all damaged assets at this point in time will not reflect the full impact. Council can be provided with a summary of total costs, claims and funding secured in due course when the process is fully complete. This is not likely to occur until at least the second half of this financial year.

Asset Impairment

In accordance with Accounting Standards, an asset is deemed impaired if a significant portion of its useability and value is impacted by an event, such as a flood. The reported impairment amount is based on the value of the asset in Council's asset register. This may differ from the actual costs necessary to be incurred to repair the asset to current standards and/or community expectations. Accordingly, actual costs incurred such as disposal of the damaged asset, consultants and traffic control will not be reflected in the reported impairment value for that asset. It is further to be noted that only assets impaired as at 30 June 2021 are required to be reported. If assets were impaired as a result of the flood but were reinstated before 30 June 2021, they are not required to be reported as impaired assets.

Impact on Council's own funds and estimates for major works

Whilst Council has undertaken repair works to ensure community safety and to limit major disruptions to the community, some major works are yet to be undertaken. Accordingly Council has not been required to access any financial Reserves and has been able to fund works from its available working capital cash flow used for its normal operations. Ongoing discussions are taking place between Council staff and funding bodies to expedite the securing of funding and scope so as to enable major works to commence or progress as soon as possible.

The high level cost estimates for Greens Road and the Upper Colo Bridge are based on a combination of design consultants' advice and unit rates applicable to similar work. The estimates will be refined as designs are finalised and applicable solutions, and associated contracts are finalised.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING
SECTION 5 – Notices of Motion
Meeting Date: 26 October 2021

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

Submitted by: Councillor Ross

NOTICE OF MOTION:

That:

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

BACKGROUND

As at 30.June.2020 "the net carrying amount" of Council's road network increased, at the stroke of a pen, by approximately; 46% overnight, from \$379 Million to \$705 Million.

While endorsed by Council's auditors, the asset revaluation was not drawn to the attention of the elected body of this Council.

Policy implications arising were in part noted in the March 2021 QBRS, tabled 17 May 2020. Concerns relating to Council's future financial viability, are understood to now being addressed by the consultant, previously engaged by Council, prior to its application for the 2017/2018 successful rate variation.

The declining state of Council's road network, results from inadequate appropriate ongoing expenditure, as well as higher user expectations, increased traffic volumes, increased heavy vehicle movements along with greater permissible truck load limits, inundation, temperature and base soil geology inconsistencies with both the elected body and the community, it is suggested, need to engage with the data now requested and their personal appreciations, in the context of a period of current infrastructure cost escalation, recognized as significant in its impact upon current and projected works, to better understand future financial demands on Council.

NOTE BY MANAGEMENT

Road Assets

In accordance with Accounting Standards, a full revaluation of an asset class is required whenever there is any indication that the value of assets within the accounts is not representative of the current replacement values of those assets. Based on this requirement, a revaluation of road assets was undertaken for the financial year ending 30 June 2020. An external consultant, Australia Public Valuers, were engaged to assist in the preparation of the revaluation and to provide assurance for the methodology used. Regular revaluations are aimed at ensuring Council's asset renewal requirements and associated depreciation

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funding are appropriately reflected in Council's Asset Management Plans and Council's Long Financial Plan.

The revaluation conducted for the financial year ended 30 June 2020 was audited by the NSW Audit Office and no issues were identified.

The impact of that revaluation was an increase in annual depreciation of \$6.0M, which was advised to Councillors within the information package regarding the Draft Budget 2021/2022 issued in March 2020.

Another revaluation was undertaken for the financial year ended 30 June 2021, resulting in further adjustments to asset values. Council will continue to engage an external consultant to undertake annual asset value assessments to enable a condition based depreciation methodology. The NSW Audit Office has not expressed any concerns regarding this approach and depreciation methodology.

Renewal and new asset works are undertaken as per adopted Operational Plans. The extraction of details on specific works and technical methodologies would take many hours of staff time. This work cannot be undertaken with existing resources. Staff across the organisation are at capacity with flood work, delivering the 2021/2022 Operational Plan and responding to constituents' requests. The details requested relate to operational information that will be used when considering the review of the Asset Management Plan in conjunction with the review of the Community Strategic Plan, early next year. It is intended that Council will engage an external consultant to assist Council in preparing the new Asset Management Plan including the exploration of contemporary asset management approaches and methodology to determine optimal asset intervention points and consequently maximise value for money.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING
SECTION 5 – Notices of Motion
Meeting Date: 26 October 2021

Item: 211

NM4 - Revised 2021/2022 Operational Plan - (138885, 79351)

Submitted by: Councillor Ross

NOTICE OF MOTION:

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

BACKGROUND

Four months of the 2021/2022 financial year have now passed. Council has not considered, or granted, funding associated with the financial imposts resulting from the March 2021 flooding event, in particular.

Current recovery expenditures, in the main, have no Council approved appropriation. Only by diverting funds out of allocated Plan projects does “recovery” activity now occur.

Implementation of Council’s 2021/2022 Operational Plan may thus be compromised with any further delay in voting increased funding to meet Council’s “flood recovery” requirements.

NOTE BY MANAGEMENT

Each year, Council adopts its Operational Plan in June, and then considers Quarterly Budget Review Statements after each subsequent quarter except the June quarter. Quarterly Budget Review Statements are submitted to Council at the second meetings in the months of November, February and May each year.

Quarterly Budget Review Statements are the mechanism by which any changes to the Operational Plan, including financial impacts, are identified and adjustments to budgets are made accordingly. Quarterly Budget Review Statements are submitted to Council based on a comprehensive and detailed review of planned activities and associated budgeted, and a review of Council’s projected financial position by the Responsible Accounting Officer. The process, including associated reporting legislative requirements, takes approximately two months after the end of a quarter.

In regard to the 2021/2022 Operational Plan, a Quarterly Review Budget Statement based on the quarter ending 30 September 2021 will be submitted to Council at the meeting on 23 November 2021. This Quarterly Review Budget Statement will reflect any impact of the March 2021 Flood on the Operational Plan. The Quarterly Review Budget Statement will include any necessary budget adjustments, including, but not limited to, any financial impacts of the March 2021 Flood based on information available.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING**Questions for Next Meeting****Meeting Date:** 26 October 2021**QUESTIONS FOR NEXT MEETING**

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

Previous Item: 200, Ordinary (12 October 2021)

The following question received from a Councillor regarding matters on the Council Meeting Business Paper of 28 September 2021 was taken on notice. A response was provided in the Council Meeting Business Paper of 12 October 2021, indicating that a more substantive response would be provided at the next Council Meeting. An additional response to the question is provided below.

#	Councillor	Question	Response
1	Ross	In relation to the grant of that development in the area of Ivy Avenue, what was agreed upon if anything and did it involve the developer of that site.	<p>The Director City Planning advised that the section of Pitt Town Road referred to in the engineers report as variable width road was created under an earlier re-alignment action undertaken in accordance with the provisions of the then Main Roads scheme.</p> <p>The action which occurred in 1966 creating Lots 4 and 5 in DP2226291 was a normal statutory procedure which allowed for the planning and implementation of long range state road planning schemes.</p> <p>Land affected by a road widening order would be acquired during the normal course of a subdivision of an adjacent parcel. As a consequence of the residential development that created Lots 4 and 5 previously referred to and Ivy Avenue and its adjoining streets, required the dedication of that portion as public road variable. This is the section of the variable width road which was referred to as origin unknown in the engineering report that was presented to Council.</p> <p>Lot 27 in DP1025505, is an earth banked public reserve that was dedicated in conjunction with the above residential subdivision. The low point is in the section of land (now the road reserve) that was acquired for future road purposes under the earlier re-alignment action.</p>

oooO END OF REPORT Oooo

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Questions for Next Meeting
Meeting Date: 26 October 2021

Item: 213

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

The following question was received from a Councillor regarding matters on the Council Meeting Business Paper of 12 October 2021. This question was taken on notice and the response is provided below.

#	Councillor	Question	Response
1	Calvert	Can Council opt in to the Rural Boundary Clearing Code on a temporary basis.	The Director City Planning advised an enquiry has been made through the Department of Planning, Industry and Environment and should a response be received by the Ordinary Meeting this can be outlined at the meeting.

oooO END OF REPORT Oooo

ORDINARY MEETING
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Item: 214

Questions with Notice - 26 October 2021

Questions - 26 October 2021

#	Councillor	Question	Response
1	Kotlash	<p>When is the report that was requested in June 2021 covering the following going to be delivered?</p> <ul style="list-style-type: none"> a) Alternative pricing structures including user pays. b) The feasibility and economic potential of split systems (i.e, grey and brown water treatment) and how this might reduce costs. c) A draft survey of pump-out households. d) How the revised Development Control Plan will provide more flexibility to the owners of the new dwellings who would like to explore alternatives to pump-out. e) The information that Council provides to homeowners concerning inspections. <p>Some in the media have mistakenly reported that Council does not want to hold a public meeting to hear directly from stakeholders. So, to alleviate this misconception, how soon after receipt of this report can a public meeting be held?</p>	<p>The Acting Director of Infrastructure Services advised that a report will be submitted to Council in November 2021.</p>
2	Lyons-Buckett	<p>Can Council please provide the community with the details of the Section 7.11 Fund and the Section 64 Stormwater Fund for the Pitt Town area as requested by the Pitt Town Progress Association?</p>	<p>The Acting Chief Financial Officer advised that as at 30 September 2021, details in relation to funds held for the Section 7.11 Pitt Town Developer Contributions Plan are:</p> <ul style="list-style-type: none"> • Opening balance as at 1 July 2021 \$12,146,284 • Budgeted expenditure \$5,301,183 • Projected interest income \$30,803 • Projected closing balance as at 30 June 2022 \$6,875,904 <p>As at 30 September 2021,</p>

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			<p>details in relation to funds held for the Section 64 Pitt Town Stormwater Contributions Plan are:</p> <ul style="list-style-type: none"> • Opening balance as at 1 July 2021 (\$449,538)* • Budgeted expenditure \$0 • Projected interest expenditure \$2,023 • Projected closing balance as at 30 June 2022 (\$451,561)* <p>*Amounts quoted indicate a negative balance.</p> <p>It is to be noted that costs in relation to essential infrastructure included within the Section 64 Stormwater Contributions Plan were incurred upfront and will be recovered through the levying of stormwater charges as further lots are developed.</p> <p>Relevant information regarding contributions plans applying to Pitt Town will be provided within Council's Quarterly Budget Review Statements issued in November, February and May each year.</p>
3	Reynolds	Could council be advised how much TFNSW paid to use Council's traffic model as the basis for their traffic analysis for the Richmond Bridge Duplication project?	<p>The Acting Director of Infrastructure Services advised Council and TFNSW have worked collaboratively in regard to traffic modelling. When developing its traffic model, Council used input from TFNSW, including standards and traffic data. Council subsequently made its model available to TFNSW to inform further significant modelling specific to the Richmond Duplication Bridge project. The information sharing between Council and TFNSW has been on the basis of a collaborative approach aimed at</p>

ORDINARY MEETING

Questions for Next Meeting

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			maintaining consistency and achieving the best outcome for the community. Accordingly, there is no scope for a payment to be requested from TFNSW.
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oooO END OF REPORT Oooo

ORDINARY MEETING
Confidential Reports
Meeting Date: 26 October 2021

CONFIDENTIAL REPORTS

No Confidential Reports.



Ordinary Meeting

End of Business Paper

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.