



Hawkesbury City Council

ordinary meeting business paper

date of meeting: 31 January 2017

location: council chambers

time: 6:30 p.m.



mission statement

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

How Council Operates

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

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

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

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

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

Public Participation

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

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

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

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

Voting

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

Planning Decision

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

Business Papers

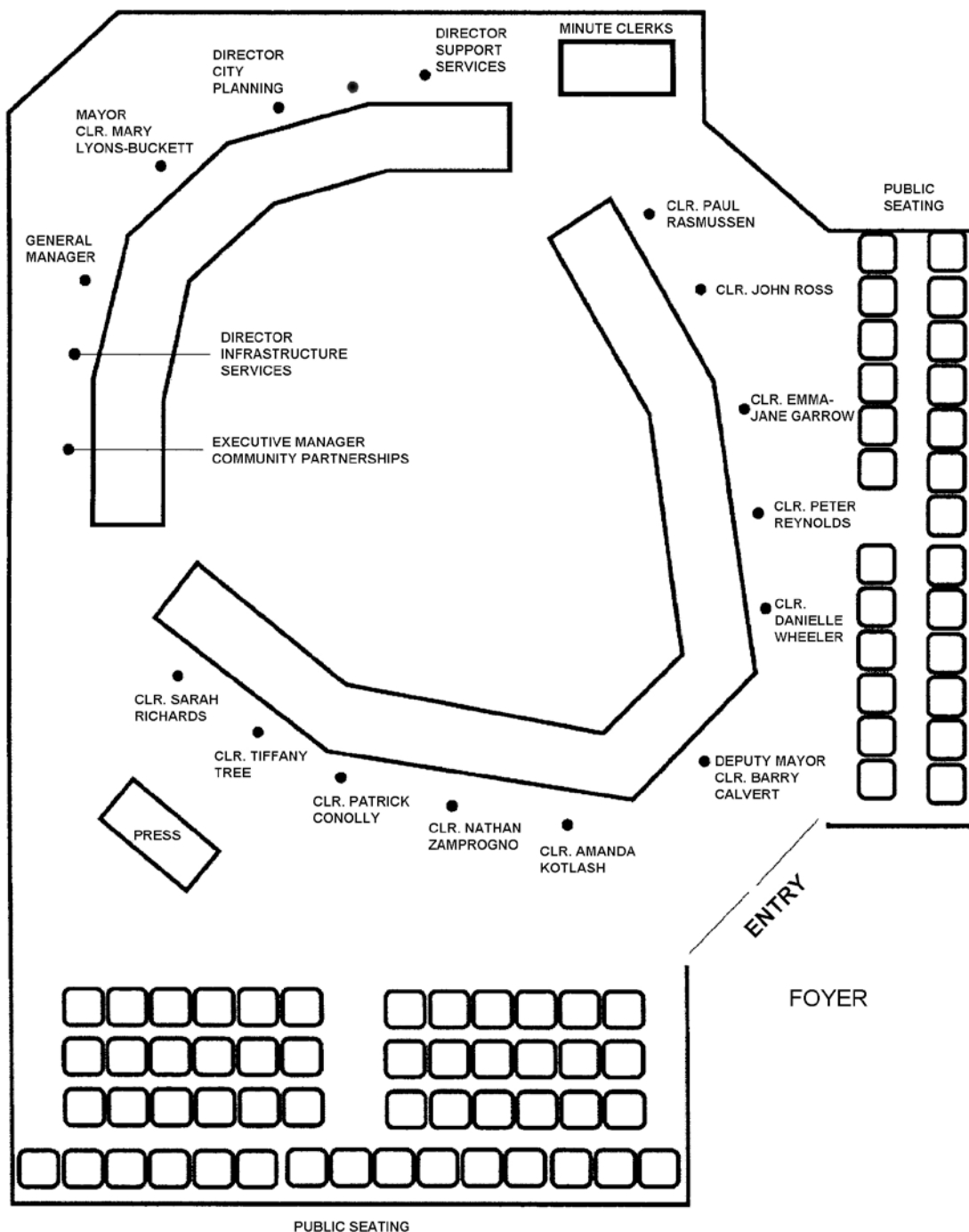
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>

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

Further Information

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

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- **SECTION 2 - Mayoral Minutes**
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SECTION 1 - Confirmation of Minutes

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 1 CP - DA0455/15 - 31A Flinders Place, North Richmond - Lot 2 DP1010228 - Multi Dwelling Housing - (94598, 88858, 36645, 36644)

Previous Item: 251, Ordinary (29 November 2016)

Development Information

File Number: DA0455/15
Property Address: 31A Flinders Place, North Richmond
Applicant: Barbara Tarnawski Architects
Owner: Mr M A McDonell and Ms H M Williams
Proposal Details: Multi Dwelling Housing – Three dwellings
Estimated Cost: \$995,000
Zone: R3 Medium Density Residential
Date Received: 23 July 2015
Advertising: 5 August 2015 to 19 August 2015

Key Issues:

- ◆ Flood liability of land
- ◆ Inconsistent with Sydney Regional Environmental Plan No.20 – Hawkesbury – Nepean River
- ◆ Inconsistent with Hawkesbury LEP and DCP

Recommendation: Refusal

REPORT:

Executive Summary

This Development Application seeks consent for the construction of a multi dwelling housing development at 31A Flinders Place, North Richmond.

The subject land is adjacent to the Hawkesbury River and the rear of the site is subject to significant flood risk.

An assessment of the development controls applying to the land has been undertaken and it is considered that the proposal is unable to adequately address matters having regard to flooding and visual impact.

It is recommended that the application not be supported as the proposal is inconsistent with the relevant planning controls applying to the development of the land.

The application is being reported to Council at the request of the Mayor, Councillor Lyons-Buckett.

This application was previously considered by Council at the meeting of 29 November 2016 where Council resolved the following:

"That:

1. *The matter be deferred to permit a site inspection to be carried out.*
2. *Council review the correspondence in regard to this matter to ascertain whether information requested by the applicant was provided within an acceptable time frame."*

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A site inspection was held and is discussed below under the history section of this report.

Description of Proposal

Pursuant to Section 78A(1) of the Environmental Planning and Assessment Act (EP&A) Act 1979 this application seeks Council's consent for the construction of three dwellings at Lot 2 DP 1010228, 31A Flinders Place North Richmond.

The three dwellings would be contained within two separate buildings with an attached dual occupancy at the front of the property and a single dwelling at the rear of the site.

Dwellings One (due to the flood affectation of the site) and Three (due to the slope of the site) would consist of three stories and Dwelling Two would be two storey. Each dwelling would be provided with a double garage.

The application originally proposed the construction of four dwellings. The application is accompanied by amended plans, statement of environmental effects, geotechnical assessment report and BASIX Certificate.

Description of the site

The subject land is an irregular shaped battle-axe lot with access to Flinders Place and backs onto a public reserve known as Hawkesbury Park. The land totals 1,734sqm in area, is vacant, very steep and slopes towards the rear of the site.

History of the application

- 29 September 2015 Letter sent to the applicant advising that the proposal for four dwellings is unlikely to be supported based on the information submitted and issues in respect to SREP 20, building height, private open space, earthworks, parking and access, overshadowing, safety and security, mail and waste collection, flooding, geotechnical details and issues raised in the submissions of objection received by Council.
- 17 November 2015 Meeting held with the applicant to discuss issues raised.
- 27 November 2015 Applicant referred to meeting of 17 November and requested additional time to provide a revised proposal. This request stated *"It is anticipated we will be able to respond within the next 2 weeks."*
- No further correspondence was received from the applicant until June 2016.
- June 2016 Applicant submitted amended plans attempting to address Council's previous concerns and reducing the number of dwellings to three.
- It is noted that in between the meeting held on 17 November 2015 and receipt of amended plans the NSW Department of Planning have advised Council that flood risk within the Hawkesbury is one of the key concerns when considering any increase of residential development within the locality.

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In relation to part 2 of the resolution from 29 November 2016, during this time Council staff resources changed with the assessing officer taking maternity leave and another assessing officer resigning from Council. These changes resulted in the application being reassigned to different staff in order to complete the assessment. It is unfortunate that this also may have resulted in an adverse impact on communication between the applicant and Council. However, it should also be noted that the additional information received in June 2016 did not address some of the significant concerns raised with the applicant in November 2015. In this regard, the legislation requires Council to accept the response to an information request from an applicant on face value and then assess the matter using the information submitted; it also seems that further discussion regarding these issues may not have resulted in any additional amendments from the applicant given the discussions held during the site meeting.

- 29 November 2016 Application reported to Council meeting where it was resolved to undertake a site inspection and review whether information provided by the applicant was submitted within an acceptable time frame.
- 7 December 2016 Site inspection carried out and attended by the Mayor, Councillor Lyons-Buckett, and Councillors Rasmussen, Richards, Ross, Wheeler and also the Manager Development Services and Director City Planning.
- During the site inspection the applicant requested additional time to allow for the distribution of a 3D video to the Councillors to show how the buildings would be sited on the land.
- 8 December 2016 Additional time was provided to applicant to distribute the 3D video to the Councillors and the applicant was advised the proposal would be presented to the next available Council meeting in 2017.
- January 2017 Since the site inspection the applicant has advised Council officers that they are instigating the preparation of a flood report to address issues raised in respect to impact of floodwaters on the lower dwelling.

It should be noted that a flood report has not been requested to be provided as part of the application by the Council assessing staff or as part of Council's resolution. This has not been requested by Council as there is sufficient information in Council's records (Flood Risk Management Study and other flood information) to adequately assess this matter. In this regard, the preparation of such a report puts unnecessary additional costs to the developer in an instance where the report would not be able to address the primary issue applying to the development, being the increase in number of dwellings on flood prone land.

Furthermore it is has been determined that the applicant has had sufficient time since these issues were raised to consider redesigning the proposal to have all dwellings constructed above the flood planning level.

Consequently the matters raised in the Council resolution have been satisfied and the development is being reported back to Council for determination.

Council Policies, Procedures and Codes to Which the Matter Relates

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan 2012 (LEP 2012)
- Hawkesbury Development Control Plan 2002 (DCP 2002)

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

In determining the application, Council is required to take into consideration the following matters as are relevant to the land to which the development application relates:

a. The provisions of any:

i. Environmental Planning Instrument:

State Environmental Planning Policy No. 55 – Remediation of Land

The subject land has historically been used for residential purposes and there is no evidence to suggest that the site is contaminated to the extent that would prevent the land from continuing to be used for residential purposes. With respect to the provisions of SEPP No. 55 the site is considered suitable for the proposed development.

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

The aim of this plan is to protect the environment of the Hawkesbury-Nepean river system by ensuring potential impacts of future land uses are considered in a regional context. An assessment of the proposal has identified that the development is considered unacceptable having regard to the following planning policies and development controls of this policy.

Planning policies of SREP 20 Clause 6 subclause (7) Riverine scenic quality

The application proposes the construction of a dwelling forward of the established pattern of development that runs along the natural terrace of Flinders Place. Whilst there is no objection to the location of the attached dual occupancy at the front of the land it is considered that the proposed Dwelling One at the rear of the site would have an adverse impact on the overall scenic quality of the riverine corridor.

Image 1 below highlights the flood planning level of the locality and the location of both building envelopes associated with the proposal. It is clear that building footprints along Flinders Place are located above the flood planning level. However, the proposed building pad of Dwelling One is significantly forward of the established building line when viewed from the river corridor.

The closest building setback on adjoining properties from the Hawkesbury Park property boundary is at No.27 Flinders Place and is approximately 25.7m with the remaining dwellings on these adjoining allotments significantly greater than this. The current application proposes a setback of approximately 10.5m from the rear boundary of the subject land with Hawkesbury Park.



Figure 1: Building setback

The proposal is considered unacceptable having considered the Hawkesbury – Nepean River Scenic Quality Study as the proposal is inconsistent with the suggested response for landscape unit 3.4.1 which is to restrict and concentrate residential uses to terraces.

Furthermore the overall size, bulk, and scale of proposed Dwelling One is considered unacceptable as the application proposes the dwelling on flood prone land and requires significant design/engineering responses and modification to the site to achieve flood planning levels.

Development controls of SREP 20, Clause 11, subclause (16) Land uses in riverine scenic areas

This clause applies to the development as the land is located within an area of regional significance. As previously mentioned in this report the location of Dwelling One is considered unacceptable as the building would be visually intrusive when viewed from the Hawkesbury Park river corridor. The proposed setback from the river is not considered to be acceptable as it relies on significant modifications to the natural levels of the land and or design/engineering modifications to support a proposal which is out of character with the established pattern of development along Flinders Place.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been issued for the proposed development.

Hawkesbury Local Environmental Plan 2012

The subject land is zoned R3 Medium Density Residential, the proposed development is best defined as 'multi dwelling housing' and is a permitted land use with development consent in the zone. However, permissibility within the zone does not guarantee approval as any development must still comply with and be consistent with the relevant planning controls in the LEP.

An assessment of the proposal against the following specific clauses of the LEP is included below.

Clause 2.3 Zone objectives and Land Use Table

The proposal is considered unacceptable having regard to the zone objectives as the application proposes to increase the density of residential development on land subject to significant flood risk (see discussion below) which does not provide appropriate housing for the community within a medium density residential environment. Proposed Dwelling One is on land below the 1 in 100 year flood event for the locality and would put residents and property at risk. Approving intensification of flood prone land would create unreasonable demands for public emergency services prior to and after a flood event.

Clause 4.3 Height of buildings

Whilst the buildings comply with the minimum building height requirement of 10m it is considered that the height of proposed Dwelling One, combined with its location, is unacceptable. The building is significantly forward of the established building line for development fronting the river and the overall bulk and scale of the proposal is inconsistent with the character of the locality and objectives of this clause. Image 2 below is an extract from the plans and shows the extent of filling/engineering and building construction works required to achieve a finished floor level above the 1 in 100 year flood event.

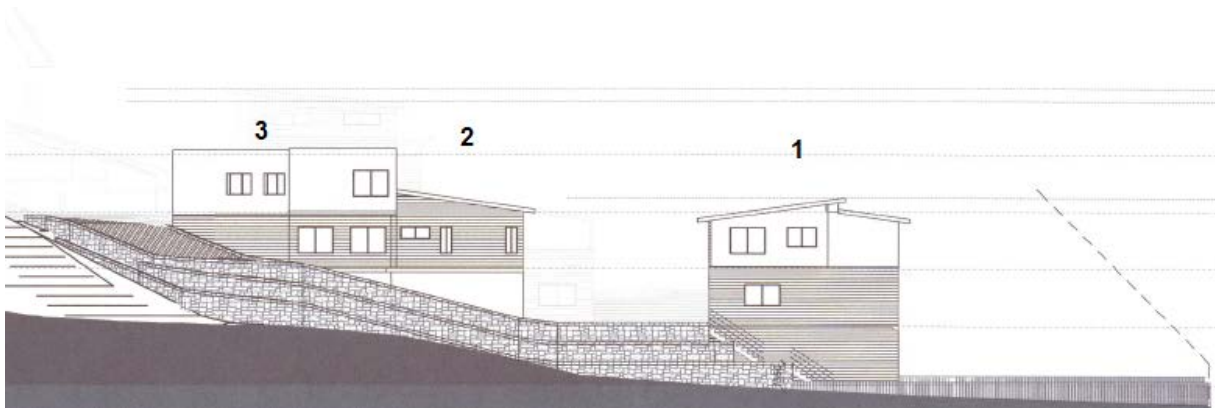


Figure 2: Elevations

Clause 6.1 Acid sulfate soils

The proposal involves significant earthworks within close proximity to an adjacent class 4 and 1 land. The application is not accompanied by an acid sulfate soils management plan in accordance with the Acid Sulfate Soils Manual.

Clause 6.3 Earthworks

An elevation of the proposed works is provided in Image 2 above and raises concerns in respect to the amount of works required to establish the proposed building envelopes, particularly in respect to Dwelling One.

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It is considered that the location of Dwelling One is unacceptable having regard to the objectives and matters for consideration contained under this clause.

The proposal relies on significant amount of engineering/earthworks to be carried out to support the proposal with up to 3.5m deep excavations required for access and building works based on the information submitted in the geotechnical assessment report and plans.

Furthermore the earthworks associated with the proposal may require the importation of material to address slope and geotechnical issues associated with the land. Filling of flood prone land is not considered to be best practice and has the potential to be undermined in the event of a flood and the geotechnical assessment report submitted recommends that the likely impacts of flood on the site need to be assessed.

Clause 6.3 Flood planning

This clause applies to the development as the land is below the flood planning level for the locality which is predicted at 17.5m Australian Height Datum (AHD).

Proposed Dwellings Two and Three at the front of the site would be located above the 1 in 100 year flood event. However, in the locality of proposed Dwelling One would be on land between 17m and 14.3m AHD, with habitable areas of the building proposed at 17.6m AHD, i.e., the lower floor of the structure is proposed to be non-habitable.

Whilst there is no objection to locating dwellings above the 1 in 100 year flood level, it is recommended that the proposal to intensify higher density residential development on flood prone land should not be supported. The proposal is considered unacceptable having regard to Clause 6.3 on the basis that:

- access to proposed Dwelling One may become inundated during a flood event or blocked in an emergency. In this case it would result in a travel path through areas of high hazard flood risk,
- an additional dwelling on flood prone land does not seek to minimise the flood risk to life and property,
- proposed Dwelling One is located outside the established building pattern of Flinders Place and has the potential to change the flood behaviour and environment of downstream properties,
- the proposal may result in Dwelling One being isolated in a flood and potential for residents requiring rescue,
- the proposal has the potential to result in unsustainable social and economic costs to the community, particularly in respect of additional strains on emergency services and evacuation procedures that are currently in place for the locality. Additional people requiring evacuation from the land in the event of a flood is high and has the potential to conflict with existing evacuation procedures in place for residents.

It is considered that any development of the site should be confined to a building envelope above the 1 in 100 year flood event which does not rely on significant earthworks on flood prone land.

The application seeks to justify that the proposal is acceptable having regard to flooding on the basis that the development can achieve the habitable floor height requirements of Council's Development of Flood Liable Land Policy.

Even though proposed Dwelling One could achieve the habitable floor height rules it is noted that these requirements typically apply to land which is vacant or where an existing dwelling is proposed to be replaced or altered and the original intent of that Policy was not to enable medium density residential development on flood affected land. Furthermore Section 3.0 Clause 4 of Council's Development of Flood Liable Land Policy relevantly states:

- "4. *The assessment of a development application must consider the flood liability of access to the land and, if the land is within a floodway area, the effect of isolation of the land by flooding, notwithstanding whether other aspects of this Policy have been satisfied. In this regard the access to, and egress from, the land should not result in a travel path through areas of higher flood hazard risk and the development should not result in the occupants/users of the development being isolated and requiring rescue.*"

Support of the proposal based on the justification provided has the potential to set an undesirable precedent when considering other medium density residential development within the locality, particularly along this part of the river frontage.

Council's development engineer has assessed the proposal and identified that:

- the development is within a High Risk Flood precinct with flood velocities during the 1 in 100 year flood event being approximately two metres per second
- existing developments surrounding the site are above the top of the natural embankment of the river and the proposal involves the construction of an artificial embankment creating a peninsular into the natural river alignment. This discontinuity would result in associated structures under the 1 in 100 year flood level being subject to significant flooding forces.

Consequently the proposal is unacceptable having regard to flood risk and is unsatisfactory having regard to the LEP.

Clause 6.7 Essential Services

A 6m driveway is required to be provided to service multi dwelling development and the proposed accessway is not wide enough to allow for the passing of vehicles. The applicant has stated that they were attempting to obtain easements from adjoining property owners to widen the driveway, but at the time of writing this report no details have been submitted by the applicant. Should this occur then the application would be a different development application under the legislation (relates to different parcels of land) and a new or amended development application would need to be made and processed, i.e., the process starts again. Furthermore the gradient of the driveway makes it even more difficult in respect to potential vehicle and pedestrian conflict.

ii. Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council

There are no Draft Environmental Planning Instruments relevant to the subject land or development.

iii. Development Control Plan applying to the land

Hawkesbury Development Control Plan (DCP) 2002

The proposal is inconsistent having regard to the car parking and access and residential chapters of the DCP. An assessment of the proposal against the relevant chapters of this DCP follows:

Part A Chapter 3 - Notification

The application was notified between 5 August 2015 and 19 August 2015 in accordance with the DCP. A total of 18 submissions and one petition with 30 signatures were received.

Following the notification of the proposal the applicant amended the application from four dwellings to three dwellings. Given that a reduced number of dwellings would be unlikely to have any additional impact on the environment or the locality it is considered that the proposal was not required to be re-notified under the DCP.

The issues raised in the initial submissions are still relevant to the site and the development and have been considered under the submission section of this report below.

Part C Chapter 2 – Car Parking and Access

Access to service the multi dwelling development is unacceptable having regard to the overall aims and objectives of this chapter due to the proposed driveway width, gradient and potential issues in respect to vehicle and pedestrian conflict.

Part D Chapter 1 - Residential Development

The proposed development is inconsistent with the overall aims, objectives and rules of this chapter, particularly in respect to the following:

Height – The height of proposed Dwelling One is considered to be excessive in the context of the locality. The application proposes the development of land below the 1 in 100 year flood level contrary to the established pattern of surrounding development. Both the location of proposed Dwelling One and a variation to the building height plane rule is not supported.

Private open space – The proposed private open space areas are not considered to be directly accessible from the main living areas and do not provide for an appropriate level of amenity of the dwellings. It is considered that design of private open space areas should be consistent with adjoining development which are orientated directly towards the public reserve at the rear of the land.

Vehicle access and car parking – The proposal to have a driveway between the proposed buildings is considered to be poor in respect to amenity. Furthermore the driveway access does not comply with the gradient and width requirements of the DCP. It is considered that parking would be more appropriate closer to the front of the site given that the current arrangement does not provide suitable space for vehicle passing or pedestrian access.

Safety and security – It is considered that proposed Dwellings One and Two do not provide direct and convenient access for residents to the street.

Recycling, garbage and mail collection areas – The proposal to provide access to these areas has not been integrated into the overall building design and is not acceptable within the accessway.

iv. Planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

N/A

v. Matters prescribed by the Regulations:

Should the proposal be supported the development would be subject to being completed in accordance with the requirements of the Building Code of Australia (BCA)/National Construction Code and be levied against Council's Section 94A Contributions Plan 2015.

b. The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:

It is unlikely that the development would have any adverse impacts on flora and fauna, heritage, bushfire or services of the surrounding locality.

The unsatisfactory impacts envisaged with the proposal relate to the development of the land that is subject to flooding and inconsistent with adjoining development.

Support of the proposal has the potential to set an undesirable social and economic impact in the locality by locating medium density housing on land subject to flooding.

c. Suitability of the site for the development:

The proposal is considered unsuitable for increased residential development given that the land is subject to significant flood risk. This has been discussed in the report previously.

The applicant has been previously advised to reconsider the proposal to construct additional dwellings on flood prone land. Whilst the proposed number of dwellings on flood prone land has been reduced it is considered that the flood risk to property and life remains with the amended proposal. It is recommended that any future application being lodged for the subject land be limited to the development of land above the flood level of the locality consistent with adjoining development.

d. Any submissions made in accordance with the Act or the Regulations:***Public Submissions***

The submissions received in respect to the proposal all raise objection to the proposed four dwelling development.

In response to issues raised by Council officers and in the submissions received the applicant proposed to reduce the development to three dwellings.

Issues raised by the respondents in respect to number of parking spaces have been resolved; however it is considered that the following issues remain outstanding with the amended design:

- increase in intensity of development for flood affected land
- inconsistent with adjoining development
- height and setback of proposed buildings towards the rear property boundary
- location of garbage and recycling areas
- driveway gradient and safety
- pedestrian access
- increase in number of kerbside collection bins along the cul-de-sac of Flinders Place
- non-compliance with the DCP and Hawkesbury Development of Flood Liable Land Policy
- increase in traffic, noise and pollution.

It is noted that some of the submissions received have detailed that the main concerns relate towards having a building forward of the established building pattern of Flinders Place and that an attached dual occupancy design at the front of the property would fit in more with adjoining development.

The issues raised during the submissions are considered justified and have been discussed throughout this report. Support of the amended proposal would have an adverse impact on adjoining development having regard to the above issues and it is considered that the land is more suited to development of a lower density and scale which is consistent with surrounding development.

e. The Public Interest:

The proposed development is considered to be contrary to the general public interest in that the proposal is inconsistent with the aims, objectives and rules of the relevant planning controls and matters for consideration discussed in this report.

Conclusion

The application has been assessed in accordance with the provisions of the Environmental Planning & Assessment Act 1979 with all matters specified under Section 79C(1) having been taken into consideration. The proposal is inconsistent with the overall aims, objectives and rules relating to flooding and residential development contained under SREP 20, Hawkesbury LEP 2012 and Hawkesbury DCP 2002.

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Given the potential impacts on flooding and the character of the locality it is recommended that the application be refused.

Planning Decision

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

RECOMMENDATION:

That development application DA0455/15 at Lot 2 DP 1010228, 31A Flinders Place, North Richmond for Multi Dwelling Housing – Three Dwellings be refused for the following reasons:

1. The development is considered unacceptable having regard to Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River.
 - a) The proposal is unacceptable having regard to the matters for consideration contained within the following clauses:
 - (i) Clause 6 subclause (7) Riverine scenic quality: and
 - (ii) Clause 11 subclause (16) Land uses in riverine scenic areas.
2. The proposal is considered unacceptable having regard to the Hawkesbury Local Environmental Plan 2012.
 - a) The proposal is inconsistent with the overall aims and objectives of this plan and the R3 Medium Density Residential zone. The proposal does not provide for the orderly and economic development of land that is constrained by flooding and the application has not adequately taken into account the physical characteristics of the land with respect to flooding, earthworks and access.
 - b) An acid sulfate soils management plan is required to be submitted to consider the proposal in accordance with Clause 6.1 Acid Sulfate Soils.
 - c) The proposal is unacceptable having regard to the objectives and matters for consideration contained under Clause 6.2 Earthworks.
 - d) The proposal is considered unacceptable having regard to the matters of Clause 6.3 Flood Planning of the Hawkesbury Local Environmental Plan 2012 and Council's Development of Flood Liable Land Policy. The proposal is not compatible with the flood hazard of the land. Access and egress from the property will potentially result in a travel path through areas of higher flood hazard risk and proposed Dwelling One will be impacted by significant flood forces.
 - e) Access to the development is considered unsatisfactory and the proposal is not supported having regard to Clause 6.7 Essential Services.

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3. The proposal is inconsistent having regard to Council's Development of Flood Liable Land Policy in respect to the flood risk.
4. The development is considered unacceptable having regard to Hawkesbury Development Control Plan 2002.
 - a) The proposed access is considered unacceptable having regard to the matters for consideration and requirements contained in Part C Chapter 2 – Car Parking and Access.
 - b) The proposal is inconsistent with the aims, objectives and rules of Part D: Chapter 1 Residential Development. In particular having regard to height, private open space, vehicle access and car parking, safety and security and recycling, garbage and mail collection areas.
5. Proposed Dwelling One is inconsistent with the established pattern of development fronting the Hawkesbury River, would have an adverse impact on the amenity of the locality, has the potential to set an undesirable precedent in approving the intensification of development of flood prone land and is not considered to be in the general public interest.

ATTACHMENTS:

AT - 1 Locality Map

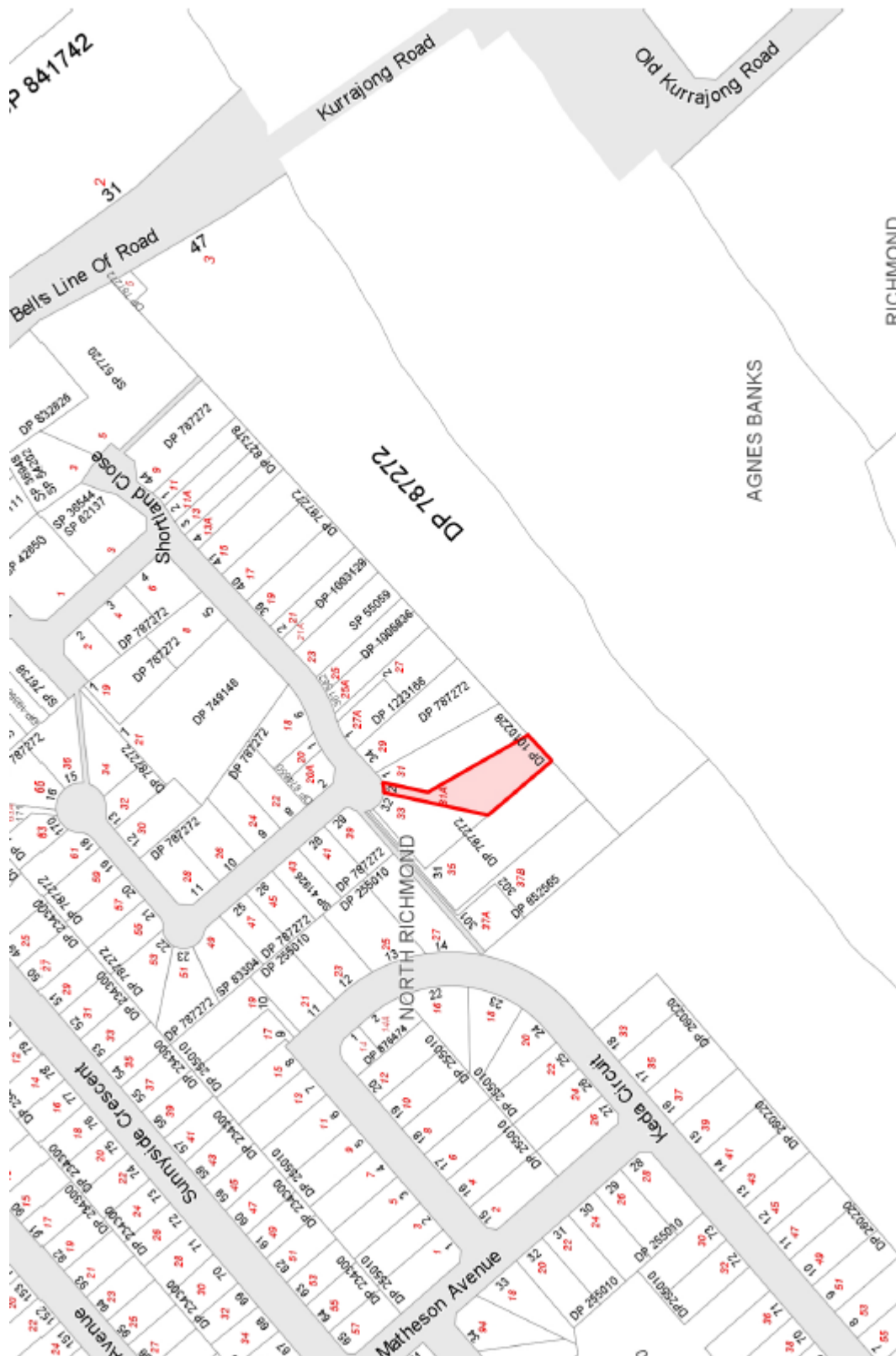
AT – 2 Aerial Map

AT – 3 Plans

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AT - 1 Locality Map



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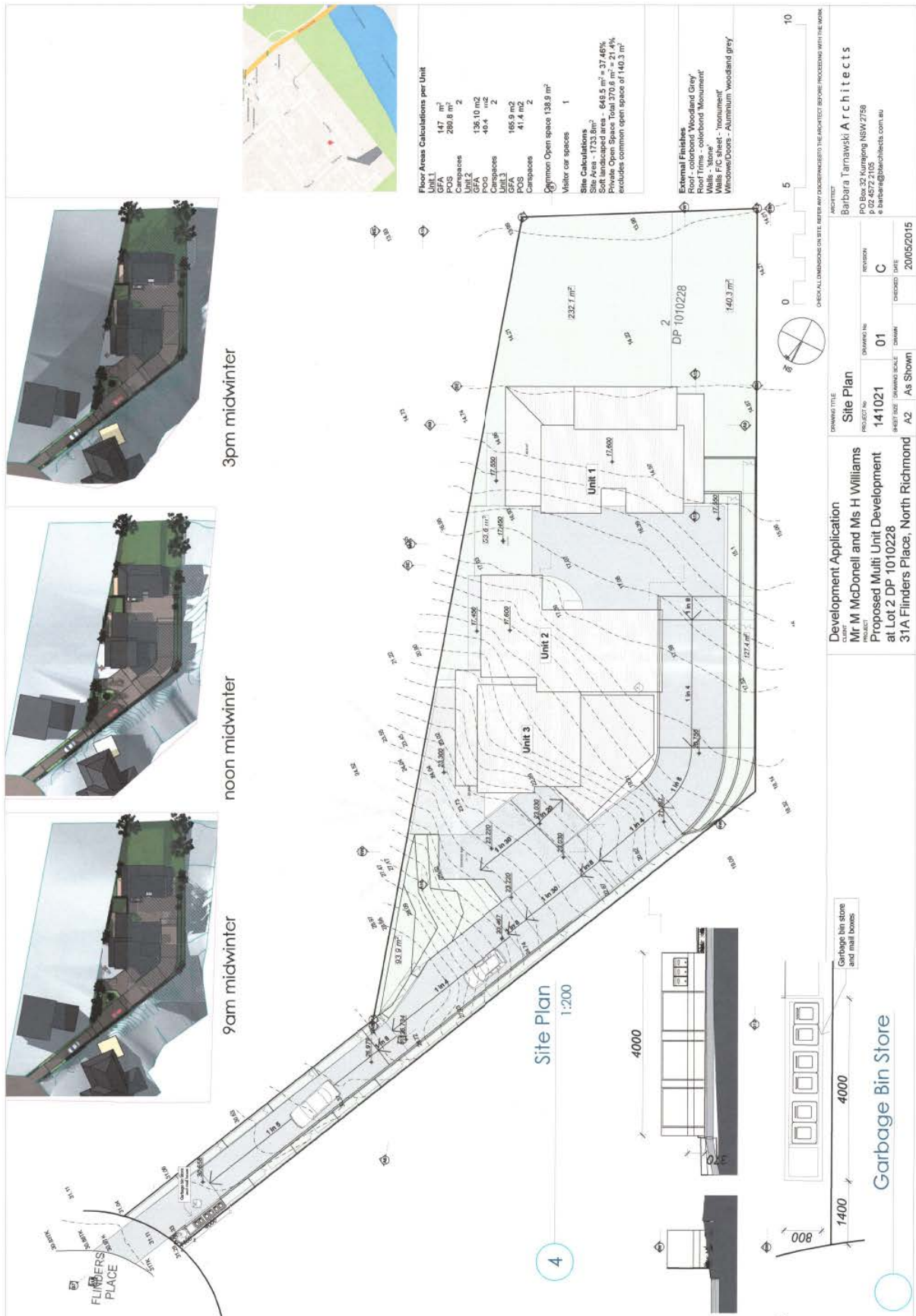
AT – 2 Aerial Map



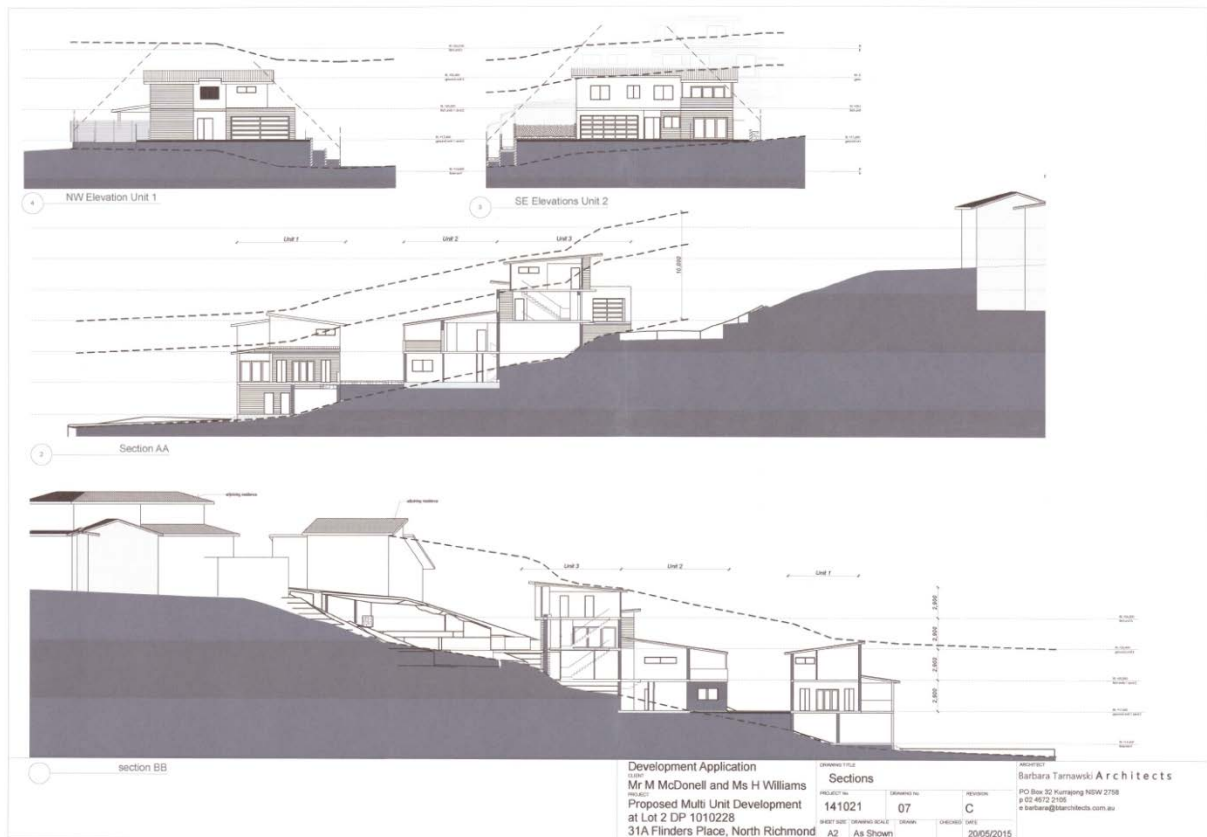
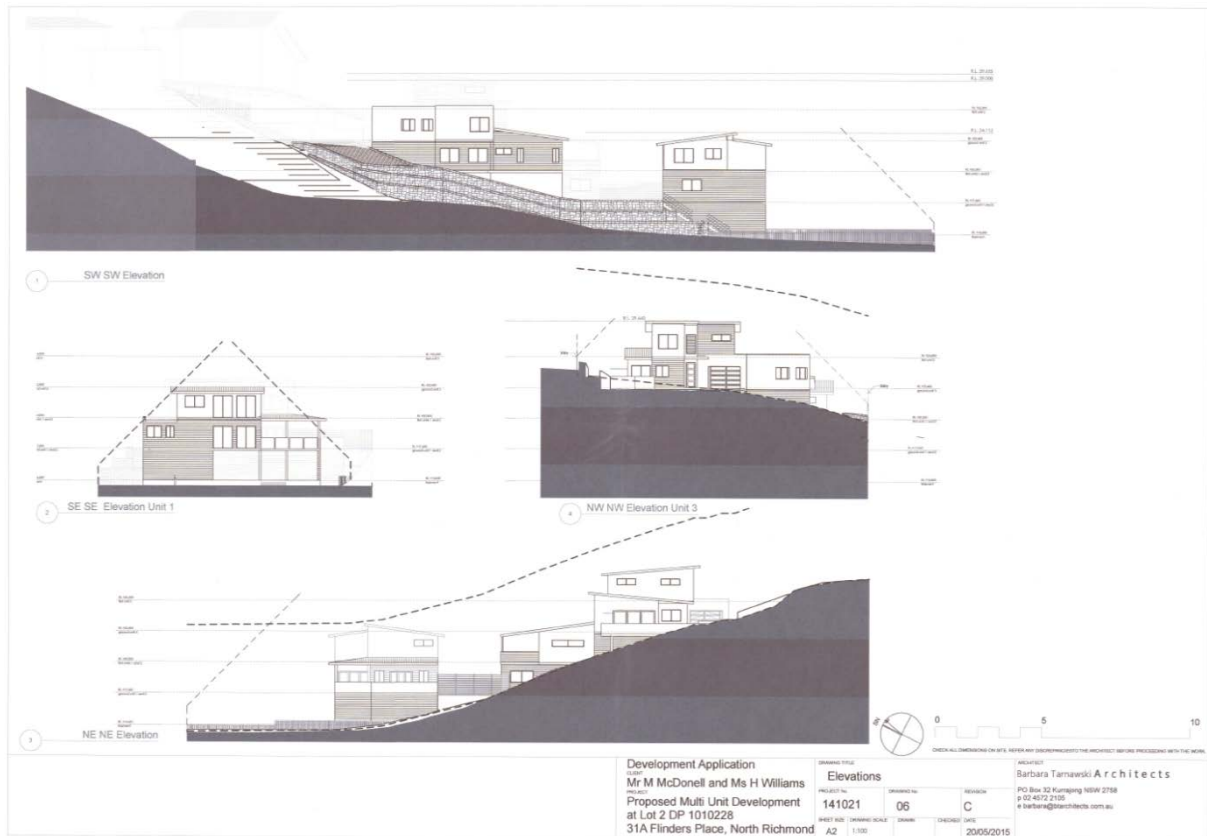
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AT - 3 Plans



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Item: 2 CP - DA0642/15 - 1029 St Albans Road, Lower Macdonald - Lot 1 DP 605179 - Function Centre and Tourist Accommodation - (94598, 115319, 91795)

Previous Item: 267, Ordinary (13 December 2016)

Development Information

File Number: DA0642/15
Property Address: 1029 St Albans Road, Lower Macdonald
Applicant: Mr S Kavanagh
Owner: BP & S Pty Ltd
Proposal Details: Function Centre and Tourist and Visitor Accommodation – Retrospective – The extension of a car park and the use of the premises as a function centre and tourist and visitor accommodation
Estimated Cost: \$25,000
Zone: E4 Environmental Living
Date Received: 16 October 2015
Advertising: 11 to 29 March 2016

Key Issues:

- ◆ Categorisation and Permissibility
- ◆ Traffic and Parking Impacts
- ◆ Amenity Impacts

Recommendation: Approval

REPORT:

Executive Summary

This application seeks Council approval for the extension of a car park and the retrospective approval for the use of the former St Joseph's Catholic Church at 1029 St Albans Road, Lower Macdonald, as a function centre, and tourist and visitor accommodation. The work undertaken to restore the structure for the use as a dwelling was assessed and approved under a separate development approval (DA0459/09).

A report on this matter was previously considered at Council's Ordinary Meeting of 13 December 2016. At this meeting, Council resolved to defer the matter to allow Councillors to inspect the property. On 17 January 2017 the Mayor, Councillor Lyons-Buckett and Councillors Garrow, Rasmussen, Ross and Wheeler, as well as Council staff undertook a site inspection of the property.

The heritage listed building is currently being used as a function centre and guesthouse without the required Council approvals. In particular the property is being used to hold wedding ceremonies and receptions, with current bookings for the function centre extending into 2018.

Documentation supplied by the Applicant in support of the application indicates that the function centre is to cater for approximately 100 patrons and will operate between 8am and 10pm, Friday to Sunday and between 8am and 8pm, Monday to Thursday. The Applicant suggests that typically, wedding ceremonies and receptions will be held on Saturdays from 4pm to 10pm. The tourist and visitor accommodation component of the development may accommodate up to 10 guests seven days a week.

There is evidence that the owner of the property has, to this point, operated the function centre in a manner that has impacted on the amenity of the neighbouring properties. Submissions received from three neighbours state that the current operation of the function centre generates significant noise, parking and traffic impacts for the locality. There have also been complaints that visitors to the site have been camping and parking on the neighbouring property at 937 St Albans Road.

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Function centres are normally a prohibited use within the E4 Environmental Living zone. However, the application seeks to rely on the 'conservation incentives' clause (Clause 5.10(10)) of the Hawkesbury Local Environmental Plan (LEP) 2012 for permissibility. In this regard, the Applicant has already undertaken significant works (approved under a previous development approval) to restore the former church building and the operation of a commercial venture will assist in the long-term maintenance of the building.

The application has been reviewed by Council staff and with the imposition of consent conditions to limit and control problems with the current operation of the function centre (which has operated without any such development controls); the development is seen to be acceptable and is recommended for conditional approval.

Development Description

Pursuant to Section 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's approval for the use of the premises as a function centre and tourist and visitor accommodation. Earthworks and an extension of the existing car park are also proposed to provide parking for 24 vehicles.

The subject property contains a sandstone former church that is identified as a local heritage item. The site also contains a car park and driveway with separate entrance and exit points. A cemetery associated with St Joseph's Catholic Church is located on both the subject property and the adjoining property at 937 St Albans Road.

The building and property are currently being used to hold events and functions, as well as accommodate guests, without the consent of Council. The application therefore seeks retrospective approval for the function centre and tourist and visitor accommodation uses.

The Plan of Management submitted in support of the development indicates that the function centre will cater for up to 100 guests and, should it be approved, will operate within the following hours:

Friday to Sunday:	8am to 10pm
Monday to Thursday:	8am to 8pm

The tourist and visitor accommodation within the former church building may cater for up to 10 guests seven days a week.

The Plan of Management indicates that the function centre may operate, dependent on booking demand, seven days per week. However, the supplied documentation suggests that one event or function will generally be held each week, with such events typically held on Saturdays from 4pm to 10pm.

Whilst the supplied documentation suggests the above hours and numbers, it should be noted that the website for the business previously suggested functions and events may extend past 11pm and that more than 100 people could be catered for. From the complaints received from neighbours it is clear that the function centre is not currently operating in accordance with their own nominated operational controls. As there are no current approvals for this use on the site there are also no current Council imposed operational controls for the site. The purpose of the current application is to gain approval and then impose the appropriate operational controls on the development that can then be enforced by Council.

The documentation indicates that caterers will generally be used to prepare and cook meals offsite and bring meals to the site for service. A mini-bus will be used to transport function centre guests between the site and local tourist accommodation facilities. Portable toilets will also be used in addition to the existing facilities.

The property is zoned E4 Environmental Living and function centres are prohibited within this zone. This application therefore seeks to rely on Council's LEP Conservation Incentives clause (Clause 5.10(10)) to permit the proposed function centre use.

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Background Chronology

- The application was lodged on 16 October 2015.
- Additional information regarding the permissibility of the function centre, noise impacts, effluent disposal, a Plan of Management and outstanding fees was requested by Council on 29 October 2015.
- Information was provided by the Applicant on 30 December 2015 and outstanding fees were paid 29 March 2016.
- The application was notified from 11 to 29 March 2016.
- Information regarding the management of the function centre and the installation of a noise limiting device within the building was provided on 30 March 2016.
- Additional information regarding the function centre use, noise impacts, parking impacts and the upgrading of the building was requested by Council on 21 June 2016.
- An onsite meeting between Council staff and the Applicant was held on 28 June 2016.
- Complaints that camping and the parking of vehicles were being undertaken on a neighbouring property were discussed with the Applicant on 9 August 2016. (Note; this is a matter between the landowners and not a development consideration)
- An Acoustic Report, Traffic Report and updated Plan of Management were provided by the Applicant on 17 August and 7 September 2016.
- Additional information regarding sight distances at the property access points was requested by Council on 12 September 2016.
- Information relating to access driveways and sight distances was provided by the Applicant on 16 September 2016.
- A report on this matter was considered by Council at its Ordinary Meeting of 13 December 2016. At this time Council resolved to defer the matter to arrange a site inspection.
- Councillors and Council staff inspected the property on 17 January 2017.

Site and Locality Description

The subject property has frontage to St Albans Road and is located approximately 4.4km north of the Webbs Creek ferry crossing at Wisemans Ferry. The land has an area of approximately 1.77ha and is legally known as Lot 1 in DP 605179.

The property contains the former St Joseph's Catholic Church building, a car park for four vehicles and a cemetery. The building and car park are located on a steep ridge above St Albans Road and the Macdonald River.

The building was most recently approved as a single dwelling house with Development Consent No. DA0459/09. Significant works were completed under this consent to restore the building.

Surrounding development generally consists of rural residential and agricultural properties.

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

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

Section 79C Matters for Consideration

The development has been considered against the heads of consideration listed under Section 79C(1) of the EP&A Act.

(a)(i) Environmental Planning Instruments:***Hawkesbury Local Environmental Plan 2012***

The subject property is zoned E4 Environmental Living under the Hawkesbury LEP 2012.

The Hawkesbury LEP 2012's Dictionary provides the following definitions that are relevant to the development:

"tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
 - (b) bed and breakfast accommodation,
 - (c) farm stay accommodation,
 - (d) hotel or motel accommodation,
 - (e) serviced apartments,
- but does not include:
- (f) camping grounds, or
 - (g) caravan parks, or
 - (h) eco-tourist facilities

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility."

The building and its surrounds are currently being used as a guesthouse to accommodate up to 10 people and to hold functions and events for approximately 100 people. These uses fall under the definitions of 'tourist and visitor accommodation' and a 'function centre'.

Tourist and visitor accommodation is permissible whilst function centres are prohibited within the E4 Environmental Living zone.

The property is heritage-listed and contains the former St Joseph's Catholic Church. The church building dates from approximately 1843 and is listed as a local heritage item for historical and architectural reasons.

Clause 5.10(10) of the Hawkesbury LEP 2012 outlines Council *"may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, (emphasis added) if the consent authority is satisfied that:*

- "(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area."*

Prior to the restoration work that was undertaken with Development Consent No. DA0459/09, the subject building appeared to be a ruin and in a state of almost complete disrepair. Indeed, the building is listed as 'ruins' under Schedule 5 of the Hawkesbury LEP 2012. The restoration works that have been undertaken by the applicant have improved its appearance and rendered the building habitable.

Whilst significant conservation works are not proposed with the current application, it is considered that the past works have assisted in the conservation of the heritage item. Based on this past restoration and conservation work, it is considered that the Applicant should benefit from the use of the conservation incentives clause. The use of the property for a commercial purpose, in this instance a function centre, will not detract from the significance of the site and may allow for the ongoing maintenance and conservation of the heritage item. The approval of the otherwise prohibited function centre use would therefore facilitate the conservation of the heritage item.

The application is supported by documentation (prepared for the Applicant) indicating that the activity can be carried out in a manner that would not permanently compromise the character of the locality or result in significant amenity impacts for neighbouring land uses. The application has been reviewed by Council staff and with the imposition of conditions to limit and control the current operation of the function centre, the development is seen to be acceptable.

Council's Heritage Advisor is generally supportive of the application. It is considered that the development is consistent with and satisfies the conservation incentive provisions of the Hawkesbury LEP 2012.

It is recommended that the matter be referred to Council's Environment and Regulatory Services – Compliance Section to ensure that appropriate action is taken with respect to past unauthorised activities that have occurred at the site.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The site exceeds 1ha in area and therefore triggers the requirements of SEPP No. 44. However, the area surrounding the former church building has previously been cleared and minimal clearing would be required to accommodate the proposed car park extension. Based on the extent and condition of the vegetation the works are not expected to significantly impact on potential or core koala habitat. The development is therefore considered satisfactory having regard to the provisions of this Policy.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7(1) of SEPP No. 55 outlines a consent authority "must not consent to the carrying out of any development on land unless:

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

The property has a long history of use for religious purposes. Most recently the building has been used as a residence and an unauthorised function centre and tourist facility. There is no evidence to suggest that the previous uses of the land would have contaminated the land so as to prevent the proposed development. The land is therefore considered suitable for the development having regard to the provisions of SEPP No. 55.

State Environmental Planning Policy No. 64 – Advertising and Signage

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

The installation of any future signage will require the submission of a separate development application.

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

The subject property falls within the boundary of SREP No. 20. This policy aims "*to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context*". SREP No. 20 requires an assessment of development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

The property has a rural setting and the development is unlikely to significantly impact upon the environment of the Hawkesbury-Nepean River in either a local or regional context.

(a)(ii) Draft Environmental Planning Instruments

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

(a)(iii) Development Control Plans***Hawkesbury Development Control Plan 2002***

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

Part A Chapter 3: Notification:

The proposal was notified from 11 to 29 March 2016 in accordance with Part A Chapter 3 of the Hawkesbury DCP 2002. Three submissions were received in response to the notification of the application and are discussed later in this report.

Part C Chapter 2: Car Parking and Access:

Part C Chapter 2 of the Hawkesbury DCP 2002 outlines that car parking for reception centres and the like is to be provided at a rate of one space per 20m² of gross floor area (GFA) or one space per three seats, whichever is greater.

Based on an area – not GFA – of approximately 230m² for the building and alfresco area a total of 13 parking spaces would be required for the function centre, whilst based on 100 patrons (seats) a total of 34 parking spaces would be required under Section 2.5.2 of Part C Chapter 2 of the Hawkesbury DCP 2002.

A total of 24 marked parking spaces are proposed in the application to service the function centre (including guests of the tourist and visitor accommodation), which would satisfy the numerical requirements of the Hawkesbury DCP 2002 with respect to area but not patron numbers (seats).

The car parking numbers onsite are limited due to the topography and heritage values of the site. The provision of further parking areas may detract from the aesthetic qualities of the site. Numerical parking requirements must therefore be assessed practically and due consideration is to be given to the benefits of the development on local businesses and the community.

Documentation supplied by the Applicant indicates that a minibus will be used to transport guests between the venue and local places of accommodation. Such buses may accommodate up to 12 people and, with appropriate management, will help to reduce traffic and parking demand. Overflow parking on a grassed area to the east of the building may also provide parking for an additional eight vehicles onsite.

St Albans Road has a narrow width and the parking of vehicles within the road reserve may result in safety issues. The provision of 24 defined spaces and overflow parking for an additional 8 vehicles is seen to be sufficient based on the numerical parking controls of the Part C Chapter 2 of the Hawkesbury DCP 2002.

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The site's driveways currently have inadequate sight distance and do not comply with the relevant Austroads' Standards. The speed limit in the area is 80km/hour however on the tight bends it is more likely that vehicles will be travelling around 60km/hour. The current site distance is somewhere between 10m to 20m. The absolute minimum distance for a design speed of 60km/hour is 56m. The submitted Traffic and Parking Report suggests that the existing exit driveway and sight distances will be acceptable with the installation of a convex mirror.

Council's engineering assessment disagrees with these findings and has advised that works within the road reserve will be required (including batter modification and vegetation removal) to increase sight distances to at least 56m. A site meeting with the Applicant has been undertaken and guidance has been provided on what Council believes would be adequate to achieve the required sight distances.

The obtainment of a Design Compliance Certificate will be required for the earthworks, car park and road reserve works.

With the upgrading of onsite parking and sight lines to St Albans Road, it is considered that the development is unlikely to result in unreasonable traffic, parking or access impacts upon the surrounding road network.

Part C Chapter 3: Signs:

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

The installation of any future signage will require the submission of a separate development application.

Part C Chapter 10: Heritage Conservation:

The adaptation of the building to allow for the function centre and tourist accommodation uses will have a minimal impact on the heritage significance of the property. The development will not materially affect views to or from the former St Joseph's Catholic Church.

The operation of the function centre and tourist and visitor accommodation is consistent with the provisions of Part C Chapter 10 of the Hawkesbury DCP 2002.

(a)(iv) Regulations

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

The Environmental Planning & Assessment Regulation 2000 outlines that the development is to comply with the National Construction Code / Building Code of Australia (BCA). Suitable conditions of consent may be imposed to ensure compliance with this requirement should the application be approved.

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

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

The function centre is to cater for up to 100 guests and is to operate seven days a week within the following hours:

Friday to Sunday:	8am and 10pm
Monday to Thursday:	8am and 8pm.

Typically the Applicant suggests that wedding ceremonies, receptions and other events will be held on Saturdays from 4pm to 10pm.

The tourist and visitor accommodation may cater for up to 10 guests seven days a week.

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An amended Acoustic Report has been submitted in support of the application and has been assessed by relevant Council staff. The report indicates that the function centre can operate in compliance with the relevant noise criteria provided a number of operational measures are employed. These measures include:

- Power to all audio or audio-visual equipment shall be controlled by a noise limiting device that is set to 85dB(A) (internal). The noise limiter device must only be accessible by management and must not be used by third parties.
- All outdoor activities/congregations/events/functions shall be conducted on the western side of the building only.
- No personal stereos and/or public address (PA) systems are to be used onsite.
- Outdoor background music may only be played outside until 7pm. Any music after 7pm must be connected to the noise limiter installed within the building.
- Musicians are to consist of a maximum two piece band (acoustic string instruments only) or a disc jockey (DJ). No amplified or percussion instruments are allowed to perform. Musicians are only allowed to perform within the ground floor of the building; they must not perform outside the building.
- Patrons and guests must be instructed to not cause unnecessary noise and to be mindful of neighbours. Signs are to be placed on the balcony area to advise patrons to keep noise to a minimum.

These measures are generally reflected in the prepared Plan of Management for the development.

The amended Acoustic Report indicates that outdoor music may be played until 7pm as opposed to the originally nominated 6pm. Each of these times is within the 'evening period' and typical noise restrictions do not apply. Accordingly no objection is raised to this change in operation.

Whilst the findings of the Acoustic Report demonstrate that the activities could potentially be undertaken without unreasonably impacting on neighbours, the Applicant's conduct up to this point does not provide confidence that the recommendations of the Acoustic Report and Plan of Management will be satisfied. On this basis it is recommended that more restrictive hours and limitations on the number of functions and events that may be held each week are imposed.

The subject building is significantly setback from neighbouring dwellings and with the imposition of conditions restricting events and requiring compliance with the prepared consultancy reports it is considered unlikely that the development will produce significant environmental, social or economic impacts for the locality.

Whilst portable toilets will generally be used for functions, an Effluent Disposal Report has been submitted detailing that the land can accommodate the use of an Aerated Wastewater Treatment System (AWTS), balancing/metering tank and low-pressure effluent irrigation system designed to cater for up to 100 patrons. The installation of the balancing/metering tank will be required based on the demand generated by the function centre use and will allow for the proportional application of treated effluent.

(c) Suitability of the Site for Development

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

The property is located in close proximity to the Macdonald River and the adopted 1-in-100 year flood level for the area is 10.3m AHD. The subject building and car park are located on a steep ridge above St Albans Road that has height in excess of 31m AHD. On this basis the majority of the property is not subject to Council's flood planning controls however a portion of the site's western driveway and the roads within the vicinity may be subject to flooding.

Concerns were raised with the Applicant in relation to the possibility of visitors becoming stranded during even minor events with little shelter and the possibility of limited food supplies. This matter has since been addressed by the Applicant providing clarification that flood events in this area are typically long duration events and there is significant warning prior to access being blocked or ferries ceasing operation. It was also explained that limited people will stay on the site itself and the majority of visitors will stay at other accommodation within St Albans and other areas.

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Functions and accommodation bookings may be cancelled in the event of flood warnings.

The proposed uses are commercial in nature and the building would be unoccupied for extended periods of time. It is therefore considered that the site is suitable for the development.

(d) Any Submissions

The development was notified from 11 to 29 March 2016 in accordance with Part A Chapter 3 of the Hawkesbury DCP 2002. As detailed previously in this report a total of three submissions were received in response to the notification of the application. Multiple submissions have been received from the respondents, including further submissions since the Council meeting of 13 December 2016.

The matters raised in the submissions are summarised below in italics, followed by a response by the assessing officer.

Comment: The property is already being used to hold functions and events.

Officer's response: The use of the building and property as both a function centre and tourist and visitor accommodation is currently being undertaken without the consent of Council. In this regard, there are no operational conditions to enforce on that use. The purpose of this application is to obtain approval and then operational controls would be attached to that consent.

Complaints regarding these unauthorised uses have been referred to Council's Environment and Regulatory Services – Compliance Section. However, it is understood that they have deferred any compliance action until such time that this application is determined due to the different action required to cease operations due to no consent or to enforce consent conditions.

Comment: Functions and events being held onsite generate unreasonable noise impacts for neighbours.

Officer's response: It is evident that the function centre has been operated with little consideration for neighbours, the local community or Council. However, as a part of this application, the applicant has had to review the operation of the function centre and consultants have been engaged to address noise, traffic and parking issues.

With the imposition of conditions requiring the installation of noise limiting devices, as well as a reduction in the number of events and operating hours, it is considered that the function centre can be operated without unreasonably impacting upon the amenity of neighbours and the local community.

An Acoustic Report has been prepared in support of the development which indicates that the function centre use may operate within the relevant noise criteria provided appropriate measures are implemented.

Comment: The property does not provide adequate parking for the function centre. This results in vehicles being parked dangerously on St Albans Road which is a narrow and winding rural road.

Officer's response: Numerical parking requirements have been discussed previously in this report.

Comment: Guests have been parking their vehicles and camping on the neighbouring property at 937 St Albans Road.

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Officer's response: Photographs supplied in a submission indicate that guests have been camping on both the subject property and the neighbouring property at 937 St Albans Road. There have also been complaints that guests have parked their vehicles on this neighbouring property. The issue of trespass onto other properties is not a matter for consideration in the assessment of the development application. However, if a proposed development is likely to generate increased potential for this to occur then that assessment can provide suggested controls to reduce that potential.

The documentation supplied in support of the application does not address camping and insufficient facilities are available onsite to cater for such a use. It is also likely that such activities have contributed to amenity impacts that the neighbours have experienced.

It is therefore recommended that a condition is imposed prohibiting any camping or caravans on the property unless otherwise allowed under Section 77 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

A further condition requiring the installation of a rural fence, as a minimum standard, to define the boundaries of the property will also deter guests from entering and parking vehicles on the neighbouring property. The relevant property owners can agree to a fence of a greater standard if they desire.

Comment: The plans do not appear to be accurate and there is a concern that the works will extend within the adjoining property at 937 St Albans Road.

Officer's response: The imposition of a condition requiring the obtainment of a boundary survey is recommended to ensure that any works are located wholly within the subject property. If works extend beyond the property boundary it would be a breach of development consent (if granted) and then appropriate Orders can be used to ensure compliance with that consent.

Comment: Vegetation has been removed and the property is now far more visible from nearby properties and streets.

Officer's response: The works approved with Development Consent No. DA0459/09 restored the walls and roof of the building, increasing its height and visibility in comparison to the former ruins. Vegetation removal was also undertaken with approval to establish asset protection zones. Those works appear to be undertaken in compliance with that previous approval.

(e) Public Interest

With the imposition of conditions, and the appropriate management of the function centre use, the development is not expected to adversely impact upon the character of the locality, the surrounding environment or the heritage significance of the site. The approval of the application may assist in the conservation of the heritage item and is therefore seen to be in the public interest.

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Referrals

Heritage

In the assessment of the application, Council's Heritage Advisor outlined that in order for the Conservation Incentives Clause to be used there needed to be sufficient information provided to Council regarding the ongoing maintenance of the heritage item. In response, Council received a Schedule of Conservation Works and maintenance costings for the former St Joseph's Catholic Church:

- interior re-pointing works: \$15,000
- exterior re-pointing works: \$40,000
- stone replacement: \$16,000
- buttress stone replacement: \$40,000
- galvanised roof replacement: \$40,000.

The total cost of the identified maintenance works is estimated to be in the vicinity of \$151,000.00. The applicant has advised that the funding required to undertake this future maintenance work would largely be dependent on the operation of the function centre and the use of the Hawkesbury LEP 2012 conservation incentives Clause.

It is noted that significant restoration works were undertaken to the former church building with Development Consent No. DA0459/09 and conservation benefits resulting from these past works have been achieved.

External Referrals

Rural Fire Services

The property comprises bush fire prone land and the tourist and visitor accommodation component of the development is defined as a 'special fire protection purpose' under the Rural Fire Services Act 1997. On this basis the application was referred to the Rural Fire Service (RFS) as 'integrated development'.

The RFS have reviewed the application and have provided their General Terms of Approvals. These terms must be imposed as conditions of consent should the application be approved.

Developer Contributions

The re-construction and fitout of the building was approved with Development Consent No. DA0459/09 and accordingly the subject application primarily involves the extension of the existing car park. Based on the supplied value-of-works of \$25,000 the payments of Section 94A Development Contributions are not required.

It should also be noted that the adaptive re-use of a heritage item is not subject to the payment of Section 94A Development Contributions under Section 25J(3)(m) of the EP&A Regulation.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 79C(1) having been taken into consideration. The development may be considered under the Conservation Incentives Clause of the Hawkesbury LEP 2012 and Council's environmental health assessment supports the conclusions of the prepared Acoustic Report.

With the imposition of conditions to manage and control the operation of the function centre, the development is recommended for conditional approval.

ORDINARY MEETING**Meeting Date:** 31 January 2017**Planning Decision**

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

RECOMMENDATION:

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. DA0642/15 for a function centre and tourist and visitor accommodation on Lot 1 in DP 605179, known as 1029 St Albans Road, Lower Macdonald, subject to the following conditions;

General

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

Document Number	Prepared By	Dated
Drawing No. DA-01 '1029 St Albans Road'	John Potts Architect	October 2015
Drawing No. DA-01 'Figure 1'	Blue Mountains Geological and Environmental Services Pty Ltd	13 November 2015
'Plan of Management – St Joseph's – 1029 St Albans Road'	John Potts Architect	16 October 2015
'Noise Impact Assessment – Function Room – 1029 St Albans Road, Lower Macdonald' (Reference No. R160399R1 Rev '2')	Rodney Stevens Acoustics	18 January 2017
'Investigation and Assessment for On-site Effluent Management at St Josephs Guesthouse – Lot 1, DP 605179, No. 1029 St Albans Road, Central MacDonald' Report (Reference No. 151201)	Blue Mountains Geological and Environmental Services Pty Ltd	December 2015

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

2. No excavation, site works or civil works shall be commenced prior to the issue of a Design Compliance Certificate.
3. A Design Compliance Certificate must be submitted to the Certifying Authority within three months from the determination date of this consent.
4. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
5. The development shall comply with the provisions of the Building Code of Australia (BCA)/National Construction Code.
6. The development shall comply with the Disability (Access to Premises – Buildings) Standards 2010.

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7. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
8. This development falls within the Sewerage Scheme controlled by Hawkesbury City Council. Therefore Hawkesbury City Council is the approving authority for all sewer works.

An 'Application to Amend a Sewage Management Facility' Form must be submitted to Council's Environment and Regulatory Services/Environmental Health Department for the alterations to the existing Aerated Wastewater Treatment System (AWTS) and associated land application area prior to any works being commenced in relation to the sewage management facility (Septic Licence No. S0050/10).

The land application area shall be a minimum of 900m². A reserve area of 900m² shall be made available for expansion; for resting of the land application system or for duplication of the land application system if unforeseen circumstances require this at some future time.

The onsite sewage management facility shall be installed and commissioned in accordance with the 'Investigation and Assessment for On-site Effluent Management at St Josephs Guesthouse – Lot 1, DP 605179, No. 1029 St Albans Road, Central MacDonald' Report (Reference No. 151201) prepared by Blue Mountains Geological and Environmental Services Pty Ltd and dated December 2015 or as amended by the approval of the above application.

Integrated Development – General Terms of Approval

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

9. NSW Rural Fire Service – The General Terms of Approval (Reference No. D16/1007 DA16040401357 MA) prepared by the Rural Fire Service and dated 24 May 2016 are attached and form part of this consent.

Prior to Issue of a Design Compliance Certificate

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

10. A Design Compliance Certificate shall be obtained for this development covering:
 - a) Construction of the car park;
 - b) Civil works for sight distance improvement within the road reserve;
 - c) Construction of any retaining walls; and
 - d) Civil drainage.

Prior to the issue of a Design Compliance Certificate, plans showing finished levels, any associated drainage, any structural details, batter grades and finished surfaces must be submitted to the Certifying Authority.

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

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11. The payment of a long service levy is required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 in respect to this building work. Proof that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of the Design Compliance Certificate. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Corporation offices or at most Councils.
12. All earthworks on the site must comply with the following:
 - a) topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping
 - b) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of the filling works
 - c) once the topsoil has been removed the natural batter shall be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the top of the fill batter in place
 - d) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stone flagging or terracing shall be constructed
 - e) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 95% when tested in accordance with Australian Standard AS1289 'Methods of testing soils for engineering purposes' unless otherwise specified
 - f) filling shall comprise only uncontaminated Virgin Excavated Natural Material (VENM). Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.

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

13. Any retaining walls having a height exceeding 600mm are required to be designed by a practicing structural engineer. The design must be submitted to the Certifying Authority prior to issue of the Design Compliance Certificate.
14. Earthworks, vegetation removal and traffic measures are to be undertaken within the road reserve to ensure that sight distances for vehicles leaving the site are a minimum of 56 metres (in accordance with AUSTROAD Absolute Minimum for 60km/hr) in both directions. Details demonstrating compliance with this requirement, such as the installation of additional measures such as convex mirrors, are to be included on the plans submitted to Council prior to issue of the Design Compliance Certificate.
15. Car parking spaces shall be provided in accordance with AS2890.1 'Parking facilities: Off-street parking'. The minimum number of sealed parking spaces provided shall be 24 spaces. The car parking spaces are to be identified onsite by line-marking.

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

16. The development shall not create adverse impacts to neighbouring properties in relation to overland flow of stormwater and must meet the following requirements:
 - a) water flowing from the property must not be redirected or concentrated to adjoining properties
 - b) water flowing into the property from adjoining lots shall not be impeded or diverted
 - c) water flow shall follow the natural flow directions without increasing velocity.

Details are to be provided on the plans submitted to the Certifying Authority prior to issue of a Design Compliance Certificate.

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Prior to Commencement of Works

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

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

20. Toilet facilities (to the satisfaction of Council) shall be provided for workers throughout the course of building operations. Such a facility shall be located wholly within the property boundary.
21. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with Landcom's publication 'Managing Urban Stormwater – Soils and Construction (2004)'.
22. A Traffic Management Plan prepared in accordance with the Roads and Maritime Services' (formerly the Roads and Traffic Authority) publication 'Traffic Control at Worksites' is to be prepared by an appropriately qualified person and submitted to Council for approval prior to commencement of any works.
23. The works shall be set out by a Registered Surveyor to ensure that no work is undertaken on adjoining properties as part of this consent. A Survey Certificate for the site showing the location of the car park, fencing and other structures under construction and in compliance with the approved plans shall be lodged with the Principal Certifying Authority during an early stage of construction. Any easements must be shown on the Survey Certificate.
24. All civil construction works required by this consent shall be undertaken in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier.

During Construction

25. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am and 6pm and on Saturdays between 8am and 4pm.
26. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.

The property entry and exit points shall be secured at all times to prevent the unauthorised entry of vehicles, and to ensure that the site manager can control and prevent dumping of waste and potentially contaminated material whilst fill material is being imported or managed on site.
27. Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
28. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road. Any damage to the road surface or public infrastructure caused by construction works are the responsibility of the applicant.

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29. A Traffic Management Plan must be implemented and all devices maintained for the duration of the proposed works in compliance with the approved Traffic Management Plan.
30. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
- stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site
 - building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site
 - builders waste must not be burnt or buried on site
 - all waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
31. Vegetation waste resulting from the approved clearing of the site shall be salvaged for re-use either in log form or as woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots, stumps or declared weed species shall be disposed of to an appropriate waste facility.

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

32. All works associated with the storage, preparation and cooking of food shall be undertaken in accordance with the requirements of:
- Food Act 2003 and Regulations thereunder
 - Australian Standard AS4674:2004 'Design, construction and fit-out of food premises'
 - Australian Standard AS1668.2:2002 'The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control'
 - Hawkesbury Council's 'Food Premises Fit Out Code'.

Any food premises must comply with the following requirements:

- finishes, fittings and appliances must be fit for purpose, and should generally be smooth and impervious to moisture
 - all gaps inside and outside the premises that may allow the entrance of vermin and insects to the kitchen shall be eliminated
 - hand washing facilities, with hot and cold running water mixed through a common spout, hand wash soap and hand drying facilities must be provided in the kitchen. A constant supply of soap and paper towel delivered through a dispenser must be located next to the hand washing facilities
 - where fittings are butt joined together they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75mm is to be provided between fittings. The following requirements apply to clearances and supports of equipment:
 - all refrigerators, freestanding cupboards and similar fittings must have metal legs made of non-corrosive metal or moulded plastic at a minimum height of 150mm above the floor. If placed flush on solid plinths the solid plinth is to be a minimum of 75 mm high
 - where the above fittings do not comply with these clearances, the fittings shall be provided with wheels to enable easy cleaning, and eliminate inaccessible cavity.
33. All civil construction works required by this consent shall be undertaken in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification. Inspections shall be carried out and Compliance Certificates issued by Council or an accredited certifier.

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Prior to Issue of a Construction Compliance Certificate

34. The applicant shall pay a Construction Compliance Certificate fee in accordance with Council's adopted fees and charges when submitting Civil Engineering Plans for approval.
35. All works must be completed in accordance with the approved Design Compliance Certificate Plans, approved supporting documentation and to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Compliance Certificate.

Prior to Issue of an Occupation Certificate

36. A consolidated Plan of Management shall be prepared for the function centre and the tourist and visitor accommodation. This Plan of Management must be provided to Council for approval prior to the release of an interim or Final Occupation Certificate.

The Plan of Management must be prepared to address but not be limited to the following:

- a) hours of operation for the function centre are to be limited to 12pm (midday) to 10pm Friday to Sunday. The operation of the function centre is prohibited Monday to Thursday,
 - b) The departure of patrons from the function centre (exclusive of any guests of the tourist and visitor accommodation) must commence at 10pm, with all function centre patrons removed from the site by 11pm,
 - c) the function centre may be used for a maximum of one function or event per calendar week,
 - d) a maximum of 100 patrons (including any guests of the tourist and visitor accommodation component of the development) may be accommodated within the function centre and the property at any one time,
 - e) a maximum of 10 guests may be accommodated within the tourist and visitor accommodation component of the development at any one time,
 - f) an onsite manager must be present to oversee and manage the operation of the function centre during all functions and events,
 - g) no tents, caravans or campervans are to be installed or used onsite in association with the function centre use or the tourist and visitor accommodation use,
 - h) the recommendations of the 'Noise Impact Assessment – Function Room – 1029 St Albans Road, Lower Macdonald' Report (Reference No. R160399R1 Rev '2') prepared by Rodney Stevens Acoustics and dated 18 January 2017 are to be incorporated into the Plan of Management,
 - i) flood evacuation procedures (including vehicular routes along public roads to the nearest place of refuge) and emergency telephone numbers are to be incorporated into the Plan of Management,
 - j) the Plan of Management is to include details of any 'house rules' and complaints handling procedures.
37. A Flood Emergency Evacuation and Management Plan is to be prepared for the development. The plan shall advise occupants of flood evacuation procedures (including vehicular routes along public roads to the nearest place of refuge) and emergency telephone numbers. The evacuation procedures shall be permanently fixed to the building in a prominent location and maintained at all times.

The plan must outline that any functions, bookings and/or events are to be cancelled upon the issue by any appropriate Authority of a flood warning for the locality.

A copy of this plan shall be provided to Council prior to the release of the Occupation Certificate.

The plan shall also be incorporated in the Plan of Management for the function centre and tourist and visitor accommodation development.

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38. An approval to operate the onsite septic system is required to be obtained from Council. The approval to operate is required to be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate. Any required inspections may be organised by calling (02) 4560 4444.
39. A qualified Structural Engineer shall inspect and certify the mezzanine floor level as being capable of withstanding the loads likely to be imposed upon it from a large gathering of people. The certificate shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
40. A Building Code of Australia (BCA) report from a suitably qualified and experienced person (e.g. a Building Regulation consultant or a Fire Safety Engineer) shall be provided to the Principal Certifying Authority demonstrating adequate provision has been made for fire safety and egress from the building in the event of fire.

Should the report make recommendations for additional works to be carried out in order to address the Performance Provisions of the BCA, those works are to be carried out. Where it is intended not to carry out any such work, the owner is to obtain the written agreement of either Council or the author of the report. Suitable evidence (where necessary) shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

41. A Final Fire Safety Certificate is required to be submitted for the new Fire Safety Measures listed in the Fire Safety Schedule attached to this consent.
42. The following certificate is to be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate. The certificate shall state the name of person or company carrying out the installation and the relevant Australian Standard to which installed:
 - a) A system of lighting must be installed to assist evacuation of occupants in the event of fire. The lighting system must be activated by a smoke alarm in accordance with Clause 3.7.2.5 of the Building Code of Australia. A Certificate of Compliance from an electrician is required to be provided.
43. Rural fencing (post and rail or post and wire) shall be installed to define the property's eastern and southern boundaries with 937 St Albans Road. The fencing shall be installed wholly within the subject property and clear of any headstones and monuments.

The installation of the fencing shall be completed prior to the release of an Occupation Certificate.

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

44. The swimming pool shall be surrounded by a suitable swimming pool barrier that is compliant with the Swimming Pools Act and AS1926. A warning notice (incorporating resuscitation techniques) complying with the requirements of Section 17(1) and Regulation 8 of the Swimming Pools Act 1992 shall also be provided and maintained in a prominent position in the immediate vicinity of the pool.

These requirements shall be satisfied prior to the release of an Interim or Final Occupation Certificate.

45. Potable water shall be provided to the function centre and tourist and visitor accommodation building in accordance with the NSW Health Private Water Supply Guidelines. A Water Supply Management Plan is to be developed and implemented in accordance with this Guideline.

A copy of the Water Supply Management Plan shall be submitted to Council prior to the release of the Occupation Certificate.

The development must be registered with Council as a private water supplier.

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46. Prior to the release of an Occupation Certificate, suitable evidence shall be provided to the Principal Certifying Authority to demonstrate that the General Terms of Approval (Reference No. D16/1007 DA16040401357 MA) issued by the Rural Fire Service and dated 24 May 2016 have been satisfied.
47. A flood warning sign is to be provided advising occupants that public roads used to access the site may be subject to inundation during times of flood. The sign shall be constructed of durable material and installed in a prominent location within the site.

The Use of the Development

48. Hours of operation for the function centre are to be limited to the following:

Friday to Sunday: 12pm (midday) to 10pm
Monday to Thursday: Closed

The orderly departure of patrons from the function centre (exclusive of any guests of the tourist and visitor accommodation) must commence at 10pm, with all function centre patrons removed from the site by 11pm.

49. The function centre may be used for a maximum of one function or event per calendar week.
50. A maximum of 100 patrons (including any guests of the tourist and visitor accommodation component of the development) may be accommodated within the function centre and the property at any time.
51. A maximum of 10 guests be accommodated within the tourist and visitor accommodation component of the development at any time.
52. The tourist and visitor accommodation building shall not be used for permanent occupation as a residence and shall only be used for short term tourist accommodation. The building shall not be made available for long term accommodation. In this regard any continuous length of stay is to be restricted to no more than four consecutive weeks in any six month period.
53. A copy of the guest register for the tourist and visitor accommodation is to be kept from the date of the issue of an occupation certificate. This register is to be kept onsite and shall be made available at the request of Council Officers at any time and a copy is to be forwarded to Council at six monthly periods.
54. An onsite manager must be present to oversee and manage the operation of the function centre at all times during all functions and events.
55. The operation of the function centre and tourist and visitor accommodation must be undertaken in accordance with the approved Plan of Management, except where modified by the conditions of this consent or the requirements of the Department of Liquor and Gaming and/or Police.

A copy of the Plan of Management must be kept and maintained in a register and made available for inspection by the Police, Department of Liquor and Gaming and/or authorised Council inspectors/officers upon request.

The Plan of Management may be altered with the consultation and consent of Local Licensing Police, Department of Liquor and Gaming and/or Council.
56. No tents, caravans or campervans shall be installed or used onsite unless otherwise allowed under Section 77 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
57. Functions, bookings and events shall not occur during flood warning periods or when access roads are inundated by water after rain events. Staff and guests shall be given advanced warning to not access the site during these periods.

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58. Functions and events shall be managed to ensure that adequate parking is available to accommodate all patron, guest and staff/caterer vehicles within the subject property. No loading, unloading or parking of vehicles is permitted on the public road.
59. The operator shall keep a register detailing the date and times of when the premises is being used for a function and the number of guests attending. This register must be made available to Council officers on request and a copy is to be forwarded to Council at six monthly periods.
60. The operation of the development shall incorporate the recommendations of the 'Noise Impact Assessment – Function Room – 1029 St Albans Road, Lower Macdonald' Report (Reference No. R160399R1 Rev '2') prepared by Rodney Stevens Acoustics and dated 18 January 2017. All recommendations contained within the Acoustic Report are to be implemented, including but not limited to the following:
 - a) All activities on the site shall comply with the submitted Acoustic Management Plan.
 - b) Power to all audio or audio-visual equipment shall be controlled by a noise limiting device that is set to 85dB(A) (internal). The noise limiter device must only be accessible by management and must not be used by third parties.
 - c) All outdoor activities/congregations/events/functions shall be conducted on the western side of the building only.
 - d) No personal stereos and/or public address (PA) systems are to be used onsite.
 - e) Outdoor background music may only be played outside until 7:00pm. The external outdoor background music is not to be audible within neighbouring dwellings.
 - f) Any music after 7:00pm must be connected to the noise limiter installed within the building. The playing of amplified or live music inside the function centre shall cease by 9:45pm.
 - g) Musicians are to consist of a maximum two piece band (acoustic string instruments only) or a disc jockey (DJ). No amplified or percussion instruments are allowed to perform. Musicians are only allowed to perform within the ground floor of the building; they must not perform outside the building.
 - h) Patrons and guests must be instructed to not cause unnecessary noise and to be mindful of neighbours. Signs are to be placed on the balcony area to advise patrons to keep noise to a minimum.
 - i) A maximum of 10 guests be accommodated within the tourist and visitor accommodation component of the development at any time.

Where requested certification and/or evidence must be provided to demonstrate that the development is operating in accordance with 'Noise Impact Assessment – Function Room – 1029 St Albans Road, Lower Macdonald' Report (Reference No. R160399R1 Rev '2') prepared by Rodney Stevens Acoustics and dated 18 January 2017 and the conditions of this consent.

If, during the on-going use of the premises, substantiated complaints of breaches of noise occur, the applicant must arrange for further acoustic testing to be undertaken by a suitably qualified acoustic consultant. Any recommendations made by the consultant to ensure the premises complies with the noise criteria specified in the Noise Impact Assessment Report must be immediately implemented.

61. Noise generated as a result of the mechanical plant or equipment during hours of operation shall be managed so that the LAeq noise levels, measured at any point in accordance with the NSW DEC's Industrial Noise Source Policy, does not exceed 5dB(A) (LAeq) above background levels (LA90) with respect to noise amenity of other residential properties and associated outdoor areas. Outside of the hours of operation, the noise from any mechanical plant or equipment should not be significantly audible at any residence.
62. Signs must be placed in clearly visible positions within the building and in the car park area requesting that patrons leaving the premises are to do so quickly and quietly, having regard to maintaining the amenity of the area.

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63. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
- been assessed by a properly qualified person, and
 - found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
64. All vehicles being loaded or unloaded shall stand entirely within the property.
65. Any part of the building used for food preparation shall be registered with Council as a Food Premises and have inspections conducted by Council officers as necessary/required.
66. The food premises shall be maintained in accordance with the requirements of:
- Food Act 2003 and Regulations there under
 - Australian Standard 4674:2004 'Design, construction and fit-out of food premises'.
- Hand washing facilities, with hot and cold running water mixed through a common spout, hand wash soap and hand drying facilities must be provided in the kitchen. A constant supply of soap and paper towel delivered through a dispenser must be located next to the hand washing facilities.
- Any refrigeration used to store potentially hazardous food must have a capacity to keep food colder than 5°C and be provided with a thermometer, accurate to $\pm 1^\circ\text{C}$.
67. All food is to be transported, stored and displayed in a manner that protects the food from likely contamination in accordance with the provisions of Standard 3.2.2 of the Food Standards Code under the Food Act 2003.
68. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
69. All waste materials are to be stored in covered vermin proof waste storage bins and regularly removed from the property. Waste is to be separated where appropriate for re-use and recycling purposes. Waste is to be contained in such a manner to prevent it from being blown, moved or located around the property or surrounding properties.
70. In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
71. Any lighting from the development is to be directed away from surrounding properties, at an angle of 45 degrees towards the ground and shielded if needed, to prevent any light spillage and nuisance onto adjoining properties.

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

Advisory Notes

- This consent operates from the consent date shown on the top of this notice and will lapse unless the development is commenced within five years from the date endorsed on this consent.
- Private Accredited Certifiers do not have any authority to issue Engineering Approvals or carry out inspections for works on Public Roads under the Roads Act 1993.

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- Any activity carried out in accordance with this approval shall not give rise to offensive noise, air pollution (including odour) or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- Building work in close proximity to the boundary may be a sensitive matter for each property owner and can often end in an unsatisfactory relationship between neighbours. You are advised that the consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary.

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

Note: This consent does not override your obligations under the Dividing Fences Act 1991.

- The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government [General] Regulation 2005).
- The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 and 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system.
- The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- The applicant is advised to consult with the relevant:
 - a) sewer provider;
 - b) electricity provider; and
 - c) telecommunications carrier

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

ATTACHMENTS:

AT - 1 Locality Plan

AT – 2 Aerial View of Property

AT – 3 Plans of the Proposal

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AT - 1 Locality Plan



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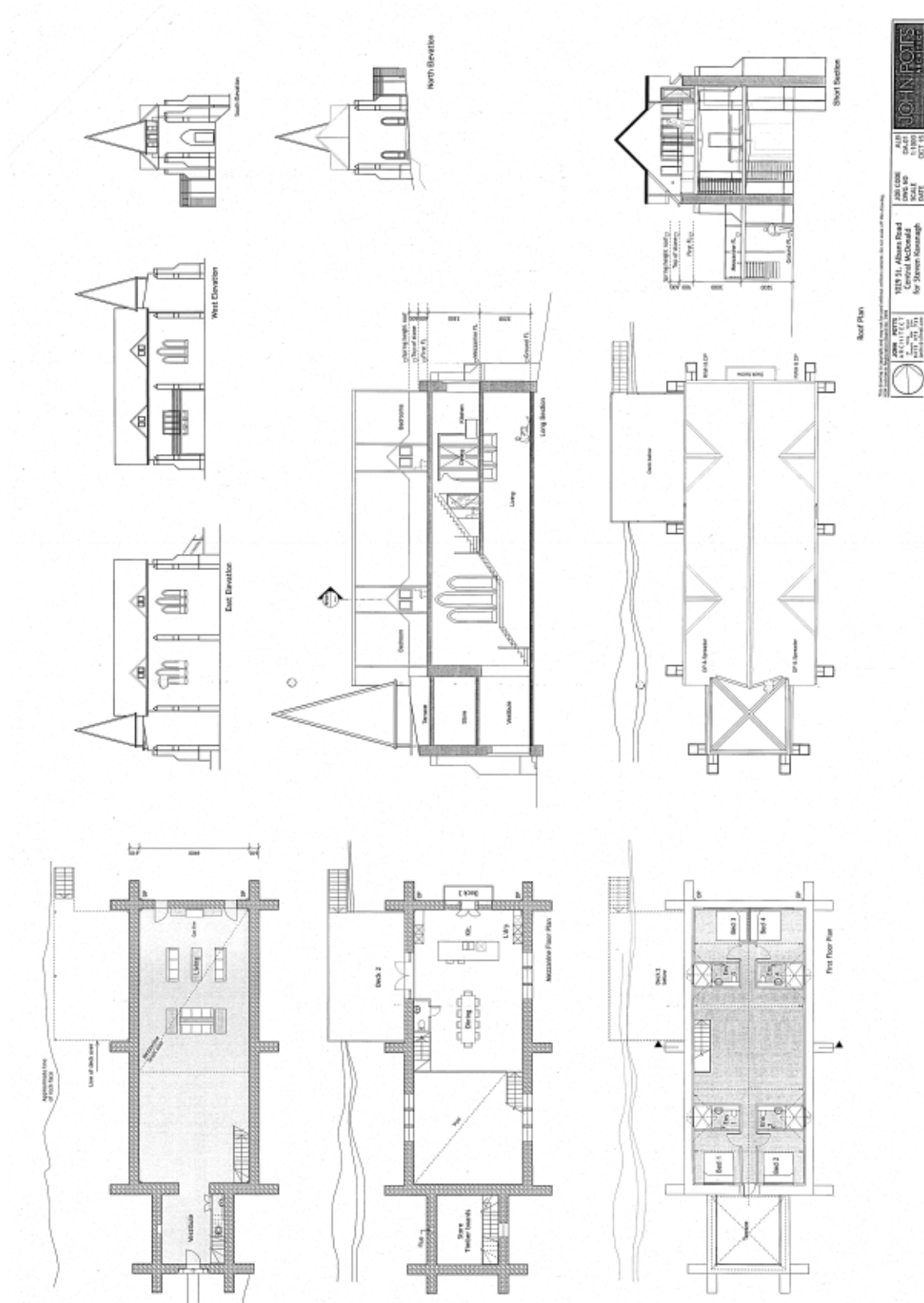
AT – 2 Aerial View of Property



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AT – 3 Plans of the Proposal



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ORDINARY MEETING

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Item: 3 CP - DA0685/15 - 64 Grandview Lane, Bowen Mountain - Lot A DP416762 - Dual Occupancy - (94598, 120744)

Previous Item: 268, Ordinary (13 December 2016)
252, Ordinary (29 November 2016)

Development Information

File Number: DA0685/15
Property Address: 64 Grandview Lane, Bowen Mountain
Applicant: Mr Philip Suvakov
Owner: Mr Philip Suvakov
Proposal Details: Change of Use – Dwelling to Attached Dual Occupancy
Estimated Cost: \$0
Zone: E4 Environmental Living
Date Received: 3 November 2015
Advertising: 16 November 2015 to 30 November 2015

Key Issues:

- ◆ Unlawful building work
- ◆ Submission received
- ◆ Representations received by the Mayor and Council subsequent to the Council meeting of 29 November 2016

Recommendation: Approval

REPORT:

Executive Summary

Consent is sought to convert an existing dwelling and attached studio (approved with DA0116/11) into a dual occupancy development.

An additional room was constructed within the breezeway separating the two structures without approval. The room is used as a bedroom. That retrospective work also forms part of this application. There are no additional construction works proposed as part of this application.

Dual Occupancies are permitted in the zone with consent and the proposal complies with all relevant controls in relation to the development. The existing on-site sewerage management system is capable of treating the waste likely to be generated from the development and the land is capable of accepting the treated effluent from the development without adverse impact.

One submission was received during the public notification period and the matters raised are considered to be adequately addressed within the report.

This matter was reported to Council at the meeting of 29 November 2016. The matter was deferred until the next meeting of 13 December 2016 and then, following a meeting with the objector, was deferred again to the Council meeting of 31 January 2017.

Subsequent to the consideration of this matter at the meeting of Council on 29 November 2016, the owner and occupier of the adjoining property (along with their consultants and representatives) have attended a meeting with Council staff and the Mayor, Councillor Lyons-Buckett. As a result of this meeting, reports and representations have been received identifying the issues of concern to the adjoining owner and occupant. Some of the issues raised are relevant to the current development proposal before Council and some relate to previous approvals on the site. The issues relevant to the subject application (DA0685/15) are addressed within this report.

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Other issues that are not relevant to the current proposal have also been addressed, to indicate Council's past action in relation to these matters and to provide explanation of those decisions for the benefit of Councillors. Those issues are addressed in Attachment 5 to this report.

The application is being reported to Council at the request of the Mayor, Councillor Lyons-Buckett.

Description of Proposal

Council is in receipt of an application to convert an approved single storey dwelling with an attached studio into an Attached Dual Occupancy development at 64 Grandview Lane, Bowen Mountain.

The application also seeks approval for the use of alterations and additions made to part of the attached studio for the purpose of a bedroom. The alterations and additions were carried out without approval from Council. The unlawful works are located within the existing carport/breezeway area, are within the existing roof line of the approved building and are consistent with the existing development.

There are no additional construction works proposed as part of this application.

Description of the Land

The land has a gentle to moderate fall from the dwelling towards the road. An Asset Protection Zone (APZ) has been provided which surrounds the dwelling. The APZ was approved as part of the original development (DA0116/11) and that vegetation removal has been carried out generally in accordance with the approval issued.

An area in front of the dwelling and studio has also been cleared for the driveway access and a garage as well as utility services (such as a water tank and on-site septic system).

To the rear, the land falls more steeply. This area beyond the APZ is heavily vegetated and the land falls towards a creek which runs through the adjoining land to the rear. The vegetation that remains to the rear is classified as Sydney Sandstone Gully Forest Open - which is not considered to be an Endangered Ecological Community.

Recommendation

Approval subject to the recommended conditions.

Summary History

DA0116/11 was approved on 29 June 2011. That application proposed a dwelling house with an attached studio under the one roofline. A carport/breezeway separated the two parts of the building.

During the course of construction, the surveyor (in an attempt to assist the owner reduce earthworks) re-oriented the building 10 degrees anticlockwise. This was to better align the building with the crown of the hill. The setbacks to the front (east) and southern side property boundaries remained the same. Council received a complaint from the adjoining owner in that regard. The setback to the northern side boundary (objector's property) remained essentially the same at approximately 25 metres.

The complaint was, as requested by the objector, internally reviewed on two separate occasions. Both of those reviews, undertaken by different staff, found that the minor orientation change was substantially the same as that approved and no further action was required to be taken.

A complaint was made to the Building Professionals Board (BPB) against the Council staff member who certified the construction of the dwelling. Upon investigation, the BPB found no fault on the part of the Council staff member and dismissed the complaint.

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Various complaints have continued to be made relating to unauthorised clearing, burning off, operating unlawful activities, etc. These complaints were investigated, again by different staff members to those that approved any of the works. It was found that the clearing had been undertaken in accordance with the approvals (In this regard, the trees to remain had originally been numbered for retention and the investigation could identify those trees by identifying the corresponding number). Complaints regarding burning off were not found to be supported as, apart from a small fire pit, there were no signs of areas that were burnt. Many of these complaints upon investigation have had no basis for further action by Council staff.

Development Application DA0142/15 for a garage was approved by Council at its Ordinary Meeting on 28 July 2015. A condition of consent required a landscaping plan be submitted to Council prior to the issue of an Occupation Certificate. It is apparent that an Occupation Certificate was never applied for and as such the landscaping has not yet been provided. This matter will be followed up via the consent conditions for that approval and is not related to this current application.

Council received a complaint in relation to the use of the dwelling and studio as a dual occupancy on 28 May 2015. That complaint resulted in the lodgement of the current application.

Shortly after the lodgement of the application a subsequent complaint was received in relation to unlawful building work being carried out. The applicant was questioned about the complaint received and it was established that building work involving a bedroom had been carried out unlawfully.

The applicant was requested to provide amended plans indicating the development as it existed inclusive of the work that had been carried out unlawfully for assessment. The amended plan was submitted to Council on 7 August 2016.

In the meantime, another Development Application (DA0480/16) has been lodged for further alterations and additions to the studio end of the proposed dual occupancy. That application is currently not supported by Council staff and is unable to be determined until such time as DA0685/15 has been determined. In this regard, any objection to that application cannot be considered in the assessment of the subject (DA0685/15) application.

Chronology of Events

3 November 2015	DA0685/15 lodged. The application seeks to amend the use of the existing building (Dwelling and studio) to a Dual Occupancy. No construction works are proposed.
16 November 2015	DA placed on public exhibition from 16 November 2015 – 30 November 2015. No submissions received.
15 December 2015	Email from objector to the General Manager (copy to all Councillors) raising the issue of the use of the "studio"; the departures from the previous consent; failure to comply with conditions of consent and earthworks associated with the driveway (including damage to trees and tree roots). This email also advises that an unlawful addition was constructed which is not shown on the plan.
21 December 2015	Phone call from the applicant requesting a progress update on DA0685/15. The applicant was questioned about the unlawful addition which he confessed had been constructed. He was advised to prepare a plan of the works so this could be considered as part of the same application. He agreed to do this.
18 January 2016	Access to Documents (GIPA) application lodged by objector.
20 January 2016	Email from consultant Town Planner – Mr Darren Hogan – acting on behalf of the objector, requesting information on the date of the Council meeting that DA0685/15 is to be considered by Council.

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2 February 2016	GIPA application determined. Access to documents permitted.
16 February 2016	Follow-up email from Mr Hogan on behalf of his client.
17 February 2016	Email to Mr Hogan advising that a meeting date was not known at the time of writing and that he would be advised once that was known.
18 February 2016	Email from Mr Hogan stating he wished to address the Council. Return email to Mr Hogan advising of the need to register an intent to speak and that he would be advised when to do that.
4 March 2016	Email to the applicant. Follow-up on amended plans for unlawful work as part of DA0685/15.
8 March 2016	Email to General Manager from objector (copy to all Councillors). Complaint received regarding driveway works undermining trees – posing a danger to power lines.
4 April 2016	Email from Mr Hogan (on behalf of objector) requesting details on the nature of the unlawful works carried out and seeking advice if the unlawful work related to an illegal plumbing business operating from the shed.
4 April 2016	Return email to Mr Hogan advising that the unlawful work involved a bedroom addition to the dwelling.
4 April 2016	Follow-up email sent to applicant regarding status of amended plans.
5 April 2016	Response from applicant advising he will attempt to have the information to Council shortly.
12 July 2016	Email to applicant requesting plan of unlawful addition as previously requested for DA0685/15.
13 July 2016	Response from applicant advising that he will ask his designer to provide the plan.
7 August 2016	Plan of unlawful addition submitted for DA0685/15.
15 August 2016	Email to Mr Hogan advising that information for DA0685/15 had been received however as Council was in caretaker mode (pending the local government election) the application would most likely be determined by the new Council.
14 September 2016	Email from applicant requesting an update on the progress of DA0685/16.
14 September 2016	Return email to applicant indicating intention to have DA0685/16 considered by new Council as soon as practicable.
10 October 2016	Email from applicant requesting an update on DA0685/15. Response sent.
9 November 2016	Email to applicant advising DA0685/15 was possibly on the agenda for 29 November Meeting of Council.
29 November 2016	DA0685/15 reported to Ordinary Council Meeting. Matter deferred by Council and to be reported back to next meeting. Letter from Mr John Boyle (Solicitor acting on behalf of objector) dated 29 November 2016 submitted to Councillors and tabled at the Council Meeting.
30 November 2016	Access to Documents application lodged by Mr Neville Diamond.

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30 November 2016	Formal complaint lodged by Mr Diamond.
6 December 2016	Meeting between the Mayor, Council staff and objector and Engineering Consultant Daniel Lee (acting on behalf of objector). At this meeting it was suggested by staff and supported by the Mayor that the matter be deferred to the meeting of 31 January 2017 to allow objector's consulting engineer to submit report and to allow staff time to consider report.
7 December 2016	Response to Access to Documents – Information provided.
8 December 2016	Email as well as a letter sent to applicant, objector and objector's Planning Consultant, Mr Hogan, apologising for failing to formally invite them to the Council meeting and also advising that the matter was now scheduled for the Ordinary Meeting of 31 January 2017.
9 December 2016	Response email from applicant expressing frustration with process and delays.
13 December 2016	Council's letter to objector (dated 8 December 2016) returned to sender – reason being "Left Address".
13 December 2016	Information report to Council advising DA0685/16 was to be considered at the 31 January 2017 Ordinary Meeting of Council. The reason being to allow consideration of the additional information (as discussed at meeting of 6 December) the objector and his consultant wished to provide.
20 December 2016	Engineering Report received from Consulting Civil and Structural Engineers – Faidinkum Technical Services Pty Ltd, Issue B dated 11 December 2016.
21 December 2016	Second Engineering Report received from Consulting Civil and Structural Engineers – Faidinkum Technical Services Pty Ltd, Ref: 21676, dated 13 December 2016.

Detailed History

Since the consideration of this application at the 29 November 2016 Ordinary Meeting of Council where the matter was deferred, additional information from the owner/occupant of the adjoining property has been provided in opposition to the proposed development and also raising questions regarding Council's assessment processes and the handling of the dispute between the parties.

Along with representations made by the objector to the Mayor (email dated 5 December 2016), a formal complaint has been received from Mr Diamond (dated 28 November 2016) and two reports have been received from a consulting Civil and Structural Engineering firm - Faidinkum Technical Services Pty Ltd (FTS). The author of the reports is Mr Daniel Lee.

The first report by FTS is titled "*Infrastructure Development Planning report*", Issue B, dated 11 December 2016. The second report would appear to have been emailed to all Councillors titled "*Infrastructure Development Controls, Planning and Contributions for works at 64 Grandview Lane Bowen Mountain since 2011*", Reference: 21676 dated 13 December 2016.

Both Mr Lee and Mr Diamond addressed Council at the Ordinary Meeting on 13 December 2016.

In addition, Councillors may have received a letter from Mr John Boyle from Boyle Associates - Solicitors and Barristers dated 29 November 2016 on behalf of the adjoining owners on the day of the 29 November Ordinary Meeting.

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Each of the representations and reports have been reviewed and investigated. The matters raised can be grouped into five main issues. A summary of these issues is as follows:

1. failures by Council staff regarding assessment process and procedures
2. suitability of On-Site Sewerage Management System
3. non-compliance with previous approvals
4. estimated value of construction work
5. Occupation Certificate for dwelling and studio issued in error.

Some of these main issues contain sub-issues, some related to the subject application (DA0685/15) and some unrelated to that application. As this report is to assess DA0685/15, the related issues are discussed in this report and the unrelated issues are discussed in Attachment 5 to this report.

The issues of relevance to the subject DA, principally points 1 and 2 above, are addressed in part "(d) Any submissions received" part of this report below. The remaining issues (in particular points 3, 4 and 5 above) are addressed in Attachment 5 to this report. Also contained in Attachment 5 is a full chronology of events (as appearing on Council's record system) from the lodgement of the original development application in 2011 until the present.

Issues Relevant to the Decision

- Unlawful building work
- Submissions received
- On-site Effluent Disposal

Council Policies, Procedures and Codes to Which the Matter Relates

- Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan 2012 (HLEP 2012)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)

Section 79C Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

(a)(i) Any Environmental Planning Instrument (EPI)

Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River

The subject land falls within the boundary of SREP 20. This Policy aims "to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context". SREP 20 requires Council to assess development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

The proposal is not contrary to the general and specific aims, planning considerations, planning policies and recommended strategies of this plan.

In particular, the site is not located within a scenic corridor of significance, nor is it considered that the proposal will significantly adversely impact upon water quality or the environment of the Hawkesbury – Nepean River as the building exists upon the land and the effluent disposal is operating satisfactorily and is licenced by Council to do so.

Hawkesbury Local Environmental Plan 2012

The proposed development is considered to be consistent with the aims of the Plan as outlined in Clause 1.2(2) of Hawkesbury LEP 2012 in that it will not result in significant environmental or visual impacts and is considered to be acceptable in design and scale.

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The proposed development is defined as a Dual Occupancy (Attached).

The property is zoned E4 Environmental Living. The proposal to change the use is permissible with consent in the E4 zone under this plan.

It is considered that the development as proposed is generally compliant with the objectives of the zone in that the proposal will not adversely affect the ecological, scientific or aesthetic value of the area or have a significant adverse effect on water catchments or important ecosystems such as waterways as no additional works are proposed.

Further, the land has capacity to adequately dispose of effluent with the potential occupancy load.

With regard to bushfire construction requirements and Asset Protection Zones (APZ), the development exists as does the required APZ. The proposed use does not require any upgrading of the building or the APZ.

The proposal is consistent with the relevant Clauses of the LEP as follows:

Clause 4.3 – Height of Buildings

The proposal has a maximum building height of approximately six metres. The development is below the ten metre height limitation as specified in the LEP. There is no physical change to the building as a result of this proposal.

The development complies with the provisions of this clause.

Clause 6.1 – Acid Sulfate Soils

The proposal is on land that has been identified as containing Class 5 soil on the Acid Sulfate Soil Map. There are no further works proposed as part of this proposal. Consequently, the development does not fall within the definition of works contained in Clause 6.1(2).

Clause 6.2 – Earthworks

There are no earthworks proposed as part of this application.

Clause 6.4 – Terrestrial Biodiversity

The land is identified on the Hawkesbury Local Environmental Plan 2012 Terrestrial Biodiversity Map as containing vegetation that is of Conservation Significance. There is no further removal of vegetation proposed as part of this application. Vegetation removal has been approved under a previous development approval.

In this regard, it is considered that the proposed development will not have a significant adverse impact on existing flora and fauna or biodiversity value.

Clause 6.7 – Essential Services

It is considered that the proposed development would not place unreasonable demands on the provision of services. Phone and electricity infrastructure are available to service the development.

Water supply will be via on-site water storage vessels of 100,000 litres capacity. The applicant does not propose to upgrade this. Whilst the development is currently operating unlawfully as a dual occupancy the actual occupancy rate of the development is not likely to significantly change and it would appear the water storage is adequately serving the development.

There is no requirement under the LEP (or Hawkesbury Development Control Plan) for additional storage to be provided. It is considered that in the event that water storage was low, the owner would be required to purchase water from a local carrier. Alternatively, the land-owner may wish to apply for consent to install additional water storage at a later time as part of a separate application.

(a)(ii) Any draft EPI that has been placed on public exhibition

The Draft West District Plan is currently on public exhibition and is considered to be a draft Environmental Planning Instrument. The draft West District Plan covers the areas of Hawkesbury, Penrith and Blue Mountains Local Government Areas. The Plan is a high level strategic document, is prepared by the Greater Sydney Commission and maps the 20 year vision for the West District of Greater Sydney. In this regard the draft Plan is not expected to have any direct impact on the assessment of the current application.

(a)(iii) Any DCP in force

Hawkesbury Development Control Plan 2002

The proposal is generally consistent with the aims and objectives of the DCP. An assessment of the proposal against the relevant provisions of this plan follows:

Part C: Chapter 1 – Landscaping

The proposal is generally consistent with the landscaping chapter.

Part C: Chapter 2 – Car Parking and Access

The proposal satisfies parking and access arrangements. Two spaces exist within the breezeway between the two proposed dwellings and two further spaces exist within the garage approved under DA0142/15.

Part C Chapter 4 – Soil Erosion and Sediment Control

No construction works are proposed as part of this application.

Part C: Chapter 6 – Energy Efficiency

Solar access is adequate for this development and development on adjoining land.

Part C: Chapter 7 – Effluent Disposal

The application was referred to Council's Environmental Health Officer (EHO) in relation to on-site waste management and effluent disposal. The EHO raised no objection to the proposal subject to the imposition of appropriate conditions. There is no requirement for the dual occupancy to have separate systems for each dwelling.

From Australian Standard 1547:2000 it is estimated that the maximum number of occupants (based on the six bedrooms) is expected to be nine to ten persons. The existing system is designed and accredited to cater for a wastewater load generated from 10 persons (or 2137 Litres per day).

Another requirement is the provision of a reserve Effluent Disposal Area (EDA) of 1,000 square metres. A reserve area has already been provided at the rear of the structure. This area may be commissioned in the event the primary area is found to be inadequate or failing in the future.

The development has unlawfully been used for the purpose of a Dual Occupancy since the completion of the building work. The existing system has been performing to an acceptable standard during this time (approximately two years).

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The existing on-site waste management facility and associated effluent disposal area is considered adequate to cater for the proposed dual occupancy as it currently exists. The existing system has been granted an "Approval to Operate" which is valid until March 2020.

Part C: Chapter 8 – Management of Construction and Demolition Waste

A Waste Management Plan is not required as the development application does not involve any construction or demolition work.

Part C: Chapter 10 - Heritage Conservation

The land does not contain any items of heritage significance nor is the land located within a Heritage Conservation Area.

Part D: Chapter 1 - Residential Development

The proposal is consistent with the aims and objectives of the residential chapter of the DCP. An assessment against the provisions of this chapter is outlined below:

1.2 Aims - The proposed development is consistent with the general aims of the residential Chapter of the DCP.

1.3 Height - The development complies with these requirements.

1.4 Setbacks - The development complies with these requirements.

1.6 Landscaped Areas - The development complies with these requirements.

1.7 Private Open Space - The development complies with this requirement.

1.9 Vehicle Access and Car Parking - The development complies with these requirements.

1.11 Visual Privacy - The development complies with this requirement.

1.15 Utility and Site Services - All services exist to service the development.

(a)(iii) Any planning agreement that has been entered into or any draft planning agreement

There has been no planning agreement or draft planning agreement entered into under Section 93F of the EP&A Act.

(a)(iv) Any matters prescribed by the Regulations

In accordance with the Environmental Planning and Assessment (EP&A) Regulation 2000 the development would be required to comply with the following:

- i. *The National Construction Code – Building Code of Australia (BCA);*
- ii. *Council's S94A Contributions Plan.*

Conditions, where appropriate, are recommended to be imposed upon the consent to address the above prescribed matters. Development contributions are not required to be levied in accordance with the adopted Section 94A Contributions Plan.

There are no other prescribed matters that affect the land or the development.

(a)(v) Any coastal zone management plan

There are no coastal zone management plans relevant to the subject property or the Hawkesbury Local Government Area.

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(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The development does not alter the physical appearance of the building and in this regard the impacts would not be demonstrable. The issue of effluent disposal is addressed elsewhere in this report.

The development is not expected to generate unreasonable amenity impacts for neighbours in relation to overshadowing, loss of privacy, or loss of views.

It is considered that the proposed development will not have any adverse environmental, visual, economic or social impacts on the locality.

(c) The suitability of the site for the development

The development is considered suitable within the context of the locality, compatible with adjoining land uses and is permissible within the zone.

Suitable access and parking exist on the land. The proposed development is to be located within a previously developed area and no native vegetation is required to be removed as part of this application.

The land is identified as being prone to bushfire. A Bushfire Attack Level (BAL) and an Asset Protection Zone have been established as part of the previous application for the dwelling. No additional works are proposed as part of this application.

The site is therefore considered to be suitable for the proposed development.

(d) Any submissions received

This proposal was exhibited under the HDCP 2002 between the period of 16 November 2015 to 30 November 2015. No submissions were received during the public notification period.

Council did however receive a submission after the expiration of the public notification period (addressed to Councillors by email on 15 December 2015) regarding the proposal from an adjoining owner.

The points of concern are as follows:

Comment *As previously advised, the "studio", which is part of the unlawfully rotated dwelling closest to my house, has in fact been occupied and used without consent as a residence for most of this year [2015]. Refer to "Condition 41" of the development consent, "The attached studio shall not be used independently of the residence; this includes human habitation/residential, industrial or commercial.*

Response It is acknowledged the use has been carried out unlawfully. Dual Occupancies (Attached) are permitted in the zone with consent. The purpose of this application is to seek consent for the ongoing use of the development as a dual occupancy.

Comment *An additional room has been added to the 'Studio', presumably without formal council approval, in part of the space approved as the 'carport'. This additional room appears to be an extension to the 'wet bar' into a larger kitchen. The 1:100 'Ground Floor Plan' indicates "no cooking facilities are to be provided to the 'wet bar'. However the current application before Council (DA0685/15) claims "No additional work is required to the studio in question. Kitchen and Bathroom/laundry are existing". Recently a black screen and other detritus have been placed in front of the additional room in an attempt to conceal its existence."*

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Response The applicant has admitted to constructing the additional room, (which is used as a bedroom/nursery) without approval. The work has not increased the overall footprint of the building and has utilised space underneath the existing roofline. Whilst car parking spaces have been altered by these works, according to the plans submitted with the application there is still space for two vehicles under the roof of the existing structure. Two spaces are also provided within the existing freestanding garage approved with DA0142/15.

It is apparent that the applicant has in fact provided kitchen and laundry facilities within the studio contrary to the consent issued. Nevertheless, this application now seeks to legitimise that work and seek consent for the use of the development as a dual occupancy.

Comment *The proposed eighty metre 'Privacy Hedge' along the boundary, as part of the application to construct the shed, has not been attempted to date. However, by contrast, in an attempt to ameliorate the loss of privacy and visual obtrusiveness with which I am confronted daily, I have recently spent many thousand dollars planting trees and associated landscaping.*

Response This matter relates to a previous application (DA0142/15) which is not under consideration as part of this application. That matter requires follow-up action with the owner of the land to comply with the conditions of consent from that development approval. This matter will be pursued as a separate compliance issue for DA0142/15.

Comment *There has been substantial excavation and widening of the number 64 driveway on to Grandview Lane. Of most concern is the excavation and tree removal on the council embankment directly in front of my property. In addition, at least two large trees and a number of others have been undermined and roots cut back, right up to the trunks, so as to jeopardise human traffic, the house opposite and power lines. I have photographs of this driveway as it was before the excavation. This represents a danger to the community.*

Response This is a separate matter under investigation by Council's Infrastructure Services Department for their action as appropriate as the works are on the road reserve. This matter has no direct relevance to the subject change of use application under consideration.

It is considered the points raised in the submission received, are not sufficient to warrant refusal or further amendment of the application. The applicant has provided an amended plan of the work carried out without consent. The current development application will retrospectively regularise the work and use of the property.

Further to the abovementioned submissions, and as previously mentioned in the 'Detailed History' section of this report, the following issues were raised/submitted to Council following the report to Council on 29 November 2016.

1. Failures by Council staff regarding assessment process and procedures

a) Errors and omissions in Council report relating to DA0685/15:

An allegation has been made that the report to Council - Item 252 of the agenda for the Ordinary meeting of 29 November 2016 – was false and misleading.

The report contained sufficient information for Council to make an informed decision on the matter under consideration. The report provided a summary of the history of the matter and extended to other applications and complaints made in respect of the property. Also the unlawful work was identified and acknowledged. The additional building work (bedroom within the breezeway) is being dealt with via this application also.

Another issue raised was that no site plan was submitted with the application. It is considered this is of no consequence. The application merely involved the change of use of the existing building and no physical alterations were proposed. Council staff had adequate information in order to assess the application and the impacts of the development from the plans received.

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A neighbour of the adjoining property in an email to the Mayor dated 5 December 2016 raised several points:

- i) *The carport can no longer accommodate two vehicles as claimed in the report by Council staff;*

Comment: The width of the carport has not altered from the approved plan. It is considered that 2 vehicles would be adequately accommodated within the carport.

- ii) *Concern that Council staff continually get things wrong and in the applicant's favour;*

Comment: It is acknowledged that Council staff are not infallible. However, the fact that a third party does not agree with Council staff nor the decisions that have been made in the past, does not make Council staff wrong.

The Building Professionals Board as well as the Local Government Ombudsman have investigated matters raised by these objectors. These complaints have both been dismissed and no fault was found on the part of Council or Council staff.

- b) Failure to notify objectors of Council Meeting;

It should be noted that there were no submissions received during the public exhibition period for this application. (A submission was received from Mr Hogan (Consultant for an objector) but that submission related to DA0480/16 and not the subject development application) However, it is acknowledged there was a failing on the part of Council staff to notify the Planning Consultant acting for the objectors, Mr Hogan - as agreed, that the matter was listed on the agenda for the November 29 Council Meeting. Mr Hogan had in fact expressed a desire to address Council when the matter was being considered and he was not given the opportunity.

The staff member in question was on leave as of 28 November until 5 December 2016 and in the preceding week before the meeting was attending to a range of other unrelated matters and this particular matter was overlooked.

This was certainly not a deliberate action on the part of staff as neither was the applicant for the development formally notified of the meeting. However, given that Council deferred the matter all relevant parties have been advised in writing of the current meeting date.

- c) Impact upon neighbours not considered

The objector in an email to the Mayor dated 5 December 2016 provided a photograph that he claims proves the unlawful addition (within the carport breezeway) can be seen from the adjoining property.

Comment: It is acknowledged the unlawful addition located within the carport breezeway area can be seen from a portion of the adjoining property, however this is inconsequential. Due to the location of the work in question and the location of the approved garage, the only position on the adjoining property where the unlawful work can be seen is from the very front corner of the adjoining property at a distance of approximately 40 metres. There are no privacy, overshadowing or overlooking issues apparent from this work.

The entire development is single storey and the setback of the building to the neighbour's boundary is approximately 22 metres. The unlawful work in question would be approximately 32 metres to the boundary and obscured by the existing studio and the existing garage.

It is considered the visual impact from the unlawful works is not demonstrable upon the scenic quality of the locality or the view currently enjoyed by the occupants of the adjoining property.

2. On-Site Sewerage Management System

Background

The land relies upon an on-site waste management facility to treat waste and wastewater generated from the development (i.e. the existing dwelling and studio) and dispose of the treated effluent on-site. The method of effluent disposal is via surface irrigation.

These types of disposal systems (surface irrigation) typically involve sprinkler heads being attached along the length of a pipe leading from the treatment system. The treatment system that was approved on the land is a 'BioSeptic Performa 10 person Aerated Wastewater Treatment System' (AWTS). The area where the sprinklers are located is known as the Effluent Disposal Area (EDA) or Land Application Area (LAA). A land-owner would be responsible for moving the sprinkler hose around within the nominated EDA so as to ensure the treated effluent did not concentrate in one particular area of the site resulting in boggy patches or excessive weed growth.

In this particular case, there were two separate EDA's shown on the waste management facility application. One area was forward of the dwelling within a vegetated area and was 610 square metres in area. The other EDA was 390 square metres in area and was located along the Northern boundary of the site (adjacent to No. 56 Grandview Lane).

The two areas totalled 1000 square metres which is generally accepted by Council staff as adequate to deal with the wastewater generated from an aerated wastewater treatment system without the need for a Wastewater Report to be provided to support the application.

The size of an EDA may be less than 1000 square metres provided the reduced area is supported by calculations and a reasoned argument justifying that the land will reasonably cope with the disposal of effluent over a reduced area. Examples of suitable justification may include water-reducing facilities within the development, use of tank water (as occupants are more conservative with their use of water when reliant upon their own storage as opposed to occupants on town water) and good absorptive properties of the soil and/or good transpiration of the vegetation within the EDA.

Also in this particular case the applicant nominated a reserve EDA of 1000 square metres. This area is merely earmarked as available for use as an EDA due to unforeseen circumstances and/or a failure occurring with the approved EDA. It is Council's role to determine if and when upgrading of an existing system is required in the event of justified complaints or a failure of the whole or a part of the system.

A wastewater treatment system (i.e. the capacity of the septic tank and treatment tank) is sized according to the anticipated load from the development it serves – which in this case was at the time of approval of the system effectively a five bedroom dwelling.

At the time of the approval, for a development containing five bedrooms, the population equivalent was eight persons. The average daily flow of wastewater generated from a five bedroom development is estimated (from AS1547-2000) as being 1400 Litres to 1600 Litres. The system that was installed – being the Bioseptic Performa ten person AWTS - has been accredited by NSW Health as capable of treating the waste generated from a ten person household or a maximum of 2137 Litres per day. Hence, Council granted approval to the system as originally installed as it was demonstrated that the treatment system had the capacity to treat the wastewater load generated from the development.

The development now under consideration would be considered a six bedroom development due to the unlawful bedroom added to the breezeway area. For a six bedroom development, the population equivalent is 9-10 persons. The average daily flow of wastewater generated from a 6-bedroom development is estimated (from AS1547-2012) as being 1600 Litres to 2000 Litres.

The treatment system under the proposed dual occupancy will not exceed the capacity of the installed system.

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The applicant admits that the development was unlawfully converted for the purpose of a dual occupancy. This use has been occurring for approximately two years. The system and the EDA have coped with the loading over this time with no adverse impacts. There have been no complaints regarding the failing of the system or the EDA in that time and site inspections by staff have not found any failings of the system. In this regard the system is performing at an acceptable standard.

The loading upon the system under the proposed change of use to a dual occupancy is not expected to demonstrably increase. Therefore it is reasonable to support the proposal in this regard.

Should it be revealed in the future that either the treatment system or the EDA are failing, Council has the power to require the existing system be upgraded or the reserve EDA be commissioned into service. This is a general power for all on-site disposal systems and not just for this current application. As part of the considerations at that point in time, it is likely (and entirely within Council's power) to require the reserve area be suitably landscaped or amended so as to better deal with the wastewater load.

From the above, it is considered that the system has adequate capacity and is performing at an acceptable standard, and does not warrant any upgrading of the system at this point in time.

Issues raised through representations

The issues raised in relation to the On-Site Sewerage Management System are as follows:

a) Capacity of the system (including the EDA) to deal with waste generated from the development

The representations received suggest the existing treatment system is undersized to cater for the development. (It should be noted that the consultant author of this submission has not undertaken any site investigation at the property and has not entered the subject site)

It has been demonstrated above that the Bioseptic Performa 10 person treatment system has capacity to treat the waste generated from the development.

With regard to the reducing capacity of soils within the effluent disposal area to accept treated effluent over time, Council has a program in place to monitor the effectiveness of on-site waste disposal across the Local Government Area on un-sewered land. This is the purpose for routine inspections and the licencing of systems through the granting of an "Approval to Operate".

Where systems are found to be failing or where valid complaints are received, Council has powers to require upgrading works to ensure that systems are not posing an unacceptable risk either to public health or the environment.

b) Unlawful works and unlawful use of existing dwelling and studio

It is acknowledged that the applicant carried out work unlawfully (including the installation of a kitchen, a bathroom/laundry and an additional bedroom). He also admits he has been occupying the development as a dual occupancy virtually since completion of the development.

Upon complaints being received, Council staff investigated the matter. The applicant was advised to cease the use and to seek consent for the use of the premises as a Dual Occupancy if that is what he wished to do. That conversation resulted in the lodgement of DA0685/15. The applicant seeks to gain consent for the work carried out without approval and to gain consent for the ongoing use of the development on-site as a dual occupancy. There are no further construction works proposed as part of DA0685/15.

This is an opportunity to resolve the unlawful aspects of development that has occurred on this property. The use of the existing building on-site as a dual occupancy is permitted within the zone and the environmental issues (namely the issue of on-site waste management) are considered to have an acceptable level of risk.

3. Non-compliance with previous approvals

Addressed in Attachment 5 to this report.

4. Estimated value of construction work

a) Impact upon Development Application fees

Concern has been raised in the representations that the applicant has undervalued all of his applications lodged with Council to date (DA0116/11, DA0142/15, DA0685/15 and DA0480/16) and that Council staff have been complicit in not pursuing this further with the applicant.

The estimated cost of a development (as indicated by an applicant) determines the fee payable to Council as well as the amount of Section 94A Contributions that are levied upon a development.

Clause 256 of the Environmental Planning and Assessment Regulation 2000 ("the Regulation") provides that a consent authority (Council) may request additional fees for a development application where it is considered a development has been undervalued, but it must do so within 14 days of receiving the application and must advise the applicant in writing that additional fees are required to be paid.

The opportunity to request additional DA fees pursuant to Clause 256 of the Regulation has lapsed.

Council staff in the past checked the estimated value of works as specified by applicants on a random basis. Recent changes to processes within Council and the employment (temporarily) of an additional staff member to assist with a large number of tasks including checking of estimated costs, has improved this situation. Whilst this additional resource is available, all development application estimated costs are routinely checked for accuracy.

An email was also received on 20 January 2016 from a Mr Darren Hogan acting on behalf of the objector wishing to address Council when the matter was being considered at a Council Meeting. The email did not raise any points of concern.

(e) The public interest

The proposed development will support the use of the land for residential purposes and is unlikely to result in any negative impacts on the locality. It is therefore considered that the proposal is not contrary to the public interest.

Hawkesbury City Council Section 94A Contributions Plan

Section 94A Development Contributions are set out in Council's Section 94A Contributions Plan ("the Plan").

With regard to DA0685/15, the value of work does not exceed the threshold to attract Section 94A Contributions and in this regard the development is exempt from contributions under the Plan.

Conclusion

The application has been assessed having regard to the heads of consideration under Section 79C of the EP&A Act. The application is considered to represent a satisfactory form of development and is recommended for approval.

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Planning Decision

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

RECOMMENDATION:

That development application DA0685/15 at Lot A DP 416762, 64 Grandview Lane, Bowen Mountain for Dual Occupancy - Attached be approved subject to the following conditions:

General

1. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions or in red on the plans.

Plans are listed as follows:

Architectural Drawing Number	Prepared by	Dated
Dwg No. 1142 - 12	Michael Weigman Design Service	5 August 2016

2. A Building Certificate must be issued for the works carried out without prior approval. An application for such a certificate must be lodged with Council. The Building Certificate must be issued within a period of 60 days of the date of this consent.
3. The development shall comply with the provisions of the Building Code of Australia.
4. The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government (General) Regulation 2005).
5. The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 & 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health officer or at such other frequency as may be determined according to the future operation or risk of the system.
6. The previously approved reserve area of 1,000m² shall be available for the expansion, or resting of the land application area or for duplication of the land application area, in the event of unforeseen circumstances at a future point in time.

Prior to Issue of a Building Certificate

7. A Structural Engineer shall inspect and certify the building as being capable of withstanding the loads likely to be imposed upon it prior to the issue of a Building Certificate.
8. Evidence that the recent building works carried out without prior approval, comply with the requirements of BAL40 construction under AS 3959 - 2009 Construction of Buildings in Bush Fire Prone Areas, is required to be submitted to Council prior to the issue of a Building Certificate.

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9. A compliant automatic fire detection and alarm system shall be installed in the building in accordance with the Building Code of Australia for Class 1a structures. Alarms and detectors shall be installed by a licensed electrician in accordance with the provisions of Part 3.7.2 of the Building Code of Australia. Multiple alarms shall be interconnected. A Certificate of Compliance shall be provided to Council prior to the issue of a Building Certificate.
10. The following certificates are to be provided, stating the name of person or company carrying out the installation, type of material and the relevant Australian Standard to which installed:
 - a) A Certificate for glazing used in the development:
 - (i) Glazing materials installed in the building in accordance with AS1288 and AS2047 - Glass in Buildings - Selection and Installation, e.g. windows, doors, footlights, balustrades and shower screens.

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

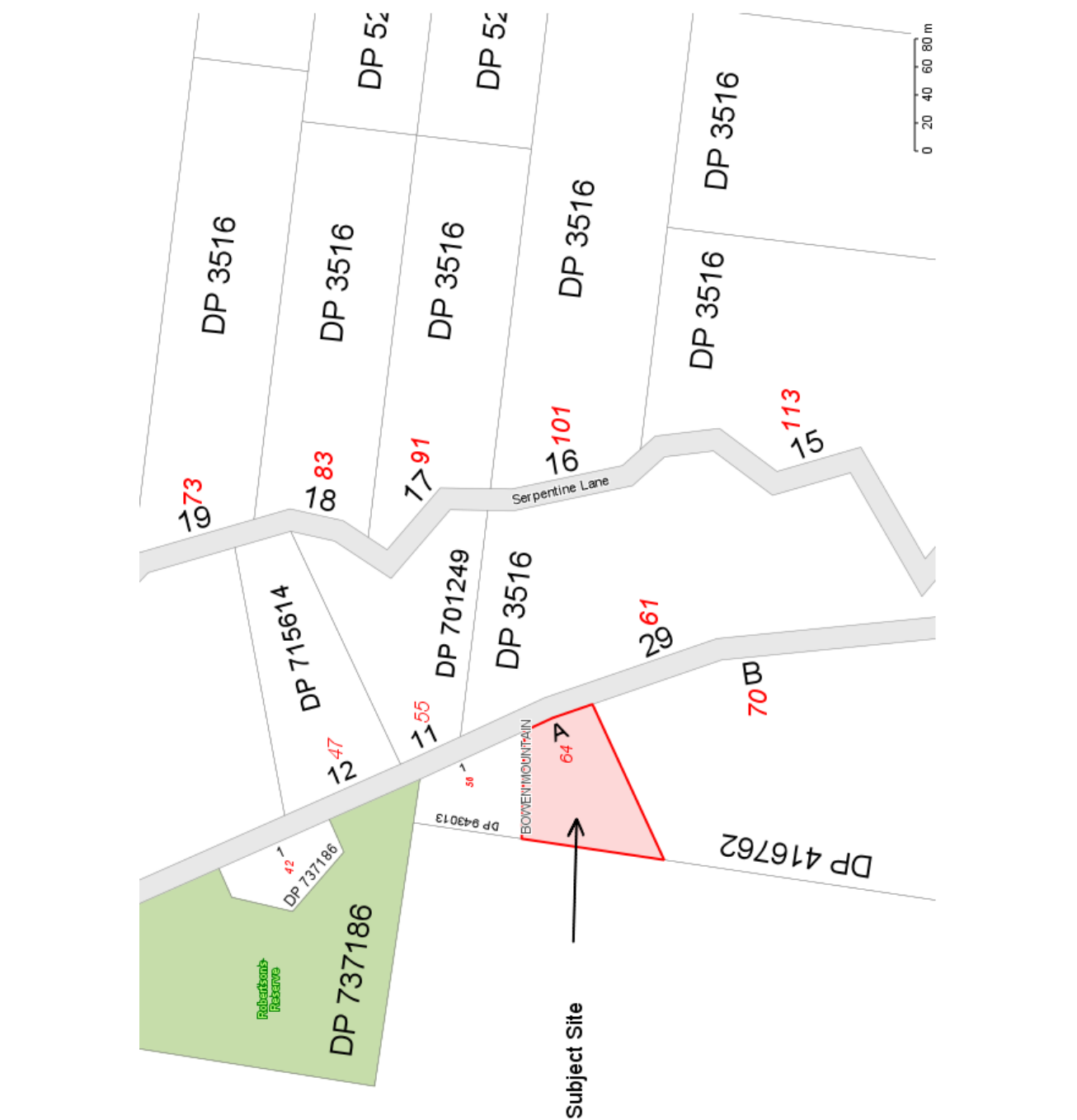
ATTACHMENTS:

- AT - 1 Locality Plan
- AT - 2 Aerial Photograph
- AT - 3 Amended Floor Plan
- AT - 4 Site Plan
- AT - 5 Chronology of Events and Issues raised via Representations Received

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AT - 1 Locality Plan



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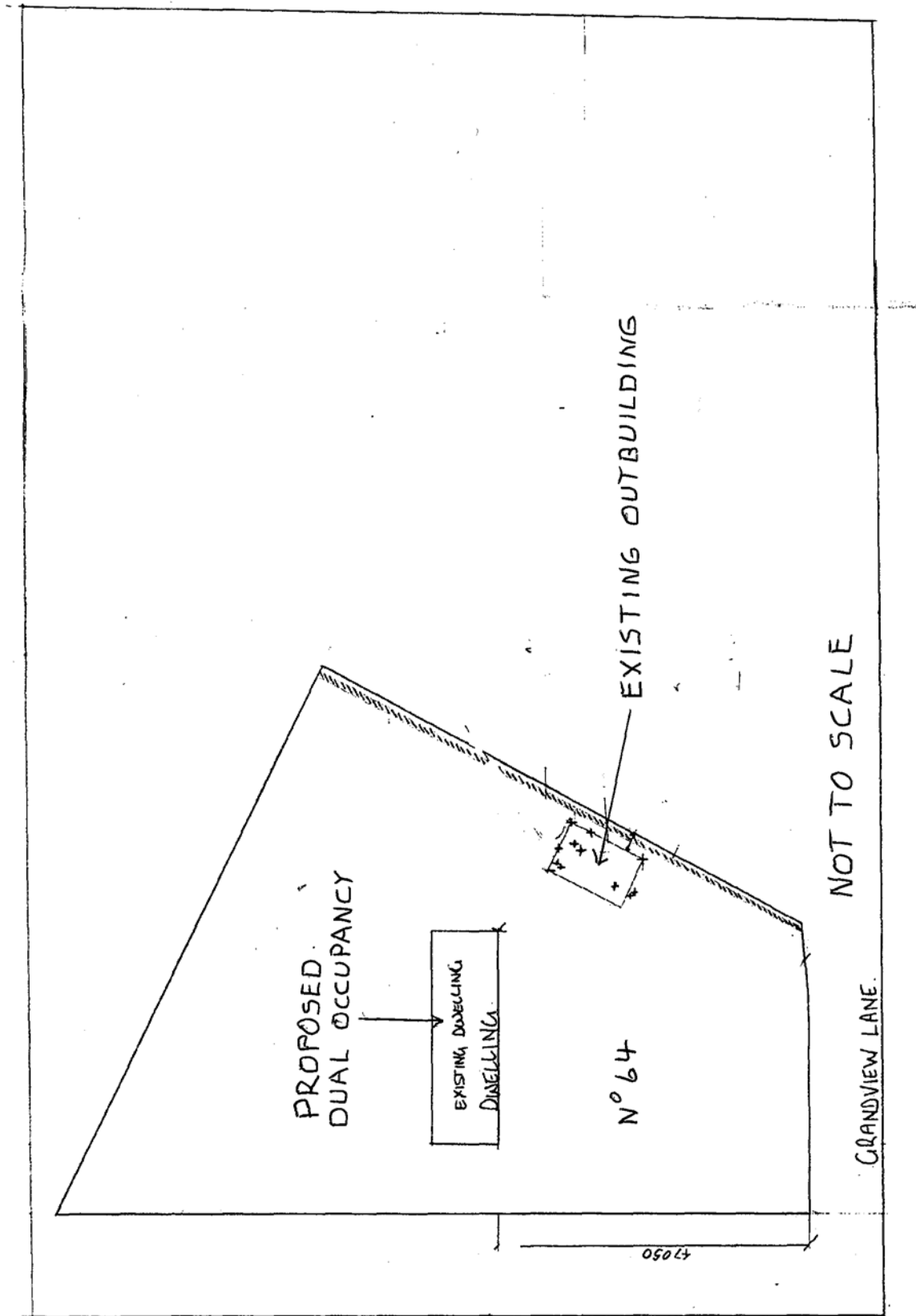
AT - 2 Aerial Photograph



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AT - 4 Site Plan



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AT - 5 Chronology of Events and Issues raised via Representations Received

Chronology of Events

14 January 2011	Property purchased by Mr Suvakov.
8 March 2011	DA0116/11 and CC0079/11 lodged.
15 March 2011	Septic application S0014/11 lodged.
8 April 2011	Site inspection by assessing officer revealed a site shed, a caravan and a shipping container had all been placed on the site.
29 June 2011	DA0116/11 approved.
21 July 2011	Septic application S0014/11 approved.
27 July 2011	Construction Certificate CC0079/11 approved.
6 October 2011	Verbal complaint made regarding vegetation removal.
18 October 2011	Pier inspection carried out.
20 October 2011	Internal drainage inspection carried out.
21 October 2011	Concrete slab steel inspection carried out.
4 November 2011	Letter of complaint from Ms Raper to Council. The issue surrounded vegetation removal which impacted privacy and amenity previously enjoyed; the fact the underground tank was partially out of ground and the concrete slab of the dwelling was re-positioned.
14 November 2011	Letter from Ms Raper (referring to previous letter dated 2/11/11) regarding vegetation removal, sediment control and burning of vegetation.
15 November 2011	Email from Director City Planning to Mayor advising that complaint received by the Mayor regarding burning off of cleared vegetation was a BBQ within a fire pit on the site.
29 November 2011	Email from Mr Podles to all Councillors on behalf Ms Raper attaching her letters of complaint and raising his own related concerns.
8 December 2011	Letter from Director City Planning to Ms Raper addressing concerns raised from her letters and emails.
3 January 2012	Response email to Mr Podles sent.
13 August 2012	Letter from Ms Raper requesting an Internal Review of the matter.
20 August 2012	Letter from General Manager to Ms Raper of review findings.
18 October 2012	Frame inspection carried out.
13 December 2012	Site inspection to investigate complaint made in relation to trenches excavated. Memo from investigation officer to Director City Planning advising trenches are for services.
1 February 2013	Letter received from LAC Lawyers (acting on behalf of Ms Dale Raper) requesting copies of documents.

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1 February 2013	Memo to all councillors from Director City Planning in response to questions raised at the Ordinary Meeting of Council on 11 December 2012.
7 February 2013	Wet area waterproofing inspection carried out.
19 February 2013	Response to request for documents to LAC Lawyers sent. All documents requested were sent.
19 February 2013	External drainage inspection carried out.
7 March 2013	Letter from LAC Lawyers challenging assessment process, Council's handling of the matter and intimating legal action against the owner of the property and Council.
15 April 2013	Occupation Certificate Application lodged.
15 April 2013	Follow-up letter from LAC Lawyers seeking a reply to letter of 7th March.
15 April 2013	Subpoena to produce documents to the Local Court.
6 May 2013	Letter to LAC Lawyers advising a detailed response is being prepared.
8 May 2013	Interim Occupation Certificate issued.
9 May 2013	Letter from LAC Lawyers agreeing to extension of time for a response to be prepared.
20 May 2013	Email from Acting Director City Planning to Councillor Lyons-Buckett advising an Interim Occupation Certificate had been issued.
18 June 2013	Letter of complaint from Mr Podles regarding vegetation removal and quality of development.
7 August 2013	Letter from LAC Lawyers demanding a response to their previous letters.
9 September 2013	Response sent to LAC Lawyers
18 November 2013	Letter from LAC Lawyers proposing an "out of court" settlement between Council and Ms Raper.
27 December 2013	Email response to LAC Lawyers rejecting settlement proposal and responding to assertions regarding liability in the matter.
21 August 2014	Letter to owner of 64 Grandview Lane (Owner) requiring the removal of an unauthorised shipping container.
10 October 2014	Letter from Building Professionals Board advising of a complaint lodged to them against Council's Certifier.
16 October 2014	Wet area waterproofing inspection carried out for studio.
23 December 2014	Final inspection carried out.
30 December 2014	Letter to owner of 64 Grandview Lane advising of outstanding items for final inspection and advising the development is not to be used as a dual occupancy without approval.

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30 January 2015	Email from owner complaining of several large trees posing a hazard to power and phone lines on the road reserve and seeking to remove three trees to facilitate better access to the land.
16 March 2015	DA0142/15 and CC0094/15 for a Garage lodged.
19 March 2015	Approval to Operate on-site waste management facility issued, expires 19 March 2020.
6 May 2015	Decision made to notify DA0142/15 to adjoining neighbours. (Note: Application was not required to be notified).
18 May 2015	Complaint letter from applicant regarding delay in determination of DA0142/15.
28 May 2015	Submission received regarding DA0142/15 from Urban City Consulting on behalf of objector.
29 May 2015	Response on behalf of GM to owner regarding delay.
24 June 2015	Emails to applicant and objector regarding DA0142/15 being considered at the June 30 meeting of Council.
25 June 2015	Letter from The Hon. Dominic Perrottet MP making representations on behalf of Ms Raper. (Acknowledgement letter sent the same day to Mr Perrottet's office).
30 June 2015	Email to General Manager (copied to all Councillors) from adjoining owner regarding previous history and raising unlawful occupation of studio as a dual occupancy.
30 June 2015	Email received from owner regarding wire fence erected between his property and adjoining property.
30 June 2015	DA0142/15 considered at Ordinary Council Meeting. Decision deferred pending site inspection.
3 July 2015	Email to applicant regarding access for site inspection by Councillors.
10 July 2015	Email invitation to all Councillors to attend site inspection Monday 20 July at 4pm.
16 July 2015	Compliance Officer attended property to investigate complaint of "unauthorised use of studio".
17 July 2015	Email from owner complaining of constant harassment by Council staff.
28 July 2015	DA0142/15 determined by approval at Ordinary Meeting of Council.
7 August 2015	Email from owner regarding lopping of overhanging branches.
15 September 2015	Response sent to the Hon. Dominic Perrottet MP in response to his representations made.
3 November 2015	DA0685/15 lodged. This DA seeks to amend the use of the existing building (Dwelling and studio) to a Dual Occupancy. No works are proposed. DA on public exhibition from 16/11/15 – 30/11/15. No submissions received.
15 December 2015	Email from adjoining owner to the General Manager (copy to all Councillors) raising the issue of the use of the "studio"; the departures from the previous consent; failure to comply with conditions of consent and earthworks associated with the driveway (including damage to trees and tree roots).

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This email also advises that an unlawful addition was constructed which is not shown on the plan.

- 21 December 2015 Phone call from owner requesting a progress update on DA0685/15. Owner questioned about unlawful addition which he confessed had been constructed. He was advised to prepare a plan of the works so this could be considered as part of the same application. He agreed to do this.
- 18 January 2016 Access to Documents (GIPA) application lodged by adjoining owner.
- 20 January 2016 Email from consultant Town Planner – Mr Darren Hogan – acting on behalf of objector, requesting information on the date of the Council meeting that DA0685/15 is to be considered by Council.
- 2 February 2016 GIPA application determined. Access to documents permitted.
- 16 February 2016 Follow-up email from Darren Hogan.
- 17 February 2016 Email to Mr Hogan advising that a meeting date was not known at the time of writing and that he would be advised once that was known.
- 18 February 2016 Email from Mr Hogan stating he wished to address the Council.
- Return email to Mr Hogan advising of the need to register an intent to speak and that he would be advised when to do that.
- 4 March 2016 Email to owner. Follow-up on amended plans for unlawful work as part of DA0685/15.
- 8 March 2016 Email to General Manager from adjoining owner (copy to all Councillors). Complaint received regarding driveway works undermining trees – posing a danger to power lines.
- 4 April 2016 Email from Mr Hogan (on behalf of objector) requesting details on the nature of the unlawful works carried out and seeking advice if the unlawful work related to an illegal plumbing business operating from the shed.
- 4 April 2016 Return email to Mr Hogan advising that the unlawful work involved a bedroom addition to the dwelling.
- 4 April 2016 Follow-up email sent to owner regarding status of amended plans.
- 5 April 2016 Response from owner advising he will try to have the information to Council shortly.
- 7 July 2016 DA0480/16 lodged. This DA proposes a substantial addition to the side of the studio portion of the building.
- 12 July 2016 Email to owner requesting plan of unlawful addition as previously requested for DA0685/15.
- 13 July 2016 Response from owner advising that he will ask his designer to provide the plan.
- 7 August 2016 Plan of unlawful addition submitted for DA0685/15.
- 8 August 2016 Referral response from NSW RFS in relation to DA0480/16. RFS not in support of proposal.
- 15 August 2016 Objection to DA0480/16 received from Darren Hogan (Consultant Town Planner) on behalf of objector.

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- 15 August 2016 Email to Mr Hogan advising the submission had been received and the matters raised would be considered. Also advised that information for DA0685/15 had been received however as Council was in caretaker mode (pending the local government election) the application would most likely be determined by the new Council.
- 16 August 2016 Email to Council from owner requesting approval to remove several trees that are adjacent to the driveway.
- 2 September 2016 Letter to applicant for DA0480/16 advising Council had concerns with the proposal and requesting additional information and amendment to the proposal to enable favourable consideration.
- 14 September 2016 Email from owner expressing alarm at request for additional information sent and requesting an update on the progress of DA0685/16.
- 14 September 2016 Return email to owner indicating intention to have DA0685/16 considered at the first meeting of new Council.
- 28 September 2016 Letter sent to Mr Wiegmann (applicant for DA0480/16) seeking a response to Council's request for additional information.
- 30 September 2016 Response received from applicant in relation to DA0480/16. No significant additional information provided. Issues raised by Council staff were not adequately addressed.
- 10 October 2016 Email from owner requesting an update on both DA0685/15 and DA0480/16. Response sent.
- 9 November 2016 Email to owner and applicant for DA0480/16 advising DA0685/15 was possibly on the agenda for 29 November Meeting of Council and that DA0480/16 would be determined after a decision on DA0685/15 was made.
- 16 November 2016 Formal advice received from NSW RFS that DA0480/16 not supported as the information previously requested was not provided.
- 21 November 2016 Email from owner questioning the last letter from NSW RFS.
- 21 November 2016 Email to owner explaining that the applicant had been asked for information and he had responded. As no additional information was provided, nothing was forwarded to the RFS for their review.
- 29 November 2016 DA0685/15 reported to Ordinary Council Meeting. Matter deferred. To be reported back to next meeting.
- Letter from John Boyle (Solicitor acting on behalf of objectors) dated 29 November 2016 submitted to Councillors at the Council Meeting.
- 30 November 2016 Access to Documents application lodged by Mr Diamond.
- 30 November 2016 Formal complaint lodged by Mr Diamond.
- 6 December 2016 Meeting between the Mayor, Council staff (Director City Planning and Development Services Manager) and objector/neighbour and Engineering Consultant Daniel Lee (acting on behalf of objector/neighbour).
- The Mayor agreed to postpone consideration of DA0685/15 until the first meeting in January 2017 to allow consideration of the additional information the neighbour and his consultant wished to provide.
- 7 December 2016 Response to Access to Documents – Information provided.

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| 8 December 2016 | Email as well as a letter sent to applicant; neighbour, and Planning Consultant (acting on behalf of neighbour) Mr Hogan apologising for failing to formally invite them to the Council meeting and also advising that the matter was now scheduled for the Ordinary Meeting of 31 January 2017. |
| 9 December 2016 | Response email from owner expressing frustration with process and delays. |
| 13 December 2016 | Letter to adjoining owner/objector (dated 8 December 2016) returned to sender (Council) by postal service – reason being "Left Address". |
| 13 December 2016 | Report to Council advising DA0685/16 was to be considered at the 31 January 2017 Ordinary Meeting of Council. |
| 20 December 2016 | Engineering Report received from Consulting Civil and Structural Engineers – Faidinkum Technical Services Pty Ltd, Issue B dated 11 December 2016. |
| 21 December 2016 | Second Engineering Report received from Consulting Civil and Structural Engineers – Faidinkum Technical Services Pty Ltd, Ref: 21676, dated 13 December 2016. |

Issues raised via representations received

Note: Some of the information from the main report has been repeated below.

Since the consideration of this application at the November 29 Ordinary Meeting of Council where the matter was deferred, additional information from the owner/occupant of the property to the North – 59 Grandview Lane has been provided in opposition to the proposed development and also raising questions regarding Council's assessment processes and the handling of the dispute between the parties.

Along with representations made by objector/neighbour to the Mayor (email dated 5 December 2016), a formal complaint has been received (dated 28 November 2016) and two reports have been received from a consulting Civil and Structural Engineering firm FTS - Faidinkum Technical Services Pty Ltd. The author of those reports is Mr Daniel Lee.

The first report by FTS is titled "Infrastructure Development Planning report", Issue B, dated 11 December 2016. The second report would appear to have been emailed to all Councillors titled "Infrastructure Development Controls, Planning and Contributions for works at 64 Grandview Lane Bowen Mountain since 2011", Reference: 21676 dated 13 December 2016.

It is noted that the author of the FTS reports has, at no time entered the site at 64 Grandview Lane or had the opportunity to inspect the effluent disposal system on the site. It appears that all information obtained by the author was either from the objector or viewing the site from the adjoining property to the north.

Both Mr Lee and Mr Diamond addressed Council at the Ordinary Meeting on December 13 last year.

In addition, Councillors may have received a letter from Mr John Boyle from Boyle Associates - Solicitors and Barristers dated 29 November 2016 on behalf of objector/neighbour on the day of the 29 November 2016 Ordinary Meeting.

Each of the representations and reports have been reviewed and investigated. The matters raised can be grouped into five main issues. Broadly speaking these issues are:

1. failures by Council staff regarding assessment process and procedures
2. suitability of On-Site Sewerage Management System
3. non-compliance with previous approvals
4. estimated value of construction work
5. Occupation Certificate for dwelling and studio issued in error.

Some of these main issues contain related sub-issues.

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These issues are addressed below.

1. Failures by Council staff regarding assessment process and procedures

a) *Errors and omissions in Council report relating to DA0685/15;*

An allegation has been made by Mr Diamond (formal complaint) that the report to Council - Item 252 of the agenda for the Ordinary meeting of 29 November 2016 – was false and misleading.

The report contained sufficient information for Council to make an informed decision on the matter under consideration. The report provided a summary of the history of the matter and extended to other applications and complaints made in respect of the property. Also the unlawful work was identified and acknowledged. The additional building work (bedroom within the breezeway) is being dealt with via this application also. The entire application documentation is publically available to Councillors and the general public upon request or via Council's website (DA Tracker).

The reference to previous maladministration would appear to have no basis. The issue of a lack of action on Council's part in relation to the re-orienting of the dwelling has been reviewed twice internally by Senior Management. Each internal review did not reveal the need for further action by Council.

The matter was most notably investigated by the Building Professionals Board which is a NSW State Government body responsible for the accreditation of both Council and private certifiers operating in NSW. The Board may take disciplinary action against certifiers for unsatisfactory professional conduct or deliberate misconduct. The Board in this case found no error on the part of Council staff and dismissed the complaint.

Another issue raised was that no site plan was submitted with the application. It is considered this is of no consequence. The application merely involved the change of use of the existing building and no physical alterations were proposed. The assessment had adequate information in order to assess the application and the impacts of the development from the plans received.

An occupant of the adjoining property No. 56 Grandview Lane in an email to the Mayor dated 5 December 2016 raised several points:

- (i) *The carport can no longer accommodate two vehicles as claimed in the report by Council staff;*

Comment: The width of the carport has not altered from the approved plan. It is considered that two vehicles would be adequately accommodated within the carport.

- (ii) *ii) Concern that Council staff continually get things wrong and in the applicants favour;*

Comment: It is acknowledged that Council staff are not infallible. However, the fact that a third party does not agree with Council staff or the decisions that have been made in the past, does not necessarily make Council staff wrong. This would appear to be a simple matter of disagreement.

- (iii) *Concern the original application lodged for the garage stated "American barn" and Council staff amended the application to a 'Garage ancillary to a dwelling' when that was wrong as a garage already existed;*

Comment: It is the role of Council staff to properly define a proposed use within the planning controls for the purpose of determining the permissibility of a proposed development. This is irrespective of how an applicant may describe a proposal. Council staff amended the description of the proposal to be in line with Planning definitions used for the purpose of assessment. There is no definition in the planning controls for an "American Barn".

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The objector's claim that the description of the proposed development as a "Garage ancillary to the dwelling" being wrong would appear to have no basis and no material difference to the assessment and subsequent approval by Council of the structure.

Hawkesbury Development Control Plan requires residential development to be provided with (in most cases) two undercover car parking spaces. The dwelling and studio was provided with undercover parking of sufficient space (at the time of approval).

The application for the garage (DA0142/15) was not unreasonable as there was no secure place for the storage of vehicles and other equipment belonging to the owner. There is nothing in the LEP or the DCP which limits the number of parking spaces provided. The LEP and DCP do however control these structures (Farm Buildings and Outbuildings) by way of scale, bulk and size and the visual impact upon a locality.

b) *Failure to notify objectors of Council Meeting;*

It should be noted that there were no submissions received during the public exhibition period for this application (DA0685/15). However, it is acknowledged there was a failing on the part of Council staff to notify Mr Hogan as agreed, that the matter was listed on the agenda for the November 29 Council Meeting.

The staff member in question was on leave as of 28 November until 5 December 2016 and in the preceding week before the meeting was attending to a range of other matters and this particular matter was overlooked.

This was certainly not a deliberate action on the part of staff as the applicant for the development was also not formally notified of the meeting.

c) *Impact upon neighbours not considered*

An occupant of the adjoining property No. 56 Grandview Lane in an email to the Mayor dated 5 December 2016 provided a photograph that he claims proves the unlawful addition (within the carport breezeway) can be seen from the adjoining property.

Comment: It is acknowledged the unlawful addition located within the carport breezeway area can be seen from a portion of the adjoining property, however this is inconsequential. Due to the location of the work in question and the location of the approved garage, the only place where the unlawful work can be seen is from the very front corner of the adjoining property at a distance of approximately 40 metres.

The entire development is single storey and the setback of the building to the neighbours boundary is approximately 22 metres. The unlawful work in question would be approximately 32 metres to the boundary and obscured by the existing studio. It is considered the visual impact from the unlawful works is not demonstrable upon the scenic quality of the locality or the view currently enjoyed by the occupants of the adjoining property.

2. On-Site Sewerage Management System

See comments in main report.

Additional Issues raised through representations

a) *Approval of garage over Effluent Disposal Area (EDA)*

This matter was approved by Council at the Ordinary Meeting on 28 July 2015.

It is acknowledged that owner ought reasonably to have known the proposed location of the garage would be over a nominated Effluent Disposal Area (EDA). The EDA in question was however never commissioned. There are no pipes or sprinklers installed to serve that area. The only area currently in use is the nominated 610 square metre EDA to the front of the property.

As part of the assessment of the garage application, Council staff asked the applicant to amend the proposal to place the structure adjacent to the dwelling. The applicant did not wish to amend the proposal and in this regard he indicated his intention to construct an addition in that location (which is the subject of DA0480/16).

Council staff assessed the application as submitted and the structure in the location it was proposed. The application was ultimately approved by Council in an open Council meeting.

As privacy for the neighbours was considered an issue in relation to the position of the dwelling, the siting of the garage structure as proposed was considered to assist in improving privacy by providing a physical barrier between the parties.

It was considered there was still sufficient and suitable area available on the site for the disposal of effluent that did not involve the area in question. The EDA as it existed was performing to an acceptable standard and the system had been inspected and granted an "Approval to Operate" around the same time DA0142/15 was lodged.

The Approval to Operate does not expire until March 2020, after which time it will be subject to re-inspection to determine how the system is performing and whether the system requires any up-grading in order to be re-licenced.

b) *Reserve EDA unsuitable for use*

In the section titled "2.3 Reserve LAA" of the report by Fairdinkum Technical Services (FTS) dated 11 December 2016, the consultant (Mr Lee) acknowledges he has not been on the subject site.

It is acknowledged the area to the rear of the dwelling is relatively steep and the land in this same area is poor - shallow soil with rock outcrops. (This topography also limits the area's suitability for building and vehicle access).

The reserve Land Application Area (LAA) (elsewhere referred to in this report as an Effluent Disposal Area - EDA) has not been commissioned and there is no approval for any works to be carried out to this area in relation to the disposal of effluent. The reserve Effluent Disposal Area (EDA) is only nominated indicatively so that in the event Council directs the owner of the land to upgrade their system, there is sufficient land available on the site to accommodate this were the primary EDA deemed to be unsuitable.

There are options available to the owner to undertake landscape works and/or import amended soils (with approval from Council) in order to upgrade the system should this be required.

In the event the EDA (as it currently exists), was proven to be inadequate and failing, Council has options available where the owner of the property can be ordered to upgrade the system or amend the EDA or commission all or a part of the reserve area into service. This would happen as a result of complaints being received and/or investigation revealing action was required.

In the event Council required an upgrade to the disposal system, the land could be altered or amended to accommodate an appropriate disposal method.

ORDINARY MEETING

Meeting Date: 31 January 2017

With regard to the comments about the suitability of the reserve 1000 square metre EDA to the rear of the site, the following may be of assistance:

- (i) The 1000 square metres is a conservatively sized area that is considered capable of accepting treated effluent without adverse environmental impact. As it is a reserve area it is not currently in use. If required to be used Council would expect that the owner improve that area with landscaping to an acceptable level for wastewater disposal.
- (ii) The buffer distance from the reserve EDA to the dry creek bed to the West is approximately 54 metres. The recommended buffer distance to an intermittent waterway under the Environment and Heath Protection Guidelines is a minimum of 40 metres. The buffer distance is acceptable.
- (iii) The buffer distance to the creek bed to the South is approximately 200 metres. The recommended buffer distance to permanent water under the Environment and Heath Protection Guidelines is a minimum of 100 metres. This buffer distance is acceptable.
- (iv) The approved plan for the Waste Management Facility dated 31 March 2011 indicatively shows three sprinkler heads. The fact that five sprinkler heads have been installed is of no consequence. The installation has been carried out generally in accordance with that aspect of the approval.

The extra sprinklers are preferable as they will help distribute the effluent over a larger part of the EDA instead of concentrating the effluent in a smaller area.

c) Certification of the system

Another omission referred to by the complaint letter of 28 November 2016 is the validity of the Certificate of Accreditation for the Waste Treatment Facility. The BioSeptic System is accredited by NSW Health and is designed to treat the wastewater from a residential dwelling occupied by a maximum of ten persons. (Source: NSW Health Accreditation - AWTS 007).

It is acknowledged the Certificate of Accreditation relates only to a single domestic premises, however the BioSeptic Performa AWTS is designed for a maximum of ten persons (or an average daily flow for design sizing purposes of 2137 litres).

As part of the assessment for the approval of the Waste Management Facility, this aspect was taken into consideration and given the system could cope with the expected load, an approval was issued. At the time of the approval of the Waste Management Facility, the development was a dwelling and a studio with five bedrooms in total.

After the system had been operating for a period of time, an inspection was carried out and a licence issued for the continued operation of the system.

In March 2015, an "Approval to operate a system of sewage management" was issued. The system was categorised as a low risk, as at the time of inspection the system was operating satisfactorily, it was being serviced, there were a total of eight sprinklers located in the front of the dwelling and the irrigation area was dry at the time of inspection.

When DA0685/15 was lodged, the site was inspected and the system found to be performing to a satisfactory level. This is incidentally under the same wastewater load the system would be subject to as a Dual Occupancy development, as the development has been used (albeit unlawfully) for this purpose for approximately two years.

As part of the accreditation of the AWTS, NSW Public Health requires the system be serviced every three months. The Waste Management System is being regularly serviced and maintained by a private contractor engaged to carry out that work. The next service is due at the end of January 2017.

d) Proximity to nearby farm dam on adjoining property

It is acknowledged there is a farm dam within 25 metres of the primary irrigation area. The consultant (Mr Lee) correctly identifies that there are Guidelines published by the Department of Health and the Environment Protection Authority that suggest 40 metres is an acceptable buffer distance to a dam. However, it should be noted that these are guidelines and not statutory provisions.

The intent of the recommended buffer distances to effluent irrigation areas is to reduce the potential for relatively undiluted run-off from these areas entering water-bodies resulting in adverse health effects (such as contact with treated effluent and potential coliforms) or adverse environmental impacts (such as algal blooms due to high nutrient loads).

However there is also a reasonable amount of vegetation between the EDA and the boundary which would assist in filtering the run-off from the irrigation area. There is also a road and associated table-drain separating the EDA and the dam. Whilst it is possible that run-off from the EDA on 64 Grandview Lane can enter the dam on the property downstream, the dam is currently accepting run-off from the roadside table-drain which would be mixed with run-off from all properties within the catchment, including sediment and contaminants from the roadway.

In this regard, the impact upon the water quality of the dam from the subject property would be imperceptible.

e) Capacity of the system (including the EDA) to deal with waste generated from the development

The Bioseptic treatment system has capacity to treat the waste generated from the development.

With regard to the reducing capacity of EDA soils to accept treated effluent over time, Council has a program in place to monitor the effectiveness of on-site waste disposal across the LGA on un-sewered land. This is the purpose for routine inspections and licencing of systems. Where systems are found to be failing or where valid complaints are received, Council has powers to require upgrading works to ensure that systems are not posing an unacceptable risk either to public health or the environment.

3. Non-compliance with previous approvals

a) Dwelling and Studio not in accordance with approval issued;

The main issue appears to be the rotation of the dwelling and studio contrary to the approved plans for DA0116/11.

The orientation of the dwelling was altered during the course of construction by approximately 10 degrees in an anticlockwise direction from the approved location. It is considered this departure is substantially the same development as that approved. The same can be said for the altered location of service tanks. These are generally in accordance with the approval issued and the departures are not sufficient to warrant further action by Council.

This matter has been subject to an internal review on two separate occasions with a response sent to the objectors on 8 December 2011 and 20 August 2012. No fault was found on the part of Council staff. In addition, the matter was brought to the attention of the Building Professionals Board via a complaint. The Board investigated the matter and found no fault on the part of the Council Certifier involved and dismissed the complaint.

Subsequent to the two internal reviews by Council in 2012 and the fact the Building Professionals Board dismissed the complaint in relation to the same issue, it is considered that the matter has reasonably been dealt with and Council need not pursue the matter further.

b) *Unlawful works and unlawful use of existing dwelling and studio*

It is acknowledged that the owner of 64 Grandview Lane carried out work unlawfully (including the installation of a kitchen, a bathroom/laundry and an additional bedroom). He also admits he has been occupying the development as a dual occupancy virtually since completion of the development.

Upon complaints being received, Council staff investigated the matter. The owner was advised to cease the use and to seek consent for the use of the premises as a Dual Occupancy if that is what he wished to do. That conversation resulted in the lodgement of DA0685/15. The owner seeks to gain consent for the work carried out without approval and to gain consent for the ongoing use of the development on-site as a dual occupancy. There are no further construction works proposed as part of DA0685/15.

This is an opportunity to resolve the unlawful aspects of development that has occurred on this property. The use as a dual occupancy is permitted within the zone and the environmental issues (namely the issue of on-site waste management) are considered to have an acceptable level of risk.

c) *On-site Sewerage Management System not in accordance with approval issued*

A plan was prepared by FTS Dwg No. P02 dated 11/12/16, however this is not a survey plan and is not necessarily accurate.

What the plan does not show (nor does any plan that has been provided by the applicant) is ground surface conditions that may have led to decisions made on site to manage issues encountered during the course of construction.

It is commonplace for construction projects to have some variations from the plans as approved. There is a degree of discretion that rests with the certifier as to whether the development is occurring in a manner that is not inconsistent with the approval issued.

The approved plans showed the AWTs tanks being located three metres from the adjoining boundary. They have in fact been installed 6.3 metres from the boundary.

The water storage tank does not have a specified setback to the boundary. It is depicted as being further into the subject property (which is reasonable and appropriate). The plans might suggest it was approved at approximately six metres from the boundary. It has been constructed at approximately 10.1 metres from the boundary.

Whilst in this instance it could be argued there is a departure from the approved plans, the tanks are generally in the location they were approved and given the installation has been completed and the system has been functioning for the past 2 years without adverse impacts, there would be no material benefit in requiring the tanks to be relocated.

The report by FTS suggests Council should re-classify the site and the On-site Waste Management Facility and associated EDA as a Medium risk site due to poor soil coverage and depth and require a design report for the proper planning of the sewerage treatment system. It is unclear how such a conclusion can be reached without undertaking an actual inspection of the site.

However, Council staff see no reason to re-evaluate the existing system and licence at this point in time as the system has essentially been subjected to the same loads it can expect as a result of the proposed use as a dual occupancy. The existing system and land application area is coping with the current loads which are not proposed to alter as a result of support for DA0685/15. The existing system was inspected by Council staff and licenced to operate until March 2020.

With regard to the issues that have been considered by Council staff, the sewerage treatment system has already been approved and the only aspect that requires consideration (for the purposes of DA0685/15) relates to the capability of the system (inclusive of the EDA) to deal with the anticipated load.

As has been previously mentioned, the sewerage treatment system is performing to an acceptable standard at this point in time and is subject to the same loading it will be subjected to under the proposed new use in the event the application is supported.

d) *Suitability of land for disposal of effluent*

Page 8 of the report by FTS (dated 11 December 2016) in the section titled "2 Observations", Mr Lee suggests that crushed and compacted sandstone would be an unacceptable material for the disposal of effluent and in order to make the area suitable, a layer of topsoil would be required.

This is a reasonable statement and would be of relevance if the crushed and compacted sandstone was deposited within the nominated EDA. However, the EDA has remained in its natural state.

The crushed and compacted sandstone has been placed underneath and around the building including vehicle manoeuvring areas and this is considered reasonable.

In the Section (of the same FTS report dated 11 December 2016) titled "2.1 Sewer LAA" (on pages 8, 9, 10 & 11), Mr Lee suggests that the owner has re-located the EDA's to be adjacent to the building (as there are two patches of green lawn in these areas). This is not the case. The EDA remains forward of the existing tanks on the site in one of the locations approved. The grassed areas are merely lawn areas adjacent to the dwelling. No effluent is being discharged to these areas.

It seems that such unfounded statements have been made due to the fact that no site inspection has been undertaken by the author of the FTS report.

e) *Garage not in accordance with approval issued*

The representations raise two separate contentions in regard to this issue.

The first relates to the actual garage approved under DA0142/15. It is claimed that the structure was built over an effluent disposal area. This issue has been addressed above. The location was a proposed EDA but that area was not commissioned or required at the time of approving that structure. In this regard, there is no matter that requires further investigation in relation to the placement of the garage.

A final inspection of the garage has not been requested by the owner of the property as yet, as the landscaping work (required as a condition of approval from Council) has not yet been carried out. The owner has been requested to complete this work as soon as possible. Should this not be undertaken within a reasonable timeframe Council will utilise Orders provisions to require compliance with all development consent conditions.

The other contention relates to the carport breezeway separating the dwelling and studio - which is referred to as a garage by objector/neighbour in his email to the Mayor dated 5 December 2016.

The area in question was approved as a double carport with parking available for two vehicles. The area is being used for storage of items and equipment and not for the storage of vehicles.

There is nothing preventing a person from using a carport, breezeway, garage or shed for the purposes of storage of whatever personal items, equipment, machinery or vehicles they choose, provided the use does not change from storage (for domestic purposes) to a commercial or industrial use.

There is no evidence to suggest that the owner is using the premises for a commercial or industrial use.

4. Estimated value of construction work

a) *Impact upon Development Application fees*

See comments in main report.

5. Occupation Certificate for dwelling and studio issued in error

Mr Lee in his report (dated 11 December 2016) in the section titled "2.5 Sewer Operation" states that the construction and operation of an On-site Sewerage Management System must be as approved by Council (under Section 68 and 68A of the Local Government Act 1993). Mr Lee suggests that Council has failed in its obligations, as an Interim Occupation Certificate was issued before the approved EDA's were operational and before the lawn areas being used were verified as being properly tested to perform without polluting. The consultant suggests that performance of the system cannot be achieved and that an independent specialist should investigate the matter.

In response to the above, there is nothing in Section 68 or Section 68A of the Local Government Act 1993 which prevents a Council from issuing an occupation certificate in any circumstance.

Section 68 and 68A relate to approvals needed prior to carrying out certain activities – one of which is to "Install an On-site Waste Management Facility". The owner obtained approval prior to installing the system and carrying out the work.

Council's obligation (as a certifying authority) in respect of authorising the occupation of a new development is found within the Environmental Planning and Assessment Act and essentially requires the certifier to be satisfied that the required approvals have been obtained, that any conditions to be satisfied prior to the issue of the certificate have been satisfied and that the building is suitable for its intended use.

It is now the practise of Council staff to issue a Licence to Operate the on-site sewerage system prior to the issue of an Interim or Final Occupation Certificate, however this was not the practise in 2011 when this particular approval was issued. The practice at the time was to confirm that the system had been installed and commissioned. The system would then be inspected at a later point in time when it would be evident how well the system was performing under normal operating conditions. Only then would the system be licenced and an appropriate risk rating be given (i.e. 1 year, 3 year or 5 year licence or "Approval to Operate").

It is considered there is no reason to seek an independent review of the system for the purposes of DA0685/15. The system is performing at an acceptable level with no visible adverse impacts. The load on the system will remain the same should DA0685/15 be granted consent. Council may require the owner to upgrade the system, should it be found to be failing in future. The reserve EDA may assist in that event.

Mr Lee in his report dated 13 December, 2016 under the heading Interim Occupation Certificate, raises the point that the sandy and rocky irrigation areas (for effluent disposal) would not meet the requirements of the treatment system and that the Interim Occupation Certificate was issued at a time when the irrigation areas were incomplete.

In this regard, the primary irrigation area to the front of the property had been commissioned and this area was suitable for the disposal of effluent. The sandy and rocky areas referred to by Mr Lee are not areas nominated for the disposal of effluent – these are lawn areas adjacent to the dwelling.

The development had the benefit of development consent and a construction certificate. The development was considered suitable for use and Council was in a position to issue an interim occupation certificate to permit the occupation of the development.

Incidentally, Section 109M of the Environmental Planning and Assessment Act 1979 provides that an Occupation Certificate is taken as having been issued if a development has been occupied for a period of 12 months or more.

ORDINARY MEETING

Meeting Date: 31 January 2017

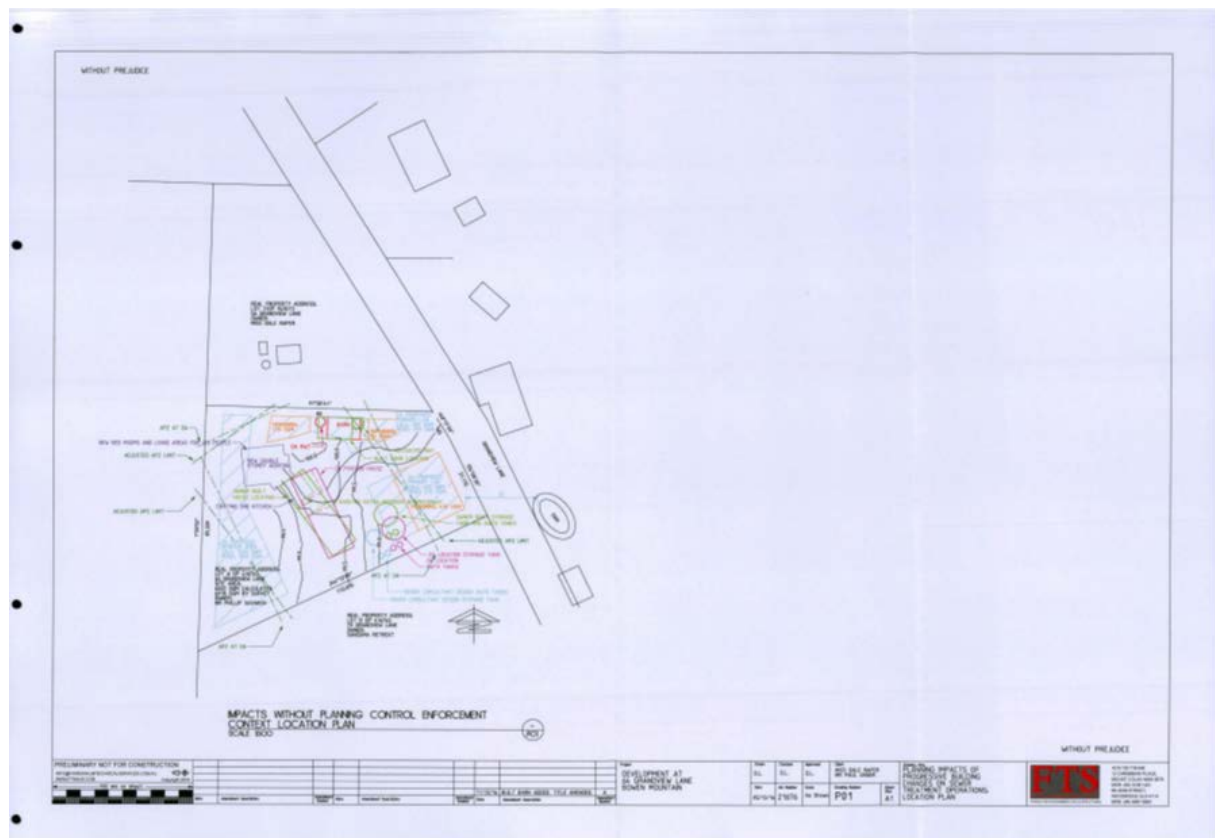
Council may still pursue matters of compliance however this needs to occur through the Notices and Orders provisions of the Environmental Planning and Assessment Act.

6. Issues with proposed alterations and additions (DA0480/16)

a) *Development Application for Double Storey Alterations and Additions*

The issues raised in relation to DA0480/16 will be considered as part of the assessment of that application. As that application is yet to be fully assessed it would not be appropriate to make any further comment on this matter.

Figure 1 and 2: Plans by FTS of Impacts without Planning Control Enforcement



ORDINARY MEETING

Meeting Date: 31 January 2017

Item: 4 CP - DA0308/16 - 221 Hawkesbury Valley Way, Clarendon - Lot 1 DP1017298 - Secondary Dwelling - (95498, 124073, 124074)

Previous Item: 208, Ordinary (11 October 2016)

Development Information

File Number: DA0308/16
Property Address: 221 Hawkesbury Valley Way, Clarendon
Applicant: Mr TJ Antonioli and Mrs KA Antonioli
Owner: Mr TJ Antonioli and Mrs KA Antonioli
Proposal Details: Secondary Dwelling
Estimated Cost: \$180,000
Zone: R2 Low Density Residential
Date Received: 11 May 2016
Advertising: 20 May 2016 to 3 June 2016

Key Issues:

- ◆ Flood Risk
- ◆ Noise Exposure from the Richmond RAAF Base
- ◆ Adverse Heritage Impacts

Recommendation: Refusal

REPORT:

Executive Summary

This Development Application seeks consent for the construction of a secondary dwelling at 221 Hawkesbury Valley Way, Clarendon.

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP Affordable Rental Housing) permits secondary dwellings in all residential zones in the Hawkesbury subject to an assessment of the proposal against Councils requirements, including Hawkesbury Local Environmental Plan 2012 and Hawkesbury Development Control Plan 2002.

The subject site contains a locally listed heritage item and is subject to flood risk and significant aircraft noise.

An assessment of the development controls applying to the land has been undertaken and it is considered that the proposal is unable to adequately address matters having regard to heritage, aircraft noise and flooding.

It is recommended that the application not be supported as the proposal is inconsistent with the relevant planning controls, policies and Australian Standard applying to the development of the land and is not supported by the Department of Defence.

The application is being reported to Council at the request of the former Mayor, Councillor Ford and was previously considered by Council at the meeting of 11 October 2016 where Council resolved the following:

"That:

1. *The matter be deferred pending discussions between Council staff and the applicant to address the issues raised in the report.*

A meeting has been held with the applicant and the outcomes of the meeting have been discussed below under the history section of this report.

ORDINARY MEETING

Meeting Date: 31 January 2017

Description of Proposal

Pursuant to Section 78A(1) of the Environmental Planning and Assessment Act (EP&A) Act 1979 this application seeks Council's consent for the construction of a secondary dwelling under State Environmental Planning Policy (Affordable Rental Housing) 2009 at Lot 1 DP 1017298, 221 Hawkesbury Valley Way, Clarendon.

The application proposes the construction of a new dwelling containing two bedrooms, kitchen, living room, bathroom and associated verandahs.

The proposed secondary dwelling would be located in the north eastern corner of the site, have dimensions of 10.3m x 9.05m, a height of 4.3m and constructed out of masonry walls and colorbond roof.

History of the application

- | | |
|------------------|--|
| 7 June 2016 | Applicant advised that the proposal to increase the number of dwellings on land affected by aircraft noise and flood risk was not supported as the proposal is inconsistent with development controls applying to the land. It was recommended that any accommodation for family members should be considered as additions or alterations to the existing dwelling as opposed to the construction of an additional dwelling on land affected by aircraft noise and flood risk. |
| 16 August 2016 | Applicant responded to Council's previous correspondence stating that the acoustic report submitted seeks to reduce noise impacts; Council has previously considered secondary dwellings in aircraft noise affected areas and the building has been designed to be above the flood level for the locality. |
| 11 October 2016 | Application reported to Council meeting where it was resolved to have the issues raised in the assessment report discussed between Council staff and the applicant. |
| 15 November 2016 | <p>Meeting held with the applicant, Manager Development Services and Director City Planning.</p> <p>During the meeting it was explained that the main issues relevant to the application was the proposal to increase the number of dwellings on land subject to unacceptable aircraft noise and flood risk.</p> <p>It was recommended that the applicant consider modifying the application to be for additions to the existing dwelling in order to provide accommodation for the property owners' family members who wish to live on the subject land. This would address the issues raised in the report presented to Council and would have significantly greater merit than the proposal to construct an additional dwelling on the land given its constraints.</p> <p>The applicant was advised that Council officers were more than happy to discuss the best way to undertake additions to the heritage listed dwelling and the owners were invited to discuss any proposed changes to the heritage building with Council's heritage advisor at no cost to the applicant.</p> |
| 16 January 2017 | The applicant advised that they have spoken to their client who "have considered the option of the attachment but still wishes to proceed with the DA as submitted being detached." |

As per Council's resolution Council staff have met with the applicant and provided the opportunity to modify the proposal to address issues raised in the previous report.

The applicant wishes to proceed with the determination of the application as originally proposed and it is considered that the original assessment and recommendations for the proposed development remain unchanged. Consequently the application is being reported back to Council for determination.

ORDINARY MEETING

Meeting Date: 31 January 2017

Issues Relevant to the Decision

- Flood risk
- Noise Exposure from the Richmond RAAF Base
- Adverse Heritage Impacts

Council Policies, Procedures and Codes to Which the Matter Relates

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP Affordable Rental Housing)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan 2012 (LEP 2012)
- Hawkesbury Development Control Plan 2002 (DCP 2002)

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

In determining the application, Council is required to take into consideration the following matters as are relevant to the land to which the development application relates:

a. The provisions of any:

i. Environmental Planning Instrument:

State Environmental Planning Policy No. 55 – Remediation of Land

The subject land has historically been used for residential purposes and there is no evidence to suggest that the site is contaminated to the extent that would prevent the land to be continued to be used for residential purposes. With respect to the provisions of SEPP No. 55 the site is considered suitable for the proposed development.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The application has been submitted pursuant to this policy which permits secondary dwellings in the R2 Low Density Residential zone provided the secondary dwelling is not greater than 60sqm in floor area and that the development application does not result in the subdivision of a lot. The proposed dwelling complies with the maximum floor area (minus the open verandah areas) and would not result in the subdivision of the land.

This policy also allows for secondary dwellings to be carried out as complying development if the proposal is consistent with the specific requirements of this policy and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

The current proposal cannot be considered as complying development as the land is subject to flooding and subject to an Australian Noise Exposure Forecast (ANEF) contour higher than 25.

Consequently a development application is required to be lodged with Council and be considered against Council's requirements, in particular LEP 2012.

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

The proposal is not contrary to the aims, objectives and recommended strategies of SREP No. 20 and considered acceptable having regard to this plan.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been issued for the proposed development.

State Environmental Planning Policy (Infrastructure) 2007

Hawkesbury Valley Way is identified as a 'Classified' road. The proposal relies on the use of an existing driveway and is considered acceptable having regard to Clause 101 of this policy.

The proposal is not expected to affect the safety, efficiency and ongoing operation of Hawkesbury Valley Way.

Hawkesbury Local Environmental Plan 2012

The subject property is zoned R2 Low Density Residential. The proposed development is best defined as a 'secondary dwelling' and is not permitted under LEP 2012. Despite the development not being permitted in the LEP2012, the SEPP Affordable Rental Housing overrides these local controls and permits this type of development.

An assessment of the proposal against the following specific clauses of the LEP is included below.

Clause 2.3 Zone objectives and Land Use Table

The application proposes to increase the density of residential development on land subject to aircraft noise and flood risk which does not provide appropriate housing for the community within a low density residential environment. Council's Residential Land Strategy focuses on locating higher residential densities (more than one dwelling) on land that is not subject to aircraft noise and flood risk.

Clause 5.10 Heritage conservation

The land contains a locally listed heritage item No. I320 (Former Inn). A heritage impact statement has been submitted with the application and concludes that the secondary dwelling will not result in any material change to the significance of the heritage item and the new building will sit at the rear of the site without visually dominating the heritage item.

Council's heritage advisor has advised that the proposed building is not sympathetic to the architecture of the heritage item onsite and recommends that the proposal be redesigned to appear as a freestanding pavilion with pitched roofs to match the main building and landscaping between the two structures to make the new building appear more as a garden element as opposed to a separate development.

The applicant has not been requested to amend the design of the structure as it is not considered appropriate to make that request of the applicant given more fundamental issues concerning aircraft noise and flood risk. Should the proposed development be supported in its current form or as part of additions to the dwelling it would be recommended that the building design be modified to minimise any potential impacts on the heritage item.

Clause 6.3 Flood planning

This clause applies to the development as the land is below the flood planning level for the locality which is predicted at 17.3m above Australian Height Datum (AHD).

The proposed dwelling is located on land at approximately 16.5m AHD with habitable areas of the building proposed 800mm above the natural ground level, i.e., floor level at 17.3m AHD.

The application seeks to justify that the proposal is acceptable having regard to flooding on the basis that the development can achieve the habitable floor height requirements of Council's Development of Flood Liable Land Policy.

ORDINARY MEETING

Meeting Date: 31 January 2017

Whilst the building could achieve the habitable floor height rules it is noted that these requirements typically apply to land which is vacant or where an existing dwelling is proposed to be replaced or altered.

The site contains an existing dwelling and provides low density housing consistent with the objectives and land use permitted in the zone under the LEP. The proposal to erect an additional dwelling on flood prone land is contrary to the overall objectives of this clause and matters for consideration under Council's Development of Flood Liable Land Policy.

The principle issue that increases the evacuation flood risk at the site is not necessarily the number of additional persons that would reside at the site as a consequence of this development proposal, but the number of households on the site. Although the current proposal is to house members of the same family in the additional dwelling, there is no legal requirement in the longer term for this to be maintained. In the longer term (as any development consent will remain in perpetuity) two separate, unrelated households can reside in each of the dwellings. In this regard, evacuation from the site is more time efficient if evacuation involves only one household instead of two households.

The applicant has been advised originally to consider additions or alterations to the existing dwelling on the site in order to provide accommodation for family members so that the proposal does not result in an increase in additional dwellings on flood liable land. This was again discussed with the applicant at the meeting of 15 November 2016.

By proposing an additional dwelling on flood prone land, the proposal does not seek to minimise the flood risk to life and property, (i.e., one household has a greater chance of evacuating in a flood situation than two, potentially unrelated (due to being separate dwellings), households). The proposal is incompatible with the flood hazard of the land having regard to flood access and risk to life and property.

Council's Development of Flood Liable Land Policy requires access to, and egress from, the land to not result in a travel path through areas of higher flood hazard risk and the development should not result in the occupants/users of the development being isolated and requiring rescue.

Consideration of additional dwellings on flood liable land will have impacts on the evacuation of existing dwellings within the locality and support of the proposal based on the applicant's justification provided would set an undesirable precedent when considering additional dwellings on flood prone land.

Whilst SEPP Exempt and Complying Development Codes 2008 does not strictly apply to the proposal as the application is not for complying development, this policy specifies that flood control lots must provide *'reliable access for pedestrians and vehicles from the development, at a minimum level equal to the lowest habitable floor level of the development, to a safe refuge'*. Support of a proposal contrary to standard state wide complying development rules puts Council in a position where it would be responsible (potentially liable) for issues concerning flood risk and impacts on life and property.

Clause 6.3(3) (e) specifies that development consent must not be granted to development on land to which this clause applies unless Council is satisfied that it *'is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding'*. Supporting secondary dwellings on flood affected land which only permits single dwellings under the LEP is not considered to be socially or economically sustainable as it will ultimately result in additional costs to the community as a consequence of flooding.

Clause 6.6 Development in areas subject to aircraft noise

This clause relates to development in areas subject to aircraft noise. The Noise Exposure Forecast Contour Map for the RAAF Base Richmond shows that the land is situated within an ANEF Contour of 30-35. Table 2.1 of AS2021-2000 classifies dwellings as 'unacceptable' development on land within an ANEF Contour of 25 and above. Table 2.1 to AS 2021 also states:

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"This standard does not recommend development in unacceptable areas. However, where the relevant planning authority determines that any development may be necessary within existing built-up areas designated as unacceptable, it is recommended that such development should achieve the required ANR determined according to Clause 3.2. For residences, schools, etc., the effect of aircraft noise on outdoor areas associated with the buildings should be considered."

The application states that the additional dwelling on the land should be considered as the proposal is supported by an Aircraft Noise Intrusion report prepared by an acoustic consultant and Council has previously approved dwellings in ANEF affected areas, and the report recommends insulation, glazing and baffle vents to be installed to reduce potential noise intrusion to the building.

Whilst it is acknowledged the proposed dwelling could be engineered and constructed to take into consideration aircraft noise intrusion into the building, outdoor areas would still be subject to significant aircraft noise. The proposed development is not deemed to be infill development as the land already contains an existing dwelling.

Justifying the development based on previous (potentially flawed) decisions made by Council should not be used as justification for why this application should be supported. Whilst Council has previously approved applications (in isolated cases) within noise sensitive areas, these generally applied to areas where changes were proposed to existing dwellings and the land is subject to much lower ANEF contours than the current proposal. The positioning of this proposed development is directly adjacent to the Richmond RAAF runway (approximately 150m).

This development is not supported by the Department of Defence.

The proposal would result in an increase in the number of dwellings and people living within an aircraft noise affected area contrary to the overall objectives of Clause 6.6 of the LEP 2012. Support of the proposal based on the justification provided by the applicant could potentially result in setting an undesirable precedent for increasing the "dwelling" density in residential areas in the 30-35 ANEF affected contours.

Council's adoption of the Hawkesbury Residential Land Strategy in May 2011 further reinforces Council's existing position with respect to development within the ANEF Contours, and in particular identified that the intensification of residential development in ANEF Contours of 25 and above as inappropriate. This strategy recommended that:

"Urban development should occur in areas with noise exposure contour less than 20.

The Australian Standard criteria should be adopted as a measure of appropriate noise zones for future development.

Development in areas with noise exposure contour between 20-25 will require special noise assessment and mitigation measures.

Residential development in areas above 25 ANEF is considered unsuitable except in the vicinity of Richmond where up to 30 ANEF may be considered, conditional on appropriate noise mitigation measures being consistently applied. However, in areas where ANEF levels are above 25 the land should be more appropriately considered for non-residential uses."

The importance of limiting residential development in aircraft noise affected areas has been previously tested in the Land and Environment Court where Council refused an application for three townhouses at No. 5 Chapel Street, Richmond. *Edwards v Hawkesbury City Council* [2004] NSWLEC 647 (30 November 2004).

The court upheld Council's decision to refuse additional housing in an aircraft noise affected area and noted that significant weight should be given to Australian Standard 2021—2000 when identifying what constitutes acceptable development on land affected by aircraft noise. This view has also previously been enforced by legal advice provided to Council.

It is considered that the applicant has not adequately justified why Council should consider increasing housing densities within an aircraft noise affected area.

In addition to the above, the proposal has been considered as being generally consistent with the following clauses of Hawkesbury Local Environmental Plan 2012:

- Clause 4.3 Height of Buildings
- Clause 6.1 Acid Sulfate Soils
- Clause 6.4 Terrestrial biodiversity
- Clause 6.7 Essential Services.

ii. Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council

There are no Draft Environmental Planning Instruments relevant to the subject land or development.

iii. Development Control Plan applying to the land

Hawkesbury Development Control Plan (DCP) 2002

The proposal is inconsistent having regard to the heritage and residential chapters of the DCP. An assessment of the proposal against the relevant chapters of this DCP follows:

Part A Chapter 3 - Notification

The application was notified between 20 May 2016 to 3 June 2016 in accordance with the DCP no submissions were received from the public following notification.

Part C Chapter 10 – Heritage Conservation

An assessment of the proposal in respect to heritage impact has been made by Council's heritage advisor who has identified that the proposed building design does not adequately consider the relationship between proposed building and heritage item on the land.

Consequently the proposal is considered contrary to the performance requirements for:

- built form and character
- finishes materials and colours
- new development within the curtilage of a heritage item
- development in the vicinity of a heritage item or conservation area
- landscaping.

Part D Chapter 1 - Residential Development

The proposal can achieve the necessary setback, parking, height and landscaping rules of this chapter.

The proposal is considered contrary to the objectives of Clause 1.13 which outlines that noise attenuation measures are not to be an unreasonable interference to the activities of the household.

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The proposed development is inconsistent with the overall aims and objectives of this clause as the noise attenuation measures recommended in the acoustic assessment report rely on all openings within the building being kept closed and the dwelling to be wholly reliant on mechanical ventilation. It is considered unreasonable to expect the residents to have all openings closed in order to prevent noise intrusion. This proposition would result in unsatisfactory amenity for the residents of the proposed dwelling.

iv. Planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

N/A

v. Matters prescribed by the Regulations:

Should the proposal be supported the development would be subject to being completed in accordance with the requirements of the Building Code of Australia (BCA)/National Construction Code and be levied against Council's Section 94A Contributions Plan 2015.

b. The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:

It is unlikely that the development would have any adverse impacts on the natural and built environments of the surrounding locality.

The unsatisfactory impacts envisaged with the proposal relate to the development of the land that contains a listed heritage item and is subject to flooding and aircraft noise impacts.

Support of the proposal has the potential to set an undesirable social and economic impact in the locality by locating affordable rental housing with unsatisfactory amenity due to being located in areas that are significantly impacted by aircraft noise and flood risk.

c. Suitability of the site for the development:

The property is considered unsuitable for increased residential development given that the land is subject to significant aircraft noise and flooding. This has been discussed in the report previously.

The applicant has been previously advised to consider additions or alterations to the existing dwelling so as to not increase the number of separate households that would be subject to aircraft noise or be required to be evacuated in the event of a flood. Any alterations or additions to the existing dwelling would be subject to a new application.

d. Any submissions made in accordance with the Act or the Regulations:

Public Submissions

The application was notified to nearby and adjoining residents in accordance with the DCP. No submissions were received from adjoining residential landowners.

Department of Defence

The application was referred to the Department of Defence as the subject site adjoins the Richmond RAAF base and the proposal involves construction of a new dwelling on aircraft noise affected land.

Correspondence from the Department of Defence, dated 23 May 2016, was received by Council. The correspondence acknowledged that the application was for a "secondary residence (granny flat) on an existing residential block. The response also stated the following:

"The subject site is located within the 25-35 Australia Noise Exposure Forecast (ANEF) contours of RAAF Base Richmond. Under Australian Standard 2021:2015 a house is considered to be unacceptable development within a noise contour greater than 25.

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Defence understands that an existing dwelling is already located within these ANEF contours however the proposed additional residential dwelling will intensify a noise sensitive land use in an area subject to high levels of aircraft noise. On this basis, Defence does not support the proposal.

Defence requests that a notation be placed on any 149 (5) Certificate that may be issued by Council for the property advising that the property is subject to high levels of aircraft noise generated by activities at RAAF Base Richmond."

It is clear from the above that Defence does not support the proposal.

e. The Public Interest:

The proposed development is considered to be contrary to the general public interest in that the proposal is inconsistent with the aims and objectives of Hawkesbury LEP 2012 and Hawkesbury DCP 2002. The application proposes to increase residential development on land significantly affected by aircraft noise and flooding. Impacts in respect to heritage have also been observed,

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 79C(1) having been taken into consideration. The proposal is inconsistent with the overall aims and objectives relating to heritage, aircraft noise and flooding contained under Hawkesbury LEP 2012 and Hawkesbury DCP 2002.

Given the potential impacts on heritage, aircraft noise and flooding, it is recommended that the application be refused.

Planning Decision

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

RECOMMENDATION:

That development application DA0308/16 at Lot 1 DP 1017298, 221 Hawkesbury Valley Way, Clarendon for Secondary Dwelling be refused for the following reasons:

1. The proposal is considered unacceptable having regard to Hawkesbury Local Environmental Plan 2012:
 - a) the application is inconsistent with the overall aims and objectives of the plan and the R2 Low Density Residential zone
 - b) the proposal would have an adverse impact in respect to the heritage item identified on the land contrary to the objectives of Clause 5.10 - Heritage Conservation
 - c) the proposal is situated on land subject to flooding and considered unacceptable in respect to flood risk and matters for consideration under Clause 6.3 Flood planning
 - d) the proposal is situated on land subject to significant adverse impact from aircraft noise and considered unacceptable in respect to Clause 6.6 Development in areas subject to aircraft noise.

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2. The proposal is contrary to the building site acceptability classification based on ANEF Zones contained in Australian Standard AS2021-2000 - Acoustics—Aircraft Noise Intrusion—Building Siting and Construction in that the proposed use is classified as unacceptable in the noise contour of the site.
3. The proposal is inconsistent having regard to Councils Development of Flood Liable land policy in respect to the flood liability of access to the land.
4. The development is considered unacceptable having regard to Hawkesbury Development Control Plan 2002.
 - a) The proposal is inconsistent with the objectives and matters for consideration contained in Part C: Chapter 10 – Heritage Conservation
 - b) The proposal is inconsistent with the objectives of Part D: Chapter 1 Residential Development, Clause 1.13 External noise and Vibration.
5. The development is not supported by the Department of Defence and, in the circumstances; approval of the development would not be in the public interest.

ATTACHMENTS:

AT - 1 Locality Map

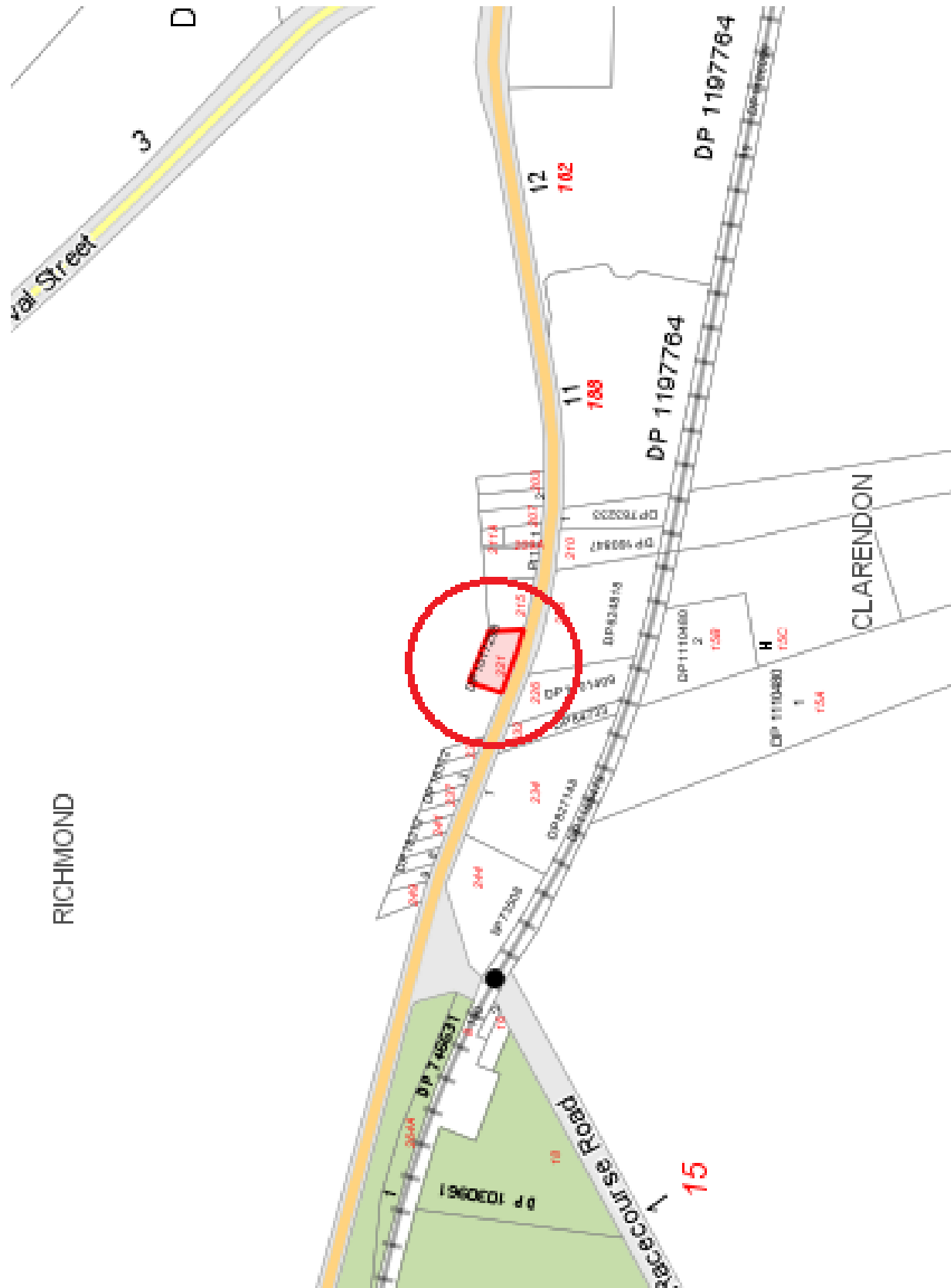
AT – 2 Aerial Map

AT – 3 Plans

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AT - 1 Locality Map



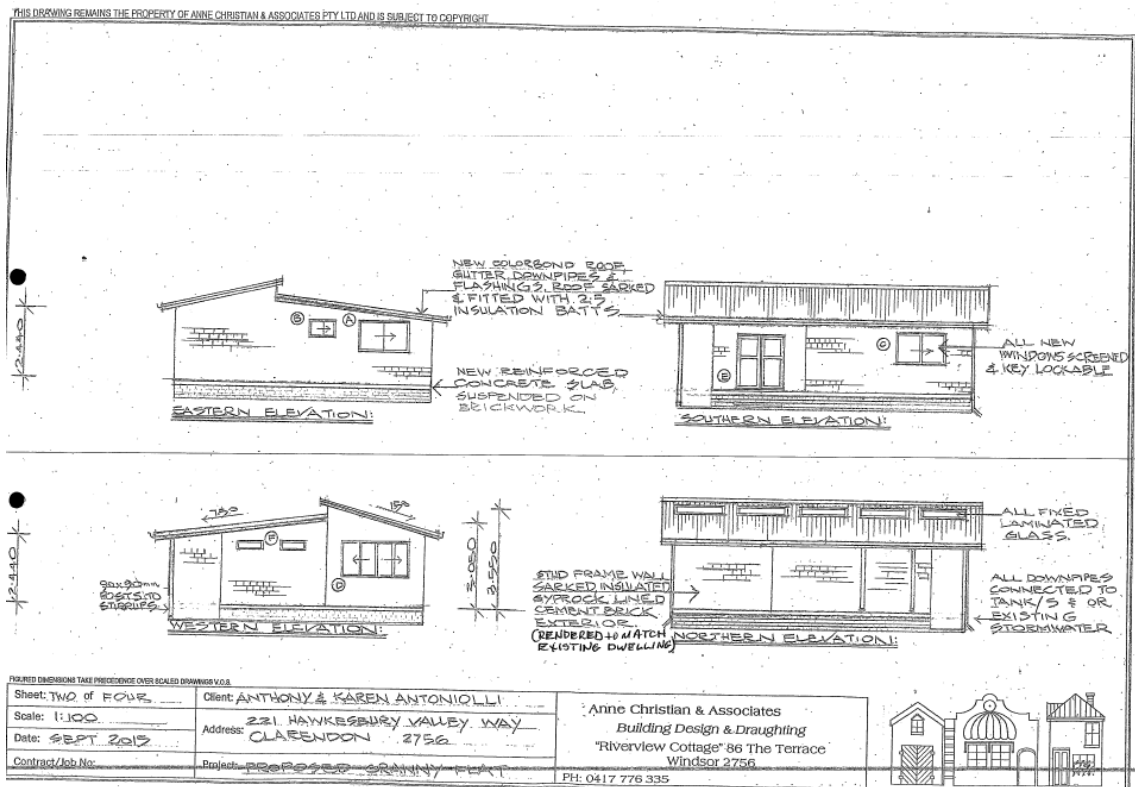
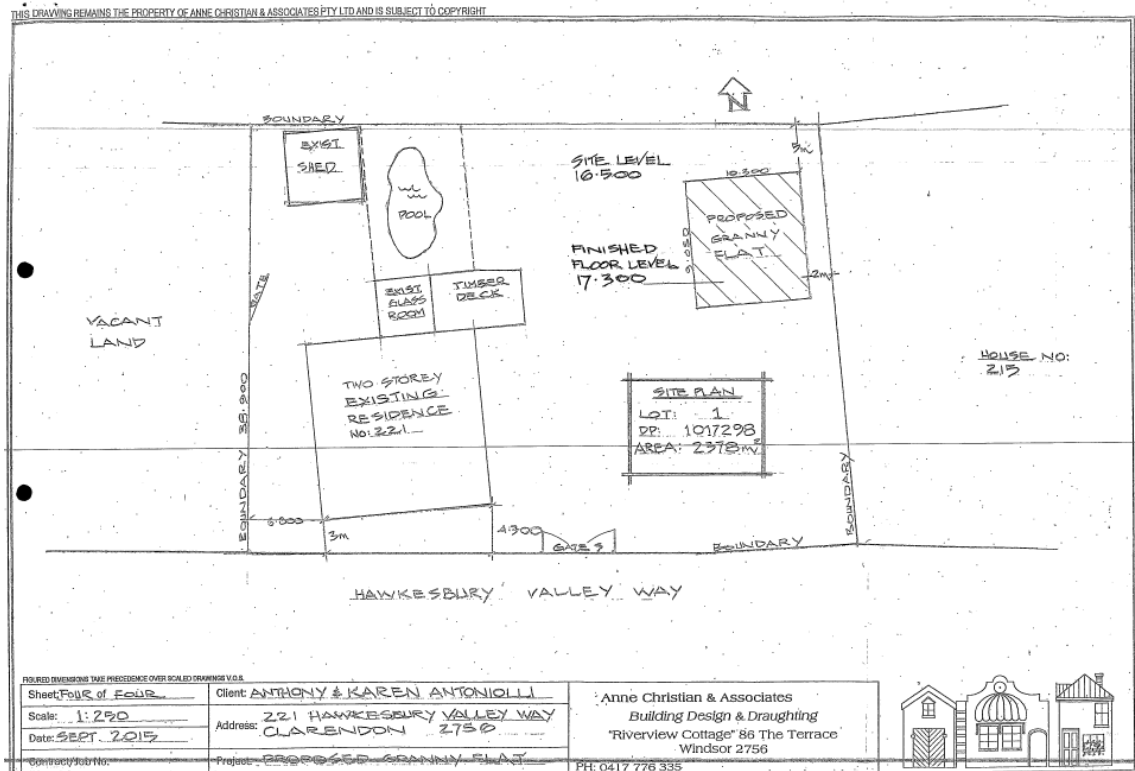
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An aerial photograph of a suburban area. A road labeled "Hawkesbury Valley Way" runs diagonally from the bottom left towards the top right. To the left of this road is a large paved area with a building labeled "RICHMOND". To the right of the road are several residential lots, some with houses and others with bare land. One lot is outlined in red. Various lot identifiers like "DP 827148" and "DP 1165479" are visible. The number "234" appears twice in red. Other labels include "CLARENDON" and "DP 824818".

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AT - 3 Plans



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Item: 5 CP - Planning Proposal to Amend the Hawkesbury Local Environmental Plan 2012 - 42 Bells Lane, Kurmond - (95498, 124414)

File Number:	LEP009/16
Property Address:	42 Bells Lane, Kurmond
Applicant:	Glenn Falson Urban and Rural Planning Consultant
Owner:	Estate of GG Michael and GA Michael
Date Received:	23 March 2016
Current Minimum Lot Size:	10 Hectare
Proposed Minimum Lot Size:	4,000m ²
Current Zone:	RU1 Primary Production
Site Area:	2.992ha
Recommendation:	Council support the preparation of a planning proposal to enable the subdivision of the subject site into five lots with a minimum lot size of 4,000m ² .

REPORT:

Executive Summary

Council has received a planning proposal from Glenn Falson Urban and Rural Planning Consultant (the Applicant) which seeks to amend the *Hawkesbury Local Environmental Plan 2012* (LEP 2012) to enable the subdivision of Lot 40 DP 7565, 42 Bells Lane, Kurmond into five lots with a minimum lot size of 4,000m².

This report provides Council with an overview of the planning proposal and recommends that the preparation of a planning proposal be supported and submitted to the Department of Planning and Environment (DP&E) for a 'Gateway' determination.

Background

The planning proposal was received on 23 March 2016. The reporting of this planning proposal to Council has been delayed primarily due to a Council resolution of 28 June 2016 relating to another planning proposal (LEP006/16 - 98 Bells Lane, Kurmond) that stated *the matter be deferred pending further discussions with the community*.

At the time of this resolution it was understood that Council was concerned with the cumulative impacts arising from the number of individual planning proposals being considered within the Kurmond and Kurrajong Investigation Area. The Applicant was subsequently informed of this resolution and advised that the reporting of this planning proposal to Council would be deferred pending the outcome of further consideration by Council on the overall Kurmond and Kurrajong Investigation Area structure planning process.

At the Council Meeting on 29 November 2016, Council considered a report on the Kurmond and Kurrajong Investigation Area Survey Results and resolved:

"That:

1. *Council receive the results of the Kurmond and Kurrajong Investigation Area Survey.*

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2. *Council Staff identify a number of specific areas (based upon Constraints Mapping, survey results and the preferred approach as outlined in this report) for possible, but not certain, development of additional large lot residential/rural-residential development throughout the Investigation Area and some residential development up to, but not within, the existing villages of Kurmond and Kurrajong.*
3. *The identified areas be further consulted with the community regarding future development.*
4. *The results of that further consultation be reported to Council.*
5. *Council not accept any further planning proposal applications within the Kurmond and Kurrajong investigation area until such time as the structure planning as outlined in this report is completed. Council receive a progress report on the structure planning prior to July 2017.*
6. *Council continue processing the planning proposals within the investigation area that have received support via a Council resolution to proceed to a Gateway determination and any planning proposals currently lodged with Council as at 29 November 2016."*

Part 6 of the above resolution is of most relevance to this planning proposal given it was lodged with Council prior to 29 November 2016 and accordingly the matter is now being reported to Council in compliance with Council's resolution.

Consultation

The planning proposal has not yet been exhibited as Council has not resolved to prepare the proposal. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) and associated Regulations, and as specified in the 'Gateway' determination.

Planning Proposal

The planning proposal seeks to amend the LEP 2012 in order to permit the subdivision of the subject site into five lots.

The planning proposal aims to achieve this by amending the relevant Lot Size Map of the LEP 2012 in order to provide a minimum lot size of 4,000m². The Applicant also suggests that an appropriate provision be included in the LEP 2012 to limit the maximum number of lots created by future subdivision of the subject site to five lots.

A concept plan for a proposed five lot subdivision is shown in Figure 1 below. The areas of the proposed lots in the concept plan are shown in Table 1. This plan has been provided for discussion purposes only in relation to the potential lot yield of the subject site, and the proposed minimum lot sizes, and as such does not form part of the planning proposal.

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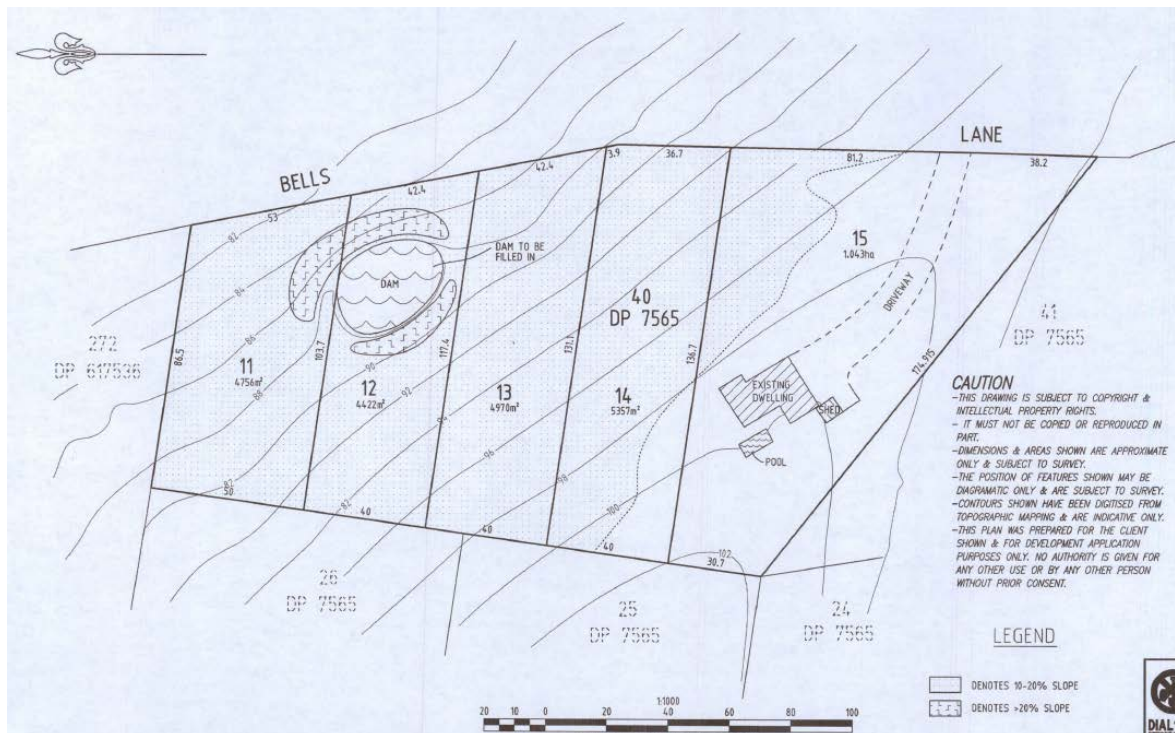


Figure 1: Conceptual Subdivision Plan
(Not for adoption)

Table 1: Areas of proposed lots (Not for adoption)

Lot Number	Area
11	4,756m ²
12	4,422m ²
13	4,970m ²
14	5,357m ²
15	1.043ha

The DP&E's "A Guide to Preparing Planning Proposals", August 2016 advises:

"A planning proposal which is submitted for a Gateway determination must provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan making process. The level of detail required in a planning proposal should be proportionate to the complexity of the proposed amendment."

A planning proposal relates only to a LEP amendment. It is not a development application nor does it consider specific detailed matters that should form part of a development application. (Emphasis added)

The planning proposal should contain enough information to identify relevant environmental, social, economic and other site specific considerations. The scope for investigating any key issues should be identified in the initial planning proposal that is submitted for a Gateway determination. This would include listing what additional studies the RPA considers necessary to justify the suitability of the proposed LEP amendment. The actual information/investigation may be undertaken after a Gateway determination has been issued and if required by the Gateway determination."

The planning proposal has identified particular environmental matters which may have consequences for the future subdivision and development of the subject site, including bushfire protection, wastewater disposal and flora/fauna. However, detailed reports have not been provided to demonstrate that these matters are not prohibitive to future development.

Where it is determined that more detailed information is required a recommendation can be made to the DP & E that detailed specialist reports be provided prior to notification of the proposal. The 'Gateway' determination will confirm the information (which may include studies) and consultation required before the planning proposal and resultant amendment to the LEP 2012 can be finalised.

Subject Site and Surrounds

The subject site is Lot 40 DP 7565, 42 Bells Lane, Kurmond. It has an area of 2.992ha and is irregular in shape with an approximate road frontage of 298 metres and average depth of 113 metres.

The subject site is located within the Kurmond Kurrajong Investigation Area as shown in Figure 2 below.

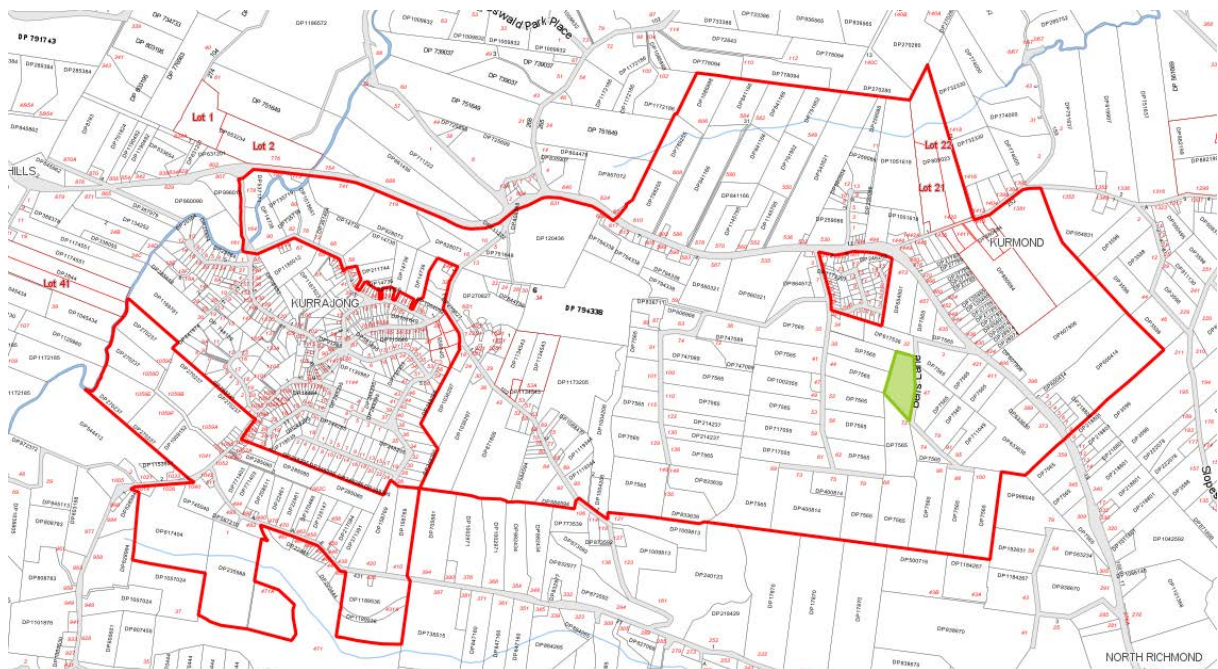


Figure 2: Site Location within Kurmond Kurrajong Investigation Area

The subject site is currently zoned RU1 Primary Production under the LEP 2012, with the current minimum lot size for subdivision of this land being 10ha.

The subject site is used for rural residential purposes and contains an existing dwelling, outbuilding, pool and dam.

The subject site is shown as being bushfire prone (Bushfire Vegetation Category 3) on the NSW Rural Fire Service's Bushfire Prone Land Map.

All of the subject site is shown as being within Class 5 Acid Sulfate Soils on the Acid Sulphate Soils Planning Maps contained within the LEP 2012. Acid Sulfate Soil Classification 5 represents a relatively low chance of acid sulphate soils being present on the subject site.

The subject site is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture.

The subject site contains 'Significant Vegetation' as identified on the Terrestrial Biodiversity Map of the LEP 2012. Vegetation on the subject site is generally located around the existing dam and at the rear of the dwelling house.

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

The land varies in height from approximately 80 metres AHD along the Bells Lane road frontage to 102 metres AHD at the rear of the subject site. Based on Council's slope mapping, the subject site contains some land having slopes in excess of 15% surrounding the dam.

Properties immediately to the north, south, east and west of the subject site are all similarly zoned RU1 Primary Production. Further to the west and southwest, land is zoned RU4 Primary Production Small Lots. The current minimum lot size applicable for the subdivision of the immediate surrounding properties is 10ha.

Land surrounding the subject site consists of lots having sizes that predominantly range between 1ha and 10ha. The immediate surrounding area of the subject site is predominantly characterised by rural residential uses.

Applicant's Justification of Proposal

The Applicant's justification for the planning proposal is summarised as follows:

- *The proposed subdivision is consistent with the Hawkesbury Residential Land Strategy (HRLS).*
- *The subject site is located within the Kurmond/Kurrajong Investigation Area and is included in an investigation area map prepared by Council.*
- *The preliminary site investigations reveal that the subject site is capable of subdivision into approximately five lots that would be consistent with other lands in the vicinity, and would form an appropriate component of village expansion at Kurmond.*
- *The proposed lot sizes are capable of containing on-site wastewater disposal systems and are appropriate in terms of bushfire control and vegetation and flora/fauna management.*

A Plan for Growing Sydney, Draft North West Subregional Strategy, Draft West District Plan and Hawkesbury Residential Land Strategy

The NSW Government's A Plan for Growing Sydney, December 2014 (the Plan), the Draft North West Subregional Strategy (the draft Strategy), and the Draft West District Plan (DWDP) establish the broad planning directions for the Sydney metropolitan area, north-western and western sectors of Sydney respectively. These documents identify a number of strategies, objectives/priorities and actions relating to the economy and employment, centres and corridors, housing, transport, environment and resources, parks and public places, implementation and governance. It should be noted that the DWDP is currently on public exhibition and, if adopted will replace the draft Strategy.

These documents have a high level metropolitan and regional focus and for the most part are not readily applicable to a singular large lot residential planning proposal at Kurmond. Notwithstanding this the Applicant has provided an assessment of the planning proposal against the Plan and draft Strategy and concludes that the proposal is consistent with these strategies.

Specifically the Applicant states that the planning proposal:

"is consistent with (albeit as only a minute proposal within the big picture) with the Plan's goals in that the proposal will assist a local competitive economy; will provide additional housing and lifestyle choices in a rural/urban fringe environment; will be part of the local Kurmond community by location and association; and will provide a balanced approach to the use of this land and its available resources both natural and in terms of service provision."

With regard to the draft Strategy (albeit that it will shortly be replaced), the Applicant notes the additional 5,000 dwelling target for the Hawkesbury LGA and states that the draft Strategy:

"acknowledges that the Hawkesbury LGA is largely constrained by the Hawkesbury Nepean flood plain, with limited capacity for additional growth to the south of the Hawkesbury River due to the risk of flooding and the draft Strategy identifies and assumes that the majority of future housing growth within the LGA will need to occur on land located predominantly to the north of the River in association with existing local centres. Whilst not specifically mentioned in the sub regional strategy Kurmond Township would fall within such a local centre."

The Applicant has not provided an assessment with respect to the DWDP as this was not publically available at the time the planning proposal was prepared/lodged with Council. If the planning proposal is to proceed, this assessment can be provided by the Applicant and reviewed by Council officers prior to forwarding the planning proposal to the DP&E for a 'Gateway' determination.

The Hawkesbury Residential Land Strategy (HRLS) seeks to identify residential investigation areas and sustainable development criteria.

The HRLS contains 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 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 large lot residential development on the fringe of the Kurmond Village.

Section 6.5 of the HRLS outlines rural village development criteria and states:

"6.5_Rural Village Development Criteria

While the majority of future residential development will occur within existing residential areas or on the periphery of existing urban areas and corridors, it is recognised that there is a need to maintain the ongoing viability of rural villages. Future development within rural villages should be primarily low density and large lot residential dwellings.

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Additionally all future low density and large lot residential development in rural villages must:

- *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 1km radius);*
- *Address environmental constraints and with minimal environmental impacts; and*
- *Within the capacity of the rural village."*

The above criteria has been refined by Council and mapped to avoid confusion. This work resulted in the mapping of the Kurmond/Kurrajong Investigation Area. In this regard the mapping work has addressed the "within 1km radius" criteria.

The ability to dispose of effluent on site is discussed in later sections of this report.

The subject site is on the fringe of the Kurmond Village, and is within the mapped Kurmond/Kurrajong Investigation Area.

Relevant environmental constraints are discussed in later sections of this report.

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."

Compliance with the HRLS has been discussed previously 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 Rezonings Policy

This Policy was adopted by Council on 16 May 1998 and had its origin in the Our City Our Future study of the early 1990's.

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Since the time of adoption, this Policy has essentially been superseded by subsequent amendments to *Hawkesbury Local Environmental Plan 1989*, the Draft North West Subregional Strategy, the DWDP, the Hawkesbury Residential Land Strategy, the Hawkesbury Community Strategic Plan, the commencement of the LEP 2012, and the DP&E's 'Gateway' system for dealing with planning proposals. As a result this Policy will be proposed for review in the near future.

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 The land is within an area identified within Council's subsequent Residential Land Strategy as having urban potential. Fragmentation of this land is envisaged by this subsequent 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 The proposal is consistent with this principle.

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

Applicant's Response The site does not front a main road.

d) No subdivision along ridgelines or escapements.

Applicant's Response The site is not on a ridgeline or in an escarpment area.

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 The lots will vary in size down to a minimum of approximately 4,420m². This is larger than the size of allotment (4,000m²) that is indicated generally by Council as being the minimum to contain on-site effluent disposal in later studies (e.g. Kurrajong Heights, Wilberforce and within LEP 2012 generally).

Officer Comments The planning proposal is not accompanied by a wastewater feasibility assessment demonstrating that the proposed lot sizes have the capacity to accommodate an on-site sewage management system. However, in consideration of the size and location of relatively unconstrained land within each proposed lot, it is anticipated that each proposed lot is capable of supporting the on-site disposal of wastewater. This can be confirmed with the submission of a wastewater feasibility assessment following a 'Gateway' determination.

The DP&E will consider this as part of their 'Gateway' determination, and if required will request further information/consideration of this matter.

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

Applicant's Response The subdivision does not propose removal of vegetation. It is proposed that a small dam be filled in and there is some vegetation around that dam. It is possible that this vegetation can be retained or be replaced in a more suitable location.

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Officer Comments

The removal of native vegetation will be required for the removal/filling in of the existing dam on proposed Lots 11 and 12. This vegetation is located within an area identified as 'Significant Vegetation' on the Terrestrial Biodiversity Map of the LEP 2012. However, following a site inspection, it is considered that the dam and associated vegetation does not provide significant habitat due to its limited size, composition and condition, and impacts from the use of the land for cattle grazing. This can be confirmed by the submission of a flora and fauna assessment following a 'Gateway' determination.

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

The rezoning process has altered since this policy of Council. The Gateway process will dictate whether further studies are required. It is noted that Council has embarked on preparing a S94 Plan which will apply to this Planning Proposal if finalised by the time of completion of the proposal. Otherwise a Voluntary Planning Agreement can be entered into so that an amount approximating what might be levied under S94 can be provided for roads and other community infrastructure.

Officer Comments

As per the DP&E's guidelines for planning proposals, the Applicant has identified the relevant environmental considerations for the proposal, including flora and fauna, watercourses, on-site effluent disposal and bushfire. Whilst specialist reports addressing these matters have not been provided, the need for further information/consideration will be a matter for the DP&E to determine as part of their 'Gateway' process. In this regard, it is recommended that a flora and fauna assessment, bushfire assessment and wastewater feasibility assessment be requested following a 'Gateway' determination.

The need for a Section 94 Contribution Plan or a Voluntary Planning Agreement (VPA) can be determined and further discussed with the Applicant if this planning proposal is to proceed.

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 proposal is for a 'normal' Torrens Title subdivision. Due to the size of the site, long road frontage and proposed lot layout there is no significant advantage to having a Community Title subdivision.

Officer 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 can be provided.

Section 117 Directions

The Minister for Planning, under Section 117 (2) of EP&A Act, issues Directions that councils must comply with when preparing planning proposals. Directions cover the following broad range of categories:

- employment and resources
- environment and heritage
- housing, infrastructure and urban development
- hazard and risk

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- regional planning
- local plan making
- implementation of a Plan for Growing Sydney.

Typically, the Section 117 Directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal.

The Section 117 Directions do allow for planning proposals to be inconsistent with the Directions. In general terms a planning proposal may be inconsistent with a Direction only if the DP&E is satisfied that the proposal is:

- a) justified by a strategy which:
 - gives consideration to the objectives of the Direction, and
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - is approved by the Director-General of the DP&E, or
- b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of the Direction, or
- c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the DP&E which gives consideration to the objective of the Direction, or
- d) is of minor significance.

The HRLS has been prepared with consideration given to the various policies and strategies of the NSW State Government and Section 117 Directions of the Minister. In this regard, a planning proposal that is consistent with the Hawkesbury Residential Land Strategy is more likely to be able to justify compliance or support for any such inconsistency.

A summary of the key Section 117 Directions follows:

Direction 1.2 Rural Zones

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 seeks an amendment to the Lot Size Map of the LEP 2012 and does not propose any changes to the current RU1 Primary Production zoning. As a consequence, the planning proposal will result in an increase in the density of land. The Applicant states:

"The proposal is considered to be of minor significance only in terms of impact on the available rural zones and rural/agricultural lands. The site has not been used for any form of meaningful rural/agricultural use for many years and is currently required to be mechanically slashed to keep grass and weed infestation at bay.

Due to the location of the site adjacent to dwellings on small lots and the relatively small size of the lot, the land is not conducive to productive agricultural use.

As the proposal is for limited large lot housing lots and is of minor significance the proposal does not warrant the preparation of a specific rural study. This is particularly the case noting Council's Residential Strategy that identified sites such as this for village expansion."

This inconsistency will be considered by the DP&E as part of their 'Gateway' determination. Based on previous 'Gateway' determinations issued by the DP&E, it is expected that the DP&E will consider any inconsistency with this Direction to be of minor significance.

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.

In accordance with the provisions of this Direction, it is proposed that the Department of Industry be consulted following a 'Gateway' determination.

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 (DUAP 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.

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. It is recommended that if this planning proposal is to proceed, Council seek guidance from the DP&E via the 'Gateway' process regarding the applicability of this document. Based on previous 'Gateway' determinations issued by the DP&E, it is expected that the DP&E will consider any inconsistency with this Direction to be of minor significance.

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 DP&E.

The subject site is identified as containing "Class 5 Acid Sulfate Soils" on the Acid Sulphate Soils Planning Maps contained within the LEP 2012, and as such any future development on the land will be subject to Clause 6.1 Acid Sulfate Soils of the LEP 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 but the DP&E will consider this as part of their 'Gateway' determination, and if required can request further information/consideration of this matter.

Direction 4.4 Planning for Bushfire Protection

The subject site is shown as being bushfire prone, containing Vegetation Category 3 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, compliance with Planning for Bushfire Protection 2006, and compliance with various Asset Protection Zones, vehicular access, water supply, layout, and building material provisions.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessary restrictive site specific planning controls. The planning proposal proposes an amendment to the Lot Size Map of the LEP 2012 in addition to a provision in the LEP to restrict the lot yield from subdivision of the subject site. The DP&E have 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 the LEP 2012. It will be a matter for the DP&E to determine if this inconsistency is justifiable.

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. Under the *Greater Sydney Commission Act 2015*, A Plan for Growing Sydney is deemed to be the Regional Plan for the Greater Sydney Region. The planning proposal is consistent with this Regional Plan as discussed previously within this report.

State Environmental Planning Policies

The State Environmental Planning Policies of most relevance are *State Environmental Planning Policy (SEPP) No. 44 – Koala Habitat Protection*, *State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land*, *Sydney Regional Environmental Plan (SREP) No. 9 - Extractive Industry (No 2-1995)*, and *(SREP) No. 20 - Hawkesbury - Nepean River (No.2 - 1997)*.

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)

The Applicant advises:

"State Environmental Planning Policy 44 – Koala Habitat Assessment is applicable. A formal assessment of the site against this Policy has not been done however would be included in any subsequent flora/fauna report required. However there is no evidence of koalas on site and the site does not appear to contain "core habitat" as defined by SEPP44."

The aim of this SEPP is to *"encourage the proper conservation and management of natural vegetation that provide habitat for koalas"*. In this regard, the presence of 'core koala habitat', as defined by this SEPP can be investigated as part of a flora and fauna assessment following a 'Gateway' determination.

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

This SEPP 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 does it require remediation. The SEPP 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 Applicant states that:

"The land has not been used for any intensive agricultural use or any other use that would suggest that remediation is required. There is no obvious evidence of surface or groundwater pollution. It is not believed that any geotechnical investigations need to be carried out for the planning proposal to proceed. Investigations could take place if required at the time of the hydraulic assessment for effluent disposal."

The Applicant also states that the subject site *"has been cleared in the past for grazing activities."* The DP&E's Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land identifies agricultural activities as a land use that may cause contamination. It is considered that the grazing of livestock creates a low potential/risk of land contamination and this matter can be considered in greater detail as part of any future development applications for subdivision of the land. Notwithstanding this, the need for further investigations as part of this planning proposal will be considered by the DP&E as part of their 'Gateway' determination.

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

The primary aims of SREP 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 subject site is not within the vicinity of land described in Schedule 1 and 2 of the SREP 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 SREP 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-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 SREP 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

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- 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
- 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.

It is considered that the future use of the proposed additional lots for large lot residential purposes will be able to comply with the relevant provisions of the SREP or be able to appropriately minimise adverse impacts.

Assessment of the Merits of the Planning Proposal

On 28 July 2015 Council adopted the following development principles to be taken into consideration 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 land varies in height from approximately 80 metres AHD along the Bells Lane road frontage to 102 metres AHD at the rear of the subject site. Based on Council's slope mapping, the subject site contains some land having slopes in excess of 15% surrounding the existing dam as shown in Figure 3.

Figure 3 illustrates the proposed lots in relation to the slopes of the subject site.

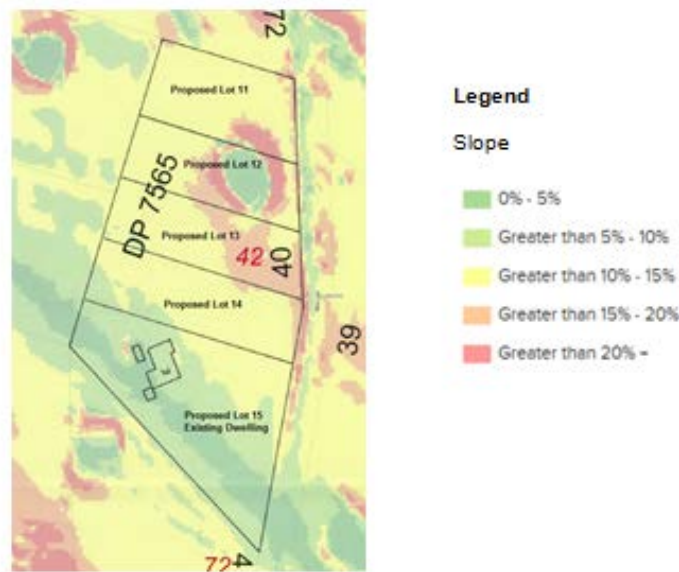


Figure 3: Slope Analysis

This slope analysis highlights that:

- access from Bells Lane to proposed Lots 11, 12, 13 and 14 will need to traverse land that has a slope in excess of 15%. This generally consists of a narrow strip of land that appears to be partly on the subject site and partly within the Bells Lane road reserve
- a driveway to a building area on proposed Lot 13 will need to cross land having a slope in excess of 15-20%.

It is also noted that earthworks for the filling of the dam may provide land slopes less than 15% to accommodate access and/or a building platform on proposed Lot 12.

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%.

The identified inconsistencies with this requirement are considered to be able to be resolved through the reconsideration of lot orientation and/or access points/arrangements, and the appropriate design of 'crossover' access to the proposed lots. In light of these potential solutions, it is considered that the subject site has a potential of being subdivided into five lots.

Ecology

The planning proposal is not accompanied by a flora and fauna survey and assessment report, and the Applicant provides the following information on flora and fauna on the subject site:

"The site is included in the Terrestrial Biodiversity Map within Council's LEP2012. The map indicates that approximately 8% of the site is classified as "significant vegetation" with the remainder classified as clear of "significant vegetation". However, an inspection of the aerial photo of the site reveals that the area noted as "significant" is in fact a few trees around a small dam and some scattered shade trees the majority of which do not have a continuous canopy.

It may be appropriate that a formal report on flora/fauna of the site is carried out to assist in final subdivision design however this assessment (and cost) would be more appropriate if identified through the 'Gateway' process of the Department of Planning and Environment. It is not believed that formal flora/fauna assessment is required at this stage (and probably not [at] all)."

Council's vegetation mapping records the subject site as containing Shale Sandstone Transition Forest, which is a critically endangered ecological community (CEEC) under the *Threatened Species Conservation Act, 1995*. This vegetation community is located around the existing dam.

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.

Figure 4 shows the areas of the subject site which contain significant vegetation. Figure 5 shows the corresponding vegetation that is located in these areas.

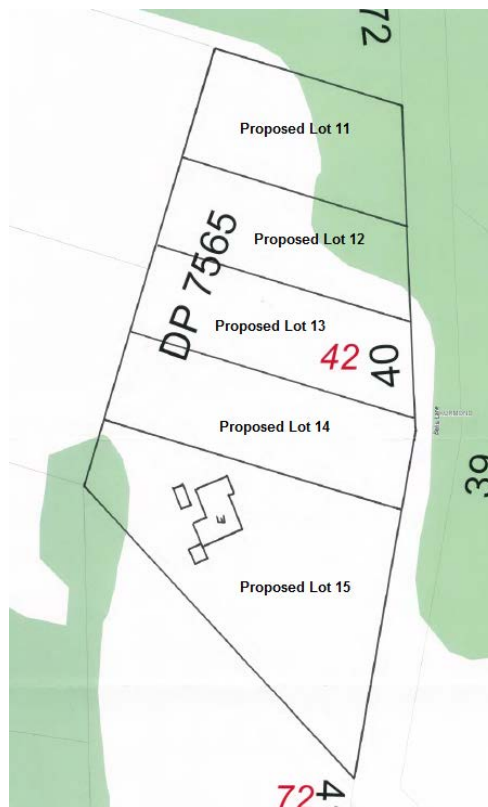


Figure 4: Mapped Significant Vegetation on Subject Site



Figure 5: Aerial Photo of Subject Site

The aerial photo in Figure 5 shows that each proposed lot contains a cleared area suitable for a dwelling house.

The filling of the dam will result in the removal of vegetation located in an area nominated as 'Significant Vegetation'. Investigations have not been carried out to determine the ecological value of the existing dam or its surrounding remnant vegetation. However, following a site inspection, it is expected that the dam and associated vegetation does not provide significant habitat due to its limited size, composition and condition, and the impacts from the use of the land for cattle grazing. This can be confirmed by the submission of a flora and fauna assessment following a 'Gateway' determination.

Access and Transport

The subject site is accessed via Bells Lane which is connected to Bells Line of Road to the north-east. 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 (RMS) to address with the outcome being incorporated into relevant planning proposals and/or developer contribution plans. Discussions have commenced between Council and RMS with the initial advice from RMS being for Council to focus any future traffic study associated with the Kurmond and Kurrajong Investigation Area on the existing and proposed intersections with Bells Line of Road within the investigation area and its immediate surrounds and not necessarily on bridge or river crossings.

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Further to these discussions with RMS, Council resolved on 25 October 2016 that:

- "1. A report be brought to Council regarding the establishment of a committee to discuss the establishment of a comprehensive regional traffic study of river crossings and road links including options for funding such a study, with specific instructions to draw up a brief and seek submissions from a selected short list of companies. The proposed committee to consist of the Directors of Planning and Infrastructure, two Councillors and one qualified community representative.*
- 2. The Committee request an urgent meeting with the Member for Hawkesbury, The Hon. Dominic Perrottet and the Member for Macquarie, Susan Templeman to discuss the establishment of a comprehensive regional traffic study of river crossings and road links including options for funding such a study."*

Other Notice of Motions dealing with the above have also been considered by Council since resolving the above. In this regard, there is a separate report on this agenda that is addressing the above resolution.

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 this 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 states:

"It is envisaged that if this Planning Proposal were to proceed a contribution would be levied on the subdivision for each additional lot created to assist in implementation of traffic and other infrastructure in the locality. Alternatively, the landowner could enter into a Voluntary Planning Agreement with Council. An amount approximating what might come from the S94 Plan can be levied on the resultant subdivision if the S94 Plan has not at that time been implemented."

On 10 November 2015 Council considered a report on VPAs 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."*

The Applicant's suggestion of a VPA is consistent with the above Council resolution. If the planning proposal is to proceed further discussions will be held with the Applicant and land owner regarding the preparation of a draft VPA.

Bushfire Hazard

The subject site is shown as being bushfire prone (Bushfire Vegetation Category 3) on the NSW Rural Fire Service's Bushfire Prone Land Map.

The planning proposal is not accompanied by a bushfire assessment report. Given the subject site is identified as bushfire prone, the planning proposal will be referred to the NSW Rural Fire Service (RFS), being the responsible authority for bushfire protection for comment should Council resolve to proceed with the planning proposal and receive a 'Gateway' determination advising to proceed with the planning proposal from DP&E.

Agricultural Land Classification

The subject site is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture. These lands are described by the classification system as:

- "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.*"

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

Services

The Applicant advises that the subject site has access to electricity, telecommunication, garbage and recycling services but does not have access to a reticulated sewerage or reticulated water system.

The planning proposal is not accompanied by a wastewater feasibility assessment or any other relevant statement or study. As the subject site does not have access to a reticulated sewerage system, future development will be dependent upon appropriate on-site sewage management systems. The Applicant contends that each proposed lot is of sufficient size to dispose of on-site effluent. Whilst the sizes of the proposed lots as a whole may be adequate, the constraints of the land within each proposed lot, such as dams, significant vegetation and slope, need to be considered, and ultimately reduces the 'useable' area of the proposed lots for this purpose.

Potable water supply can be managed via on-site collection in this case.

For the above reasons it is recommended that a wastewater feasibility assessment be requested to confirm the suitability of each proposed lot for on-site effluent disposal. The DP&E will consider this as part of their 'Gateway' determination, and if required can request further information/consideration of this matter.

Heritage

The subject site is not identified as a heritage item in Schedule 5 Environmental Heritage of the LEP 2012, is not located within a conservation area, and is not subject to any heritage order or within the immediate vicinity of any identified heritage item.

Section 94 Contributions or a Voluntary Planning Agreement

Should the planning proposal proceed it will be subject to either a Section 94 Developer Contributions Plan (S94 Plan) or a VPA.

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The Applicant has acknowledged that if the planning proposal is to proceed further, preparation of a Section 94 Developer Contributions Plan or a draft VPA to support the required infrastructure upgrade in the locality as a consequence of the development would be required.

Conformance to Community Strategic Plan

The proposal is considered to be consistent with the Looking after People and Place Directions theme statement, and specifically:

- Offer residents a choice of housing options that meet their needs whilst being sympathetic to the qualities of the Hawkesbury.
- Population growth is matched with the provisions of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.
- Have development on both sides of the river supported by appropriate physical and community infrastructure.

Conclusion

Based on the assessment within this report, it is considered that some form of rural residential development on the subject site is appropriate and feasible. It is therefore recommended that Council support the preparation of a planning proposal to allow subdivision of the subject site into five lots having a minimum size of 4,000m².

More specific details and requirements in support of the planning proposal discussed in this report can be addressed following the 'Gateway' determination, should that be issued.

It is also recommended that if the DP&E determines that the planning proposal is to proceed, a S94 Plan or a draft VPA to support the required infrastructure upgrade in the locality to support the development be prepared prior to the finalisation of the planning proposal.

The processing of this application is consistent with part 6 of Council's resolution of 29 November 2016 in that this application had been lodged with Council prior to that date.

Financial Implications

The Applicant has paid the fees required by Council's fees and charges for the preparation of a local environmental plan.

If the planning proposal is to proceed further, a Section 94 Plan or a draft VPA to support the required infrastructure upgrade in the locality to support the development would need to be prepared.

Planning Decision

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

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RECOMMENDATION:

That:

1. Council support the preparation of a planning proposal for Lot 40 DP 7565, 42 Bells Lane, Kurmond to allow development of the subject site for rural residential development with a minimum lot size of not less than 4,000m² and a maximum lot yield from subdivision of five lots subject to the submission of further studies for consideration in relation to flora and fauna, bushfire protection, and on-site effluent disposal following a 'Gateway' determination.
2. The planning proposal be forwarded to the Department of Planning and Environment for a 'Gateway' determination.
3. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
4. The Department of Planning and Environment and the Applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement has been made towards resolving infrastructure provision for this planning proposal.

ATTACHMENTS:

AT - 1 Proposed Minimum Lot Size Map

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Item: 6 **CP - Planning Proposal to Amend the Hawkesbury Local Environmental Plan 2012 - 98 Bells Lane, Kurmond - (95498, 124414)**

File Number:	LEP006/16
Property Address:	98 Bells Lane, Kurmond
Applicant:	Glenn Falson Urban and Rural Planning Consultant
Owner:	DE Thompson
Date Received:	9 February 2016
Current Minimum Lot Size:	10 hectare (ha)
Proposed Minimum Lot Size:	4,000m ² and 2ha
Current Zone:	RU1 Primary Production
Site Area:	4.924ha

Recommendation: Council support the preparation of a planning proposal to enable the subdivision of the subject site into lots with minimum lot sizes of 4,000m² and 2ha.

REPORT:

Executive Summary

Council has received a planning proposal from Glenn Falson Urban and Rural Planning Consultant (the Applicant) which seeks to amend the *Hawkesbury Local Environmental Plan 2012* (LEP 2012) to enable the subdivision of Lot 49 DP 7565, 98 Bells Lane, Kurmond into four lots.

This report provides Council with an overview of the planning proposal, and recommends that the preparation of a planning proposal be supported and submitted to the Department of Planning and Environment (DP&E) for a 'Gateway' determination.

Background

The planning proposal was received on 9 February 2016 and was previously reported to Council on 28 June 2016. At this meeting Council resolved that *the matter be deferred pending further discussions with the community*.

On 29 November 2016 Council considered a report on the Kurmond and Kurrajong Investigation Area Survey Results and resolved:

"That:

- 1. Council receive the results of the Kurmond and Kurrajong Investigation Area Survey.*
- 2. Council Staff identify a number of specific areas (based upon Constraints Mapping, survey results and the preferred approach as outlined in this report) for possible, but not certain, development of additional large lot residential/rural-residential development throughout the Investigation Area and some residential development up to, but not within, the existing villages of Kurmond and Kurrajong.*
- 3. The identified areas be further consulted with the community regarding future development.*
- 4. The results of that further consultation be reported to Council.*

5. Council not accept any further planning proposal applications within the Kurmond and Kurrajong investigation area until such time as the structure planning as outlined in this report is completed. Council receive a progress report on the structure planning prior to July 2017.
6. Council continue processing the planning proposals within the investigation area that have received support via a Council resolution to proceed to a Gateway determination and any planning proposals currently lodged with Council as at 29 November 2016."

Part 6 of the above resolution is of most relevance to this planning proposal given it was lodged with Council prior to 29 November 2016 and accordingly the matter is now being reported to Council.

Consultation

The planning proposal has not yet been exhibited as Council has not resolved to prepare the proposal. If the planning proposal is to proceed it will be exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) and associated Regulations, and as specified in the 'Gateway' determination.

Planning Proposal

The planning proposal seeks to amend the LEP 2012 in order to permit the subdivision of the subject site into four lots.

The planning proposal aims to achieve this by amending the relevant Lot Size Map of the LEP 2012 in order to provide minimum lot sizes of 4,000m², 1ha and 2ha. The Applicant also suggests that an appropriate provision be included in the LEP 2012 to limit the maximum number of lots created by future subdivision of the land to four lots.

A concept plan for a proposed four lot subdivision is shown in Figure 1 below. The areas of the proposed lots in the concept plan are shown in Table 1. This plan has been provided for discussion purposes only in relation to the potential lot yield of the subject site, and the proposed minimum lot sizes, and as such does not form part of the planning proposal.

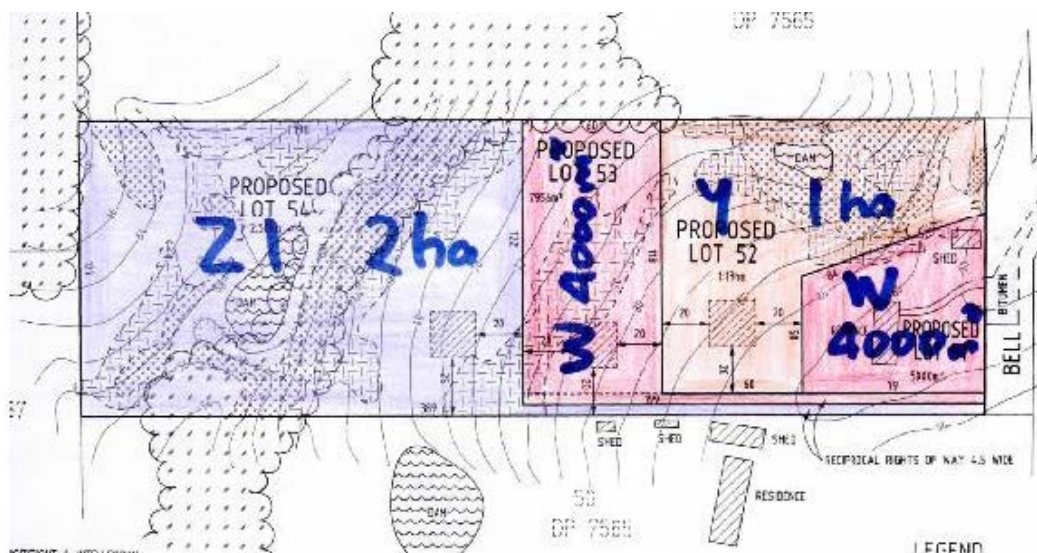


Figure 1: Concept Subdivision Plan
(Not for adoption)

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Table 1: Areas of proposed lots (Not for adoption)

Lot Number	Area
51	5,000m ²
52	1.13ha
53	7,956m ²
54	2.5ha

The DP&E's A Guide to Preparing Planning Proposals, August 2016 advises:

"A planning proposal which is submitted for a Gateway determination must provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan making process. The level of detail required in a planning proposal should be proportionate to the complexity of the proposed amendment."

A planning proposal relates only to a LEP amendment. It is not a development application nor does it consider specific detailed matters that should form part of a development application. (Emphasis added)

The planning proposal should contain enough information to identify relevant environmental, social, economic and other site specific considerations. The scope for investigating any key issues should be identified in the initial planning proposal that is submitted for a Gateway determination. This would include listing what additional studies the RPA considers necessary to justify the suitability of the proposed LEP amendment. The actual information/investigation may be undertaken after a Gateway determination has been issued and if required by the Gateway determination."

The planning proposal has identified particular environmental matters which may have consequences for the future subdivision and development of the subject site, including bushfire protection, wastewater disposal and flora/fauna. However, detailed reports have not been provided to demonstrate that these matters are not prohibitive to future development.

Where it is determined that more detailed information is required a recommendation can be made to the DP & E that detailed specialist reports be provided prior to notification of the proposal. The 'Gateway' determination will confirm the information (which may include studies) and consultation required before the planning proposal and resultant amendment to the LEP 2012 can be finalised.

Subject Site and Surrounds

The subject site is Lot 49 DP 7565, 98 Bells Lane, Kurmond. It has an area of 4.92ha and is regular in shape with an approximate frontage of 126 metres and depth of 389 metres.

The subject site is located within the Kurmond and Kurrajong Investigation Area as shown in Figure 2 below.



Figure 2: Subject Site Location within Kurmond and Kurrajong Investigation Area

The subject site is currently zoned RU1 Primary Production under the LEP 2012, with the current minimum lot size for subdivision of this land being 10ha.

The subject site is used for rural residential purposes and contains an existing dwelling and an outbuilding.

A watercourse traverses the property in a north-west to south-east direction at the rear of the subject site and an existing dam is located within this watercourse. The watercourse and dam is surrounded by native vegetation.

The subject site is shown as being bushfire prone (Bushfire Vegetation Categories 1 and 3) on the NSW Rural Fire Service's Bushfire Prone Land Map.

All of the subject site is shown as being within Class 5 Acid Sulfate Soils on the Acid Sulphate Soils Planning Maps contained within the LEP 2012. Acid Sulfate Soil Classification 5 represents a relatively low chance of acid sulphate soils being present on the subject site.

The subject site is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture.

The subject site has been identified as having 'Significant Vegetation' and 'Connectivity between Significant Vegetation' on the Terrestrial Biodiversity Map. The area of 'Significant Vegetation' generally corresponds with the existing vegetation located around the watercourse towards the rear of the subject site.

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

The land varies in height from approximately 90 metres AHD along the Bells Lane road frontage to 58 metres AHD along the watercourse towards the rear of the subject site. The land then rises to the rear boundary to 68 metres AHD. Based on Council's slope mapping, the subject site contains land having slopes in excess of 15% within the north-western frontage of the subject site, areas adjacent to the watercourse and a portion of land located centrally within the subject site.

Properties immediately to the north, south, east and west of the subject site are all similarly zoned RU1 Primary Production. Further to the west and southwest, land is zoned RU4 Primary Production Small Lots. The current minimum lot size applicable for the subdivision of the immediate surrounding properties is 10ha.

Land surrounding the subject site consists of lots having sizes that predominantly range between 1ha and 10ha. The immediate surrounding area of the subject site is predominantly characterised by rural residential uses.

Applicant's Justification of Proposal

The Applicant's justification for the planning proposal is summarised as follows:

- *The proposed subdivision is consistent with the Hawkesbury Residential Land Strategy (HRLS).*
- *The subject site is located within the Kurmond/Kurrajong Investigation Area and is included in an investigation area map prepared by Council.*
- *The preliminary site investigations reveal that the subject site is capable of subdivision into approximately four lots that would be consistent with other lands in the vicinity, and would enable an appropriate expansion of the Kurmond Village.*
- *The proposed lot sizes are capable of containing on-site wastewater disposal systems and are appropriate in terms of bushfire control and vegetation and flora/fauna management.*
- *Electricity, telephone, garbage and recycling facilities are currently available to the subject site.*

A Plan for Growing Sydney, Draft North West Subregional Strategy, Draft West District Plan and Hawkesbury Residential Land Strategy

The NSW Government's A Plan for Growing Sydney, December 2014 (the Plan), the Draft North West Subregional Strategy (the draft Strategy), and the Draft West District Plan (DWDP) establish the broad planning directions for the Sydney metropolitan area, north-western and western sectors of Sydney respectively. These documents identify a number of strategies, objectives/priorities and actions relating to the economy and employment, centres and corridors, housing, transport, environment and resources, parks and public places, implementation and governance. It should be noted that the DWDP is currently on public exhibition and, if adopted will replace the draft Strategy.

These documents have a high level metropolitan and regional focus and for the most part are not readily applicable to a singular large lot residential planning proposal at Kurmond. Notwithstanding this the Applicant has provided an assessment of the planning proposal against the Plan and draft Strategy and concludes that the proposal is consistent with these strategies.

Specifically the Applicant states that the planning proposal:

"is consistent with (albeit as only a minute proposal within the big picture) with the Plan's goals in that the proposal will assist a local competitive economy; will provide additional housing and lifestyle choices in a rural/urban fringe environment; will be part of the local Kurmond community by location and association; and will provide a balanced approach to the use of this land and its available resources both natural and in terms of service provision."

With regard to the draft Strategy, the Applicant states:

"The Draft North West Subregional Strategy identifies and assumes that the majority of future housing growth within the LGA will need to occur on land located predominantly to the north of the River in association with existing local centres. Whilst not specifically mentioned in the sub regional strategy Kurmond Village would fall within such a local centre."

The proposal is consistent, albeit in a small way, with the objective of a further 5-6,000 dwellings within the Hawkesbury LGA by 2031."

The Applicant has not provided an assessment with respect to the DWDP as this was not publically available at the time the planning proposal was prepared/lodged with Council. If the planning proposal is to proceed, this assessment can be provided by the Applicant and reviewed by Council officers prior to forwarding the planning proposal to the DP&E for a 'Gateway' determination.

The Hawkesbury Residential Land Strategy (HRLS) seeks to identify residential investigation areas and sustainable development criteria.

The HRLS contains 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 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 large lot residential development on the fringe of the Kurmond Village.

Section 6.5 of the HRLS outlines rural village development criteria and states:

"6.5 Rural Village Development Criteria

While the majority of future residential development will occur within existing residential areas or on the periphery of existing urban areas and corridors, it is recognised that there is a need to maintain the ongoing viability of rural villages. Future development within rural villages should be primarily low density and large lot residential dwellings.

Additionally all future low density and large lot residential development in rural villages must:

- *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 1km radius);*
- *Address environmental constraints and with minimal environmental impacts; and*
- *Within the capacity of the rural village."*

The above criteria has been refined and mapped by Council resulting in the mapping of the Kurmond/Kurrajong Investigation Area. In this regard the mapping of this area has quantified the "within 1km radius" criteria to resolve potential confusion.

The ability to dispose of effluent on site is discussed in later sections of this report.

The subject site is on the fringe of the Kurmond Village, and is within the mapped Kurmond/Kurrajong Investigation Area.

Relevant environmental constraints are discussed in later sections of this report.

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."

Compliance with the HRLS has been discussed previously 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 16 May 1998 and had its origin in the Our City Our Future study of the early 1990's.

Since the time of adoption, this Policy has essentially been superseded by subsequent amendments to *Hawkesbury Local Environmental Plan 1989*, the Draft North West Subregional Strategy, the DWDP, the Hawkesbury Residential Land Strategy, the Hawkesbury Community Strategic Plan, the commencement of the LEP 2012, and the DP&E's 'Gateway' system for dealing with planning proposals. In this regard this Policy will be reviewed in the short term.

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 The land is within an area identified within Council's subsequent Residential Land Strategy as having urban potential. Fragmentation of this land is envisaged by this subsequent 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 The proposal is consistent with this principle.

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

Applicant's Response The site does not front and is not visible from a main road.

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d) No subdivision along ridgelines or escarpments.

Applicant's Response The site is not on a ridgeline or escarpments.

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 The lots will vary in size down to a minimum of approximately 5,000m². A lesser area than this, 4,000m², is the size of allotment that is indicated by Council as normally being the minimum to contain on-site effluent disposal in later studies (e.g. Kurrajong Heights, Wilberforce and within LEP 2012 generally). The 5,000m² lot is that around the existing house that already has an effluent disposal system within the proposed lot boundaries. The other three lots are 2.5ha, 1.1ha and 7,956m², each of which is well able to contain on site effluent disposal."

Officer Comments The planning proposal is not accompanied by a wastewater feasibility assessment demonstrating that the proposed lot sizes have the capacity to accommodate an on-site sewage management system. However, in consideration of the size and location of unconstrained land within each proposed lot, it is anticipated that each proposed lot is capable of supporting the on-site disposal of wastewater. This can be confirmed with the submission of a wastewater feasibility assessment.

The DP&E will consider this as part of their 'Gateway' determination and if required will request further information/consideration of this matter.

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

Applicant's Response The subdivision does not propose removal of vegetation. The indicative dwelling sites on the two (sic) vacant lots would have sufficient open area around them for bushfire asset protection zones.'Some vegetation management may be required however this is believed to be minimal.

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 The rezoning process has altered since this policy of Council. The Gateway process will dictate whether further studies are required.

Officer Comments As per the DP&E's guidelines for planning proposals, the Applicant has identified the relevant environmental considerations for the proposal, including flora and fauna, watercourses, on-site effluent disposal and bushfire. Whilst specialist reports addressing these matters have not been provided, the need for further information/consideration will be a matter for the DP&E to determine as part of their 'Gateway' process. In this regard, it is recommended that a flora and fauna assessment, bushfire assessment and wastewater feasibility assessment be requested following a 'Gateway' determination.

The need for a Section 94 Contribution Plan or a Voluntary Planning Agreement (VPA) can be determined and further discussed with the Applicant if this planning proposal is to proceed.

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- 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 for subdivision of the land has not been determined. Community title can be investigated should the Planning Proposal proceed.

Officer 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 can be provided.

Section 117 Directions

The Minister for Planning, under Section 117 (2) of EP&A Act, issues Directions that councils must comply with when preparing planning proposals. Directions cover the following broad range of categories:

- employment and resources
- environment and heritage
- housing, infrastructure and urban development
- hazard and risk
- regional planning
- local plan making
- implementation of a Plan for Growing Sydney.

Typically, the Section 117 Directions will require certain matters to be complied with and/or require consultation with government authorities during the preparation of the planning proposal.

The Section 117 Directions do allow for planning proposals to be inconsistent with the Directions. In general terms a planning proposal may be inconsistent with a Direction only if the DP&E is satisfied that the proposal is:

- a) justified by a strategy which:
- gives consideration to the objectives of the Direction
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites)
 - is approved by the Director-General of the DP&E, or
- b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of the Direction, or
- c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the DP&E which gives consideration to the objective of the Direction, or
- d) is of minor significance.

The HRLS has been prepared with consideration given to the various policies and strategies of the NSW State Government and Section 117 Directions of the Minister. In this regard, a planning proposal that is consistent with the Hawkesbury Residential Land Strategy is more likely to be able to justify compliance or support for any such inconsistency.

A summary of the key Section 117 Directions follows:

Direction 1.2 Rural Zones

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 seeks an amendment to the Lot Size Map of the LEP 2012 and does not propose any changes to the current RU1 Primary Production zoning. As a consequence, the planning proposal will result in an increase in the density of land. The Applicant states:

"The proposal is considered to be of minor significance only in terms of impact on the available rural zones and rural/agricultural lands. The site has not been used for any form of meaningful rural/agricultural use in the past and is currently required to be mechanically slashed to keep grass and weed infestation at bay.

Due to the location of the site adjacent to other small lots and because of vegetation on part of it the site is arguably not conducive to productive agricultural use. It is noted that the Deposited Plan that created the site is probably around 80 years old and as such the land was not of any size that would permit large scale agriculture.

As the proposal is only for [four] large lot housing and/or rural/residential lots, provides a community benefit and is considered to be of minor significance the proposal does not, in our view, warrant the preparation of a specific rural study particularly noting Council's Residential Strategy that identified sites such as this for village expansion."

This inconsistency will be considered by the DP&E as part of their 'Gateway' determination. Based on previous 'Gateway' determinations issued by the DP&E, it is expected that the DP&E will consider any inconsistency with this Direction to be of minor significance.

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.

In accordance with the provisions of this Direction, it is proposed that the Department of Industry be consulted following a 'Gateway' determination.

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 (DUAP 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.

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. It is recommended that if this planning proposal is to proceed, Council seek guidance from the DP&E via the 'Gateway' process regarding the applicability of this document. Based on previous 'Gateway' determinations issued by the DP&E, it is expected that the DP&E will consider any inconsistency with this Direction to be of minor significance.

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 DP&E.

The subject site is identified as containing "Class 5 Acid Sulfate Soils on the Acid Sulphate Soils Planning Maps contained within the LEP 2012, and as such any future development on the land will be subject to Clause 6.1 Acid Sulfate Soils of the LEP 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 but the DP&E will consider this as part of their 'Gateway' determination, and if required can request further information/consideration of this matter.

Direction 4.4 Planning for Bushfire Protection

The subject site is shown as being bushfire prone, containing Vegetation Categories 1 and 3 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, compliance with Planning for Bushfire Protection 2006, and compliance with various Asset Protection Zones, vehicular access, water supply, layout, and building material provisions.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessary restrictive site specific planning controls. The planning proposal proposes an amendment to the Lot Size Map of the LEP 2012 in addition to a provision in the LEP to restrict the lot yield from subdivision of the subject site. The DP&E have 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 LEP 2012. It will be a matter for the DP&E to determine if this inconsistency is justifiable.

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. Under the Greater Sydney Commission Act 2015, *A Plan for Growing Sydney* is deemed to be the Regional Plan for the Greater Sydney Region. The planning proposal is consistent with this Regional Plan as discussed previously within this report.

State Environmental Planning Policies

The State Environmental Planning Policies of most relevance are *State Environmental Planning Policy (SEPP) No. 44 – Koala Habitat Protection*, *State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land*, *Sydney Regional Environmental Plan (SREP) No. 9 - Extractive Industry (No 2-1995)* and *(SREP) No. 20 - Hawkesbury - Nepean River (No.2 - 1997)*.

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State Environmental Planning Policy No. 44 - Koala Habitat Protection (SEPP 44)

The Applicant advises:

"State Environmental Planning Policy 44 - Koala Habitat Assessment is applicable. A formal assessment of the site against this Policy has not been done however would be included in any subsequent flora/fauna report required. However there is no evidence of koalas on site and the site is not core habitat as defined by SEPP44."

The aim of this SEPP is to "encourage the proper conservation and management of natural vegetation that provide habitat for koalas". In this regard, the presence of 'core koala habitat', as defined by this SEPP can be investigated as part of a flora and fauna assessment following a 'Gateway' determination.

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

This SEPP 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 does it require remediation. The SEPP 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 Applicant states that:

"The land has not been used for any intensive agricultural use or any other use that would suggest that remediation is required. There is no obvious evidence of surface or groundwater pollution. It is not believed that any geotechnical investigations need to be carried out for the planning proposal to proceed."

The Applicant also states that the subject site "may have been used for hobby grazing activities in the past." The DP&E's Managing Land Contamination Planning Guidelines SEPP 55 - Remediation of Land identifies agricultural activities as a land use that may cause contamination. It is considered that the grazing of livestock creates a low potential/risk of land contamination and this matter can be considered in greater detail as part of any future development applications for subdivision of the land. Notwithstanding this, the need for further investigations as part of this planning proposal will be considered by the DP&E as part of their 'Gateway' determination.

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

The primary aims of SREP 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 subject site is not within the vicinity of land described in Schedule 1 and 2 of the SREP 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 SREP 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-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 SREP 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)

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- 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
- 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.

It is considered that the future use of the proposed additional lots for large lot residential purposes will be able to comply with the relevant provisions of the SREP or be able to appropriately minimise adverse impacts.

Proposed Lot Size Map Amendment

The planning proposal seeks to amend the LEP 2012 in order to permit the subdivision of the subject site into four lots having minimum lot sizes of 4,000m², 1ha and 2ha generally as shown in Figure 1.

A minimum lot size of 2ha has been nominated for the rear of the subject site and corresponds to Proposed Lot 54 on the concept subdivision plan. Given that the watercourse, dam and Significant Vegetation/riparian vegetation are located in this area, a minimum lot size of 2 ha is supported for the retention and preservation of these features whilst providing an area suitable for future development on the land for a dwelling house.

The Applicant proposes a minimum lot size of 4,000m² for Proposed Lots 51 and 53 and a minimum lot size of 1ha for Proposed Lot 52.

Given the constraint of slope on the subject site, only three lots could be created within the area nominated as Lots 51, 52 and 53. The Applicant also suggests an appropriate provision be inserted into the LEP 2012 to limit the maximum lot yield to four lots. Such a provision would mean that only three lots could be created from the area of the subject site corresponding to Lots 51 to 53. As a result it is considered that there is no need for the application of 1ha minimum in this instance, and the whole of the area corresponding with Lots 51 to 53 should have a minimum lot size of 4,000m².

Having a consistent minimum lot size of 4,000m² will provide the benefits of:

- mapping accuracy and simplicity
- preventing the creation of lots with differing lot size requirements
- providing flexibility in the configuration of the lots at subdivision stage to ensure the most suitable lot layout can be achieved based on the environmental constraints of the subject site.

Assessment of the Merits of the Planning Proposal

On 28 July 2015 Council adopted the following development principles to be taken into consideration 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 land varies in height from approximately 90 metres AHD along the Bells Lane road frontage to 58 metres AHD along the watercourse to the rear of the land. The land then rises to the rear boundary to 68 metres AHD.

Based on Council's slope mapping, the subject site contains land having slopes in excess of 15% within the north-western frontage of the subject site, within areas adjacent to the watercourse, and within a portion of land located centrally within the subject site as shown in Figure 3.

The concept plan for the proposed four lot subdivision attached to the planning proposal shows building footprints for future dwellings on the proposed lots. Proposed Lot 51 contains an existing dwelling house, whilst Proposed Lot 52 will have frontage to Bells Lane, and Proposed Lots 53 and 54 will gain access via a reciprocal right of way from Bells Lane. Figure 3 illustrates the proposed lots and related building footprints in relation to the slopes of the subject site.

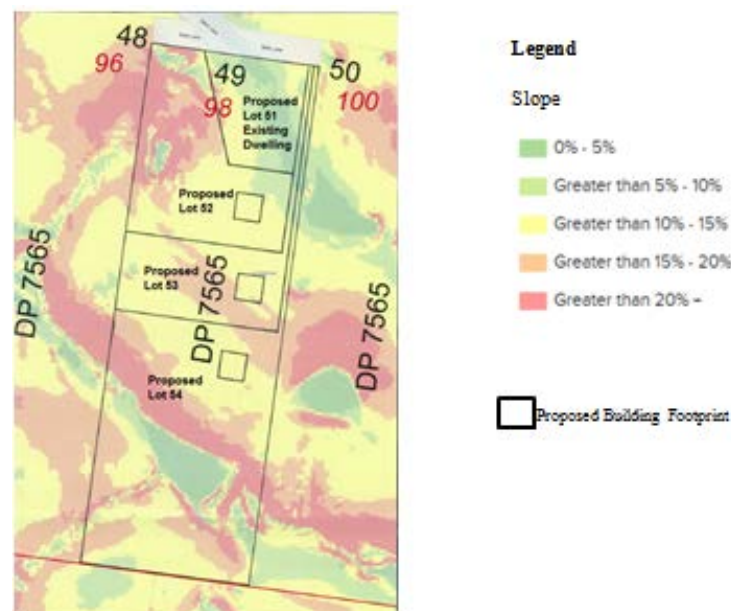


Figure 3: Slope Analysis

This slope analysis highlights that:

- the building footprints on Proposed Lots 53 and 54 are mostly on land with a slope of 10-15%, with a small encroachment on land having a slope of 15-20%
- asset protection areas for Proposed Lots 53 and 54 will encroach on land having a slope of 15-20% to a minor degree
- the access handle to Proposed Lot 54 traverses land having a slope of 15-20%
- access to the building footprint located on Proposed Lot 52 from Bells Lane will traverse land having slopes of 15-20% and 20+%.

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%.

The identified inconsistencies with this requirement are considered to be minor and/or able to be resolved through:

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- a minor relocation of building footprint/envelopes subject to the provision of appropriate Asset Protection Zones
- the appropriate orientation and design of access to the building envelope having regard to the contours of the land
- the provision of access to the building envelope on Proposed Lot 52 from the access handle/s to Proposed Lots 53 and 54.

Ecology

The planning proposal is not accompanied by a flora and fauna survey and assessment report, and the Applicant provides the following information on flora and fauna on the subject site.

"The site is included in the Terrestrial Biodiversity Map within Council's LEP2012. The map indicates that approximately 1/4 of the site is classified as 'significant vegetation' with approximately 5% as 'connectivity between significant vegetation'.

Whilst a flora/fauna assessment of the site has not been carried out at this stage it can be seen that the subdivision and dwelling locations can take place without impact on vegetation. It is not considered that a formal report on flora/fauna of the site is required at this stage but would be more appropriate if identified through the Gateway process of the Department of Planning & Infrastructure. In reality however vegetation will not be affected and a flora/fauna assessment is probably not required."

Council's vegetation mapping records the subject site as containing Shale Sandstone Transition Forest, which is a critically endangered ecological community (CEEC) under the *Threatened Species Conservation Act, 1995*. This vegetation community is located along the watercourse at the rear of Proposed Lot 54.

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.

The building envelope indicated for Proposed Lot 54 is located partially within significant vegetation as shown in Figure 4.

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Figure 4: Mapped Significant Vegetation on Subject Site



Figure 5: Aerial Photo of Subject Site

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However, the Aerial Photo in Figure 5 shows that the nominated building footprint on Proposed Lot 54 is within an existing cleared area.'

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

- an appropriate setback of the building envelope on Proposed Lot 54 from the watercourse can be achieved
- the existing dam located within the watercourse is being retained
- the existing watercourse and surrounding vegetation is being retained wholly within one allotment (Proposed Lot 54).

However, it is unclear as to whether or not the trees, or riparian vegetation, adjacent to the building footprint on Proposed Lot 54 will need to be removed in order to establish bushfire asset protection zones. These trees are located within the area of mapped 'Significant Vegetation'.

A flora and fauna assessment and a bushfire assessment have not been submitted with the application, and for the above reasons it is recommended that these reports be requested. The DP&E will consider this as part of their 'Gateway' determination, and if required will request further information/consideration of this matter.

Access and Transport

The subject site is accessed via Bells Lane which is connected to Bells Line of Road to the north-east. 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 (RMS) to address with the outcome being incorporated into relevant planning proposals and/or developer contribution plans. Discussions have commenced between Council and RMS with the initial advice from RMS being for Council to focus any future traffic study associated with the Kurmond and Kurrajong Investigation Area on the existing and proposed intersections with Bells Line of Road within the investigation area and its immediate surrounds rather than on bridge and river crossings.

Further to these discussions with RMS, Council resolved on 25 October 2016 that:

- "1. A report be brought to Council regarding the establishment of a committee to discuss the establishment of a comprehensive regional traffic study of river crossings and road links including options for funding such a study, with specific instructions to draw up a brief and seek submissions from a selected short list of companies. The proposed committee to consist of the Directors of Planning and Infrastructure, two Councillors and one qualified community representative.
2. The Committee request an urgent meeting with the Member for Hawkesbury, The Hon. Dominic Perrottet and the Member for Macquarie, Susan Templeman to discuss the establishment of a comprehensive regional traffic study of river crossings and road links including options for funding such a study."

Council has considered a number of Notice of Motions on this matter and it is noted that a report addressing the above resolution is contained in this meeting agenda.

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In recent 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 this 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 will be unacceptable if no traffic improvements are made. In response to this issue the Applicant states:

"it is envisaged that if this Planning Proposal were to proceed a contribution would be levied on the subdivision for each additional lot created to assist in implementation of traffic infrastructure in the locality. Alternatively, the landowner could enter into a Voluntary Planning Agreement with Council so that an amount approximating what might come from the S94 Plan can be levied with the resultant subdivision if the S94 Plan has not at that time been implemented."

On 10 November 2015 Council considered a report on VPAs 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."*

The Applicant's suggestion of a VPA is consistent with Council this resolution. If the planning proposal is to proceed further discussions will be held with the Applicant and land owner regarding the preparation of a draft VPA.

Bushfire Hazard

The subject site is shown as being bushfire prone (Bushfire Vegetation Categories 1 and 3) on the NSW Rural Fire Service's Bushfire Prone Land Map.

The planning proposal is not accompanied by a bushfire assessment report. Given the subject site is identified as bushfire prone, the planning proposal will be referred to the NSW Rural Fire Service (RFS), being the responsible authority for bushfire protection, for comment should Council resolve to proceed with the planning proposal and receive a 'Gateway' determination advising to proceed with the planning proposal from DP&E.

Agricultural Land Classification

The subject site is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture. These lands are described by the classification system as:

- "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.*"

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

Services

The Applicant advises that the subject site has access to electricity, telecommunication, garbage and recycling services but does not have access to a reticulated sewerage or water system.

The planning proposal is not accompanied by a wastewater feasibility assessment or any other relevant statement or study. As the subject site does not have access to a reticulated sewerage system, future development will be dependent upon appropriate on-site sewage management systems. The Applicant states that the "*subject site is large enough for each proposed lot to have on-site disposal*". Whilst the sizes of the proposed lots as a whole may be adequate, the constraints of the land within each lot, such as watercourses, dams, significant vegetation and slope, need to be considered, and ultimately reduces the 'useable' area of the proposed lots for this purpose.

Potable water for this development can be via on-site collection if required.

For the above reasons it is recommended that a wastewater feasibility assessment be requested to confirm the suitability of each proposed lot for on-site effluent disposal. The DP&E will consider this as part of their 'Gateway' determination and if required will request further information/consideration of this matter.

Heritage

The subject site is not identified as a heritage item in Schedule 5 Environmental Heritage of the LEP 2012, is not located within a conservation area, and is not subject to any heritage order or within the immediate vicinity of any identified heritage item.

Section 94 Contributions or a Voluntary Planning Agreement

Should the planning proposal proceed it will be subject to either a Section 94 Developer Contributions Plan (S94 Plan) or a VPA.

The Applicant has acknowledged that if the planning proposal is to proceed further, preparation of a Section 94 Developer Contributions Plan or a draft VPA to support the required infrastructure upgrade in the locality as a consequence of the development would be required.

Conformance to Community Strategic Plan

The proposal is considered to be consistent with the Looking after People and Place Directions theme statement, and specifically:

- Offer residents a choice of housing options that meet their needs whilst being sympathetic to the qualities of the Hawkesbury.
- Population growth is matched with the provisions of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.
- Have development on both sides of the river supported by appropriate physical and community infrastructure.

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Conclusion

Based on the assessment within this report, it is considered that some form of subdivision for rural residential purposes on the subject site is appropriate and feasible. It is therefore recommended that Council support the preparation of a planning proposal to allow subdivision of the subject site into lots having a minimum size of 4,000m² and 2ha.

More specific details and requirements in support of the planning proposal discussed in this report can be addressed following the 'Gateway' determination.

It is also recommended that if the DP&E determines that the planning proposal is to proceed, a S94 Plan or a draft VPA to support the required infrastructure upgrade in the locality to support the development be prepared prior to the finalisation of the planning proposal.

The processing and progressing of this application is consistent with part 6 of the Council resolution of 29 November 2016 as this application was lodged with Council prior to that date.

Financial Implications

The Applicant has paid the fees required by Council's fees and charges for the preparation of a local environmental plan.

If the planning proposal is to proceed further, a S94 Plan or a draft VPA to support the required infrastructure upgrade in the locality to support the development would need to be prepared by the Applicant in consultation with Council.

Planning Decision

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

RECOMMENDATION:

That:

1. Council support the preparation of a planning proposal for Lot 49 DP 7565, 98 Bells Lane, Kurmond to allow development of the subject site for rural residential development with minimum lot sizes of 4,000m² and 2ha and a maximum lot yield from subdivision of four lots subject to the submission of further studies for consideration in relation to flora and fauna, bushfire and on-site effluent disposal following a 'Gateway' determination.
2. The planning proposal be forwarded to the Department of Planning and Environment for a 'Gateway' determination.
3. The Department of Planning and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.
4. The Department of Planning and Environment and the Applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement has been made towards resolving infrastructure provision for this planning proposal.

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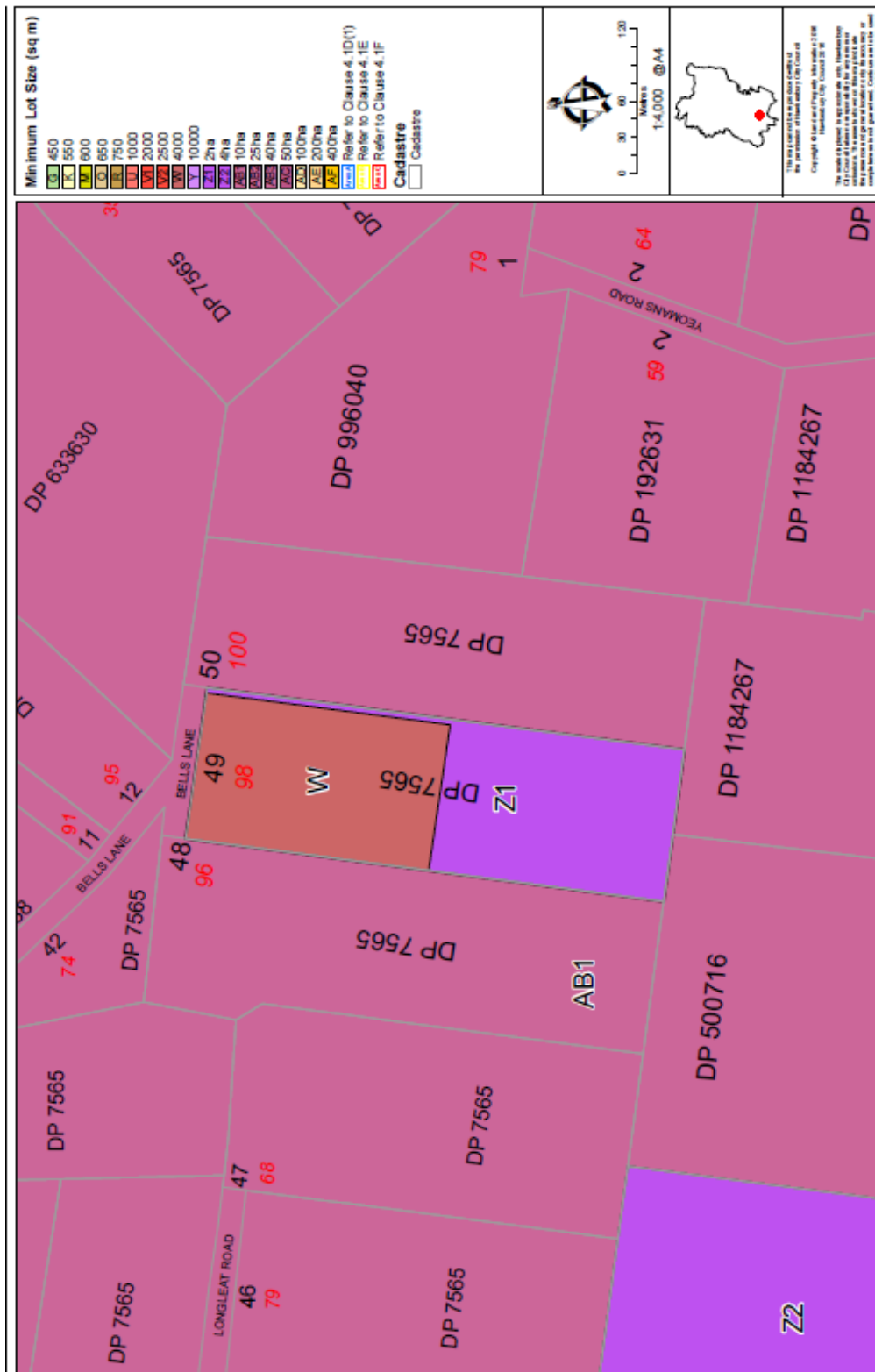
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ATTACHMENTS:

AT - 1 Proposed Minimum Lot Size Map

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AT - 1 Proposed Minimum Lot Size Map



oooO'END OF REPORT'Oooo

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GENERAL MANAGER

Item: 7 **GM - Establishment of a Hawkesbury Tourism Advisory Committee - (79351, 111215)**

Previous Item: NM1, Ordinary (25 October 2016)
 89, Ordinary (10 May 2016)
 67, Ordinary (12 April 2016)
 200, Ordinary (24 November 2015)
 136, Ordinary (25 August 2015)

REPORT:

Executive Summary

At its meeting on 25 October 2016, Council considered a Notice of Motion in regard to establishing a Tourism Committee.

This report provides an overview of matters relevant to the establishment of a Tourism Advisory Committee.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. There may, however, be a requirement to advertise for expressions of interest (EOI) for community representation on the Hawkesbury Tourism Advisory Committee under the provisions of the Local Government Act 1993. This is further considered in the report, given that Council is intending to replace the Tourism Working Group (TWG) with the Tourism Committee and that an EOI process was undertaken for the TWG similar to that for a committee was undertaken.

Should an EOI process be required, it will include advertisements in the local newspaper and on Council's website. The advertisement will call for nominations from community members who hold an interest and have expertise in tourism related skills.

Background

At its meeting on 25 October 2016, Council considered a Notice of Motion in regard to establishing a Tourism Committee based on the current Tourism Working Group and resolved as follows:

"That:

- 1. A report be provided to Council on establishing a Hawkesbury Tourism Committee of Council, with the intent of incorporating the purpose and members of the extant Hawkesbury Tourism Working Group into that committee.*
- 2. The Report address matters relevant to the set up and operating of the Committee, such as the Council's intention, corporate strategic planning, best practice approach, governance, purpose, scope, members , resources and budget.*
- 3. An additional councillor, Councillor Richards, be added to the extant Tourism Working Group.*

In accordance with the resolution above, it is proposed that a Hawkesbury Tourism Advisory Committee be established as a Committee of Council with delegations under Section 377 of the Local Government Act 1993.

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It is proposed that the Hawkesbury Tourism Advisory Committee replace the current Tourism Working Group (TWG) that was established by Council at its meeting on 10 May 2016. The TWG was established as a priority action of the Hawkesbury Tourism Strategy to inform and support the progression of the Strategy.

Objectives

The primary purpose of the Hawkesbury Tourism Advisory Committee is to implement the Hawkesbury Tourism Strategy, which has the scope to address tourism development and industry development matters, including area and regional promotion and marketing. A Committee works plan would be created to assist its function.

The proposed objectives to the Hawkesbury Tourism Advisory Committee are:

- a) to support the implementation of the Hawkesbury Tourism Strategy
- b) to assist in the achievement of the actions and activities of the Hawkesbury Tourism Strategy to support the local economy
- c) to be a forum for tourism sector leaders and Council to strategically inform, guide and participate in key tourism activities led by Council or the group that support tourism development in the local economy
- d) to advise and assist Council on how best to undertake its tourism program activities to support the local economy
- e) to engage the tourism sector, other entities undertaking tourism activities and the community to help develop the tourism offerings and visitor experience in the area
- f) to progress the tourism sectors use of Council's visitor services
- g) to support and progress participation in promotional and marketing opportunities, which showcase the Hawkesbury to tourism target markets and as a destination
- h) to advise on tourism trends, tourism markets dynamics and tourism infrastructure and development needs to understand the Hawkesbury tourism offering

It is proposed that an additional objective be included in regard to Council's participation in the Regional Tourism Entity, established under the Regional Strategic Alliance.

- i) to work collaboratively with the Regional Tourism Entity established under the Regional Strategic Alliance to optimise regional tourism opportunities.

Role and Authorities

The role and authorities of the Hawkesbury Tourism Advisory Committee are in accordance with the proposed Tourism Committee Constitution.

Term

The Hawkesbury Tourism Advisory Committee members' term is proposed to be four years to coincide with Council's term of office. Committee members shall cease to hold office at the expiration of three months after the Ordinary Election of the Council, but be eligible for re-appointment, subject to the condition that the Hawkesbury Tourism Advisory Committee may be dissolved by Council at any time.

Structure and Membership

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It is proposed that membership of the Hawkesbury Tourism Advisory Committee is to comprise of three Councillors and eight community members.

It is proposed that the Hawkesbury Tourism Advisory Committee is established under the provisions of Section 377 of the Local Government Act 1993, where by its functions would be performed in accordance with the Committee's Constitution, which includes the provision for three Councillor representatives. Council is required to consider the appointment of these Councillors to the Committee. Council at the start of the new Council term, appointed Councillor Garrow and Councillor Rasmussen to the TWG and subsequently resolved to appoint Councillor Richards to the TWG at its meeting on 25 October 2016. It is recommended that Council appoint these three Councillors to the Hawkesbury Tourism Advisory Committee.

In regard to Community Members, there is a requirement to advertise for EOI for community representation on a committee under the provisions of the Local Government Act, 1993. Council normally does this once for each new Council term. The EOI process for the TWG was recently conducted through the same process that would be undertaken for a committee. Given that Council intends to replace the TWG with the Hawkesbury Tourism Advisory Committee, it is considered that the TWG Community Members could be re-appointed to the Hawkesbury Tourism Advisory Committee.

If any of the community Members did not wish to be part of the HTC, an EOI process would be undertaken to fill vacant positions.

TWG Community Members are: Martin Boetz, Sophie Devine, Vanessa Hanna, Tony Jeffcott, Ian Knowd, Declan O'Connor, Sarah Rieger, Venecia Wilson.

The TWG was also attended by tourism specialists in an advisory capacity, being The Stafford Group, who prepared the Hawkesbury Tourism Strategy, and Belinda Mitrovich, the former VIC Coordinator.

Frequency of Meetings

It is proposed that the Hawkesbury Tourism Advisory Committee meets every three months (four times per year). The minutes of the meeting will be reported to Council at the next available Ordinary meeting after a Hawkesbury Tourism Advisory Committee meeting is held.

Other considerations

- Regional Strategic Alliance - Council has endorsed a regional tourism marketing approach via the Regional Strategic Alliance. The Hawkesbury Tourism Advisory Committee will assist Council to ensure content that supports a local tourism message, whilst optimising regional tourism opportunities. This matter is catered for on Objective (i), detailed earlier in the report.
- Best practice approach - A selection of NSW councils who undertake tourism activities were contacted to ascertain their experience with tourism committees. There has been mixed experiences, highlighting the need to understand a committee's role and expectations. Recurring issues raised by other councils staff were:
 - limited resources
 - justifying tourism expenditure against benchmark tourism measures and priority council services and activities
 - Council and community expectations
 - limited direct support of Council tourism program activities by Destination NSW, who focuses on its regions and direct engagement with industry.

A number of councils were exploring re-establishing tourism committees or moving away from committees to assist industry-lead initiatives (to facilitate greater self- help).

- Budget and resources - Funds for the Hawkesbury Tourism Strategy actions and activities are sought in the annual budget process for the Operational Plan. Administration and technical support is met from existing staff resources.

Conclusion

It is recommended that Council replace the current Toursim Working Group with a Hawkesbury Tourism Advisory Committee to focus its tourism program agenda to support the local economy.

Conformance to the Hawkesbury Community Strategic Plan

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

- Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region
- Offer an increased choice and number of jobs and training opportunities to meet the needs of Hawkesbury residents and reduce their travel times
- Help create thriving towns centres, each with its own character that attracts residents, visitors and business.

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

- increase level of GDP from tourism
- have expanded, sustainable and growing industry base
- stronger broader range of sustainable businesses
- skills development and training opportunities are available locally.

Financial Implications

There are no direct financial implications arising from this report. The costs applicable to the management of the Hawkesbury Tourism Advisory Committee will be predominantly in the form of staff time.

RECOMMENDATION:

That:

1. Council establish the Hawkesbury Tourism Advisory Committee as a new Committee of Council with delegations under Section 377 of the Local Government Act 1993.
2. Council discontinue the Tourism Working Group.
3. Council adopt the Draft Hawkesbury Tourism Advisory Committee Constitution, attached as Attachment 1 of the report.
4. The three Councillors of the Tourism Working Group be re-appointed to the Tourism Committee in accordance with its Constitution, being Councillor Garrow, Councillor Rasmussen and Councillor Richards.
5. The eight community members of the Tourism Working Group be re-appointed to the Hawkesbury Tourism Advisory Committee in accordance with its Constitution, being Martin Boetz, Sophie Devine, Vanessa Hanna, Tony Jeffcott, Ian Knowd, Declan O'Connor, Sarah Rieger and Venecia Wilson.
6. Expressions of Interest be sought for community members on the Hawkesbury Tourism Advisory Committee, by way of advertising in the local newspaper and on Council's website, if any members decline to continue on the Hawkesbury Tourism Advisory Committee.

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ATTACHMENTS:

AT - 1 Hawkesbury Tourism Advisory Committee Constitution - Draft

AT - 1 - Hawkesbury Tourism Advisory Committee Constitution - Draft

**Hawkesbury City Council
Hawkesbury Tourism Advisory Committee
Constitution**

1. Name

The Advisory Committee, as appointed under the provisions of Section 377 of the *Local Government Act 1993*, shall be known as the Hawkesbury Tourism Advisory Committee and is hereinafter referred to as the 'Advisory Committee'.

2. Objective

- a) To support the implementation of the Hawkesbury Tourism Strategy.
- b) To assist in the achievement of the actions and activities of the Hawkesbury Tourism Strategy to support the local economy.
- c) To be a forum for tourism sector leaders and Council to strategically inform, guide and participate in key tourism activities led by Council or the group that support tourism development in the local economy.
- d) To advise and assist Council on how best to undertake its tourism program activities to support the local economy.
- e) To engage the tourism sector, other entities undertaking tourism activities and the community to help develop the tourism offerings and visitor experience in the area.
- f) To progress the tourism sectors use of Council's visitor services.
- g) To support and progress participation in promotional and marketing opportunities, which showcase the Hawkesbury to tourism target markets and as a destination.
- h) To advise on tourism trends, tourism markets dynamics and tourism infrastructure and development needs to understand the Hawkesbury tourism offering.
- i) To work collaboratively with the Regional Tourism Entity to optimise regional tourism opportunities.

3. Role and Authorities

- a) Whereas the Advisory Committee is appointed by the Hawkesbury City Council under the terms of the *Local Government Act 1993*, the Advisory Committee is to abide at all times with the terms of reference of this clause, and with the authorities delegated under this clause whilst remaining in force (unless otherwise cancelled or varied by resolution of Council).
- b) The Advisory Committee shall have the following authorities delegated to it in accordance with the provisions of section 377 of the *Local Government Act 1993*:
 - (i) to recommend to Council policies drawn up by professional staff for:
 - Tourism promotion and marketing
 - Digital technology engagement for tourism
 - Organising tourism events in the Hawkesbury LGA
 - Tourism development matters for the Hawkesbury LGA

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- Increasing community awareness and engagement on tourism matters.
- (ii) To bring to Council's attention, by way of recommendation, any item requiring a policy decision outside the authority granted to the Advisory Committee under Section 377.
- c) The Council retains the responsibility for all budgetary considerations.
- d) The General Manager retains, and shall be entirely responsible for the appointment and dismissal of staff (either permanent or temporary) within the Advisory Committee in accordance with the *Local Government Act 1993*.
- e) The General Manager retains all responsibility for the direction of any staff member.
- f) Any authorities conferred upon the Advisory Committee under this Constitution may be varied by Council.

4. Term

The Advisory Committee members' term shall be for four (4) years to coincide with Council's term of office. Advisory Committee members shall cease to hold office at the expiration of three (3) months after the Ordinary election of the Council, but be eligible for re-appointment, subject to the condition that the Advisory Committee may be dissolved by Council at any time.

5. Structure and Membership

- a) The structure and membership of the Advisory Committee shall be as follows, and all the undermentioned appointments will have voting rights:
 - (i) Three (3) Councillor's (or an alternate) of the Hawkesbury City Council; and
 - (ii) Eight (8) community appointments, appointed by Council following the calling of applications as detailed in clause 6(b) of this Constitution.
- b) The Director of the Department charged with the responsibility for the Tourism Advisory Committee within the Hawkesbury City Council (or delegate) shall attend meetings.
- c) The Advisory Committee shall, at its first meeting following appointment, and each twelve (12) month period thereafter, elect one of its members from those appointed under clause 6 to be the Chairperson of the Advisory Committee, and one of its members appointed under the same clause to be Deputy Chairperson, who shall act in the absence of the Chairperson.
- d) The position of Chairperson shall not be held by the same person for any longer than three (3) consecutive years.
- e) The position of Deputy-Chairperson shall not be held by the same person for any longer than three (3) consecutive years.
- f) No staff member of Hawkesbury City Council shall be elected as Chairperson or Deputy Chairperson of the Advisory Committee.
- g) Each member of the Advisory Committee entitled to vote shall only have one vote except that of the casting vote of the Chairperson in the case of equality of votes.
- h) The Advisory Committee may co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance, but such co-opted members shall only serve on the Advisory Committee for the period of time required, and will not, whilst serving in the position of co-opted member, have any voting rights.

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- i) The Advisory Committee may invite as observers citizens or other representatives for the purpose of clarifying certain matters as decided by the Advisory Committee. Such observers will not be permitted to vote.

6. Appointment and Election of Members

- a) Three (3) Councillors will be appointed to the Advisory Committee in accordance with practices and procedures of the Council.
- b) The Council shall, in the month of October following the quadrennial election place advertisements in appropriate newspapers inviting nominations from members of the community for membership to the Advisory Committee.
- c) The Council shall select and appoint the community representatives to the Advisory Committee.
- d) The Advisory Committee shall have the power to fill casual vacancies at its discretion.
- e) Members of the Advisory Committee shall cease to hold office:
 - (i) if the Advisory Committee is dissolved by Council
 - (ii) upon written resignation or death
 - (iii) if absent without prior approval of the Advisory Committee for three consecutive meetings; or
 - (iv) if the Council by resolution determines that the member has breached Hawkesbury City Council's Code of Conduct (as it is in force from time to time).
- f) For the purposes of sub-clause 7(e)(iv), the Code of Conduct is to be taken to apply to community and representative members as referred to in clause 6(a) in the same way as the Code of Conduct applies to Councillors.

7. Procedures and General

- a) Ordinary meetings of the Advisory Committee shall be held no less than four (4) times per year. Special meetings may be convened at the discretion of the Chairperson, or, in his/her absence, the Deputy Chairperson;
- b) The Strategic Activities Planner shall be the Executive Officer to the Advisory Committee, and will be responsible for preparation of specialist reports, and any and all correspondence associated with the Advisory Committee;
- c) The Council will provide a Minute Clerk for the purpose of recording the Minutes of the Advisory Committee meetings and for the distribution of Minutes followings meetings of the Advisory Committee;
- d) No meeting of the Advisory Committee shall be held unless three (3) clear days notice thereof has been given to all members;
- e) The Minute Clerk shall forward a copy of the Minutes of each Advisory Committee meeting to all Advisory Committee members, as well as to Council, as soon as possible following such Advisory Committee meeting;
- f) At any meeting of the Advisory Committee, the Chairperson, or the person acting in the position of Chairperson, shall, in addition to his or her ordinary vote, have a casting vote where such a situation occurs where there is an equality of votes;

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- g) The rules governing meetings and the procedures of the Advisory Committee shall, so far as they apply, be those covered by the Hawkesbury City Council's Code of Meeting Practice, as may be altered from time to time by resolution of the Council;
- h) A quorum of the Advisory Committee shall be constituted by six (6) members being present at meetings;
- i) Any members having a pecuniary interest in any matters being discussed by the Advisory Committee shall declare such interest at the meeting of the Advisory Committee and refrain from voting or discussion thereon.
- j) The requirements applying to pecuniary interests for members as detailed in clause 8(i) above shall apply equally to any other appointed or invited observers or co-opted members, and also to the Executive Officer/ Secretary;
- k) Any recommendations of the Advisory Committee shall, as far as adopted by the Council, be resolutions of the Council, provided that recommendations or reports of the Advisory Committee shall not have effect unless adopted by the Council;
- l) It shall be competent for the Advisory Committee to appoint a sub-committee or specific work groups comprised of members or non-members to exercise and carry out specific investigations for the Advisory Committee, and then to report back to the Advisory Committee. These appointed sub-committees or work groups may be dissolved by the Advisory Committee at any time;
- m) Any appointed sub-committees or work groups have no power to make any decisions whatsoever on behalf of the Advisory Committee, and any recommendations of any sub-committee or work group will only have effect once adopted by the Advisory Committee, or by the Council, as the case may be;
- n) The Strategic Activities Planner shall prepare an Annual Report of the Advisory Committee's activities for submission to the Advisory Committee, who will, in turn, present such report to the Council.
- o) The Committee's role shall specifically exclude discussion and advice relating to development applications and Council development projects (this is necessary to avoid any perceived conflict).

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 31 January 2017

Item: 8 **GM - Local Government NSW Tourism Conference 2017 - (79351, 79633)**

REPORT:

Executive Summary

The 2017 Local Government NSW Tourism Conference will be held from 12 to 14 March, 2017 in Taree. Due to its relevance to Council's business, it is recommended that the Local Government NSW 2017 Tourism Conference be attended by Councillors and appropriate staff.

Consultation

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

Background

The Local Government NSW 2017 Tourism Conference will be held from 12 to 14 March, 2017 in Taree.

This Conference is an annual event, coordinated by local government for local government and gives Councillors and Council staff the opportunity to meet, listen to experts and peers, and find out how other councils are engaging and managing their tourism industry.

Cost of attendance at the Local Government NSW 2017 Tourism Conference is approximately \$2,600 per delegate.

The 2016/2017 Operational Plan contains a provision of \$48,000 for Delegate Expenses.

Budget for Delegate Expenses - Payments made:

•	Total Budget for Financial Year 2016/2017	\$48,000
•	Expenditure to date	\$17,250
•	Budget balance	\$30,750

Conformance to the Hawkesbury Community Strategic Plan

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

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

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

- Differentiate, brand and promote the Hawkesbury as a tourism destination.

Financial Implications

Funding of the cost of attendance at this Conference will be provided from the Delegates Expenses within the 2016/2017 Operational Plan.

ORDINARY MEETING

Meeting Date: 31 January 2017

RECOMMENDATION:

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the Local Government NSW 2017 Tourism Conference at an approximate cost of \$2,600 delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 31 January 2017

INFRASTRUCTURE SERVICES

Item: 9 **IS - Establishment of a Committee to Discuss a Comprehensive Traffic Study Draft Brief - (95495)**

Previous Item: 274, Ordinary (13 December 2016)

REPORT:

Executive Summary

Council following consideration of a report relating to the establishment of a Traffic Study Working Party, resolved to establish a working party and that this group would meet with a requirement to report with a draft brief to the Council meeting of 31 January 2017.

This report provides a copy of the draft brief for Council's review.

The report recommends that Council note the report and call for Expressions of Interest from qualified contractors to undertake a study on a staged basis. Should Council wish to seek expressions of interest, it would need to resolve to allocate funding to undertake stage 1 (a and b) being a scoping and performance study. It is anticipated that this may cost in the vicinity of \$30,000 to undertake.

Consultation

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

Detailed Report

Council at its meeting of 13 December 2016 resolved:

"That:

1. *Council resolve to expedite the establishment of a Traffic Study Working Party consisting of the Mayor, Director City Planning, Director Infrastructure Services and Councillors Garrow, Reynolds and Zamprogno and that the Working Party be able to second expertise into the Working Party to assist.*
2. *The Working Party shall meet as soon as possible to discuss development of a brief to guide a comprehensive traffic study of river crossings and road links, including possible staging of the study.*
3. *The Working Party shall report with a draft brief at Council's meeting on 31 January 2017."*

Following that resolution the Working Party met on 19 December 2016 to discuss the preparation of the brief. The group agreed to invite Mr Christopher Hallam to provide input and advice.

A draft brief was subsequently prepared and circulated to working party members, and a copy of that draft, as amended following a meeting held on 23 January 2017 and input from the working party members is attached to this report.

The draft brief proposes two initial stages, being a scoping study including initial modelling of river crossings and road links and a more detailed study modelling and reporting stage.

ORDINARY MEETING

Meeting Date: 31 January 2017

It is proposed that should Council wish to proceed further that Council would call for Expressions of Interest from suitably qualified contractors to undertake this work. Following shortlisting of contractors, detailed responses and fee proposals would be called, in accordance with Council's procurement policy and procedures. The opportunity exists at that time to review the brief, following input and commentary from shortlisted or selected contractors, having regard for particular expertise that may be available from those contractors.

Conformance to Hawkesbury Community Strategic Plan

The proposal is consistent with the Linking the Hawkesbury Directions statement;

- Plan for, maintain and renew our physical infrastructure and community services, facilities and communication connections for the benefit of residents, visitors and businesses

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

- Provide and maintain roads that are financially and environmentally sustainable and respond to community safety, priorities and expectations

Financial Implications

Council, should it wish to proceed to a procurement phase (including calling Expressions of Interest), would need to include this task in its Operational Plan and allocate funding to the project. No financial provisions have been made in the current Operational Plan and provision would need to be considered in a quarterly review of the 2017/2018 Operational Plan. It is estimated that the cost of stages 1a and 1b, being the scoping study and performance analysis of bridge crossing, may cost up to \$30,000.

RECOMMENDATION:

That:

1. Council note the report outlining the draft brief for a comprehensive Regional Traffic Study.
2. Council consider funding provision of stage 1 of the study in the next quarterly review of the 2016/2017 Adopted Operational Plan.

ATTACHMENTS:

AT - 1 Draft Comprehensive Traffic Study Brief

AT - 1 Draft Comprehensive Traffic Study

Hawkesbury City Council is proposing to engage a suitably qualified contractor experienced in traffic analysis and modelling to undertake a traffic study and modelling to assist in planning for the transport and traffic needs of the Hawkesbury community as well as cross regional requirements.

Background

The Hawkesbury City Local Government Area (LGA) is located on the north western fringe of the Sydney Metropolitan Area.

The LGA adjoins and is part of the major urban land releases of the North West Growth Centre, including the Vineyard precinct.

The LGA is transected, in part, by the Bells Line of Road route, which serves as one of only two roads from the Sydney basin to western NSW and is connected to the south by The Northern Road, Londonderry Road and Castlereagh Road.

To the east, Windsor Road and Richmond / Blacktown Road provide connections to the Metropolitan area and its motorway network whilst to the north Putty Road provides a connection to the Hunter region.

The area is also served by the Richmond Rail line and six stations.

The LGA is divided by the Hawkesbury River which has only two principal bridge crossings, at Windsor and North Richmond, supplemented by a low level bridge at Yarramundi.

The limited number and capacity of these river crossings and the supporting road network is resulting in significant delays and queuing at key intersections.

Works by RMS are currently planned or underway on the Bells Line of Road route between Richmond and North Richmond, and RMS are proposing to replace the existing Windsor Bridge.

Other works are proposed under a VPA for the Redbank development at North Richmond which would provide an additional bridge crossing over the Grose River at Yarramundi.

Council is concerned that such works are being undertaken in isolation without a comprehensive analysis of the impact of works, development scenarios and an understanding of regional travel patterns and future demand.

Objective

Council's overall objective is to have a traffic study undertaken, that would, in general, identify current and future road network operations, and identify short, medium and long term road network improvements. Additionally this study would enable the impacts of proposed development and growth to be assessed at a strategic network level and any required improvements or capacity needs to be determined.

As part of a staged approach an early assessment of bridge and associated road and intersection capacity is required to assist in determining planning and development strategies for potential development west and north of the Hawkesbury River.

The study and modelling is to be undertaken in a manner that is consistent with RMS modelling standards to ensure that it can be integrated into, and aligned with, RMS and other agency planning activities.

Study Brief

A staged approach is proposed to ensure that a "value for money" outcome is achieved, and utilisation of existing studies, modelling, and data is maximised.

Stage 1a - Scoping Stage

The initial scoping stage will require the successful contractor to:

- meet with the Project Working Group (PWG) to discuss the existing studies/data available and to discuss their understanding and response to Council's objectives
- undertake a desktop review of relevant studies and background material including:
 - collating traffic count data and previous reports relevant to the Study, including data and reports prepared for Windsor Bridge Replacement, for Redbank, North Richmond development, for approved development at Glossodia and for studies undertaken on the Kurrajong Road Corridor between Richmond and North Richmond
 - conferring with Roads and Maritime Services to ascertain the status of any relevant future road proposals, including but not restricted to any new Hawkesbury River Bridge connecting through to Bells Line of Road. Any future regional roads south of the Hawkesbury River that might impact on new River Bridge locations are also to be identified. (An early meeting with the RMS would be appropriate to firstly obtain the above information, and secondly, seek access to their traffic model, if that is what the contractor considers the best approach. The use of the RMS model may also provide better continuity when considering modelling previously undertaken for Windsor Bridge.)
- undertake a gap analysis detailing additional information required to prepare a study and/or model that achieves Council's objectives.

Stage 1b

Assess performance of the bridge crossings and associated road and intersections providing access to the north and west of the Hawkesbury River for the 2017 and 2027 years with three scenarios for bridges including any road or intersection upgrades planned to be completed by 2027:

- a) current Richmond and Windsor Bridges only
- b) current Richmond plus Windsor Bridge Option 1 (with associated intersection works)
- c) as for b), but with addition of new bridge at Navua Reserve.

This should include an assessment and provision for likely growth due to approved development and background traffic growth. All assumptions and parameters are to be detailed.

Deliverables

- Provide a detailed report outlining the findings of the gap analysis and a summary of all available data with an assessment on limitations or usability of this data for strategic or performance analysis purposes.
- Provide a report detailing the performance and capacity of bridge crossings and associated road and intersections as detailed in Stage 1b.
- Prepare a report detailing the contractors proposed approach to Stage 2, having regard for the findings and research undertaken in Stages 1a and 1b.

Stage 2 - Detailed Scope of Work

As a guide, but subject to the Stage 1 report, the detailed scope of work should include:

- preparation of a sub-area traffic model (or models) utilising either the RMS Traffic Model or the Sydney Strategic Transport Model (SSTM)

ORDINARY MEETING

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- the extent of the area to be modelled is to include the whole of the LGA, however may be restricted, by agreement, to those areas that may be impacted by development or traffic growth (including by origins or destinations outside of the LGA)
- the model is to include State, Regional and those Local roads that carry, or could potentially carry, through traffic
- where the gap analysis indicates a lack of available information on trip data (volumes, origin, destination etc) data collection is to be agreed and undertaken and incorporated into modelling. This includes sufficient information on origins/destinations to enable assessment of location/performance of existing, proposed and potential river crossings
- specific scenario modelling is to be undertaken to assess:
 - current network performance at critical points
 - performance of the network based on approved development scenarios and separately traffic growth due to development external to the LGA and background growth
 - review of scenarios undertaken in Stage 1b and incorporation into an area wide model or sub model.
- the contractor is to discuss and achieve agreement to the foregoing modelling with RMS, DPI, TfNSW and Council to ensure that all modelling and results achieve broad agency acceptance and can be used for planning by those agencies
- prepare a comprehensive report detailing the modelling results and identifying critical network elements that may require upgrade to support growth from either development or background growth. In this regard traffic modelling should be carried out in a manner that may support the future preparation of a S94 Contributions plan or similar, having regard for nexus requirements.

Deliverables

The works undertaken in Stage 2 shall be presented in the form of a comprehensive report and appendices outlining all works undertaken and inputs to the study and modelling. The traffic model and any data collected on behalf of Council shall become the property of Council within the limitations of any software licence contracts or prior ownership.

Future Stages / Works

Whilst not part of the current scope of works, it is envisaged that further stages of work may ensue and the contractor should be cognisant of and ensure compatibility of approach with:

- modelling of specific development proposals
- assessment of local and main road intersection performance improvements
- preparation of funding models and plans to mitigate impacts related to development.

Engagement

Expressions of interest (EOI) are sought from qualified contractors with demonstrated expertise in traffic studies and modelling as outlined in the brief.

In submitting an EOI contractors should provide a capability statement indicating the personnel proposed to be assigned and their relevant experience. The contractor should also provide a preliminary response and methodology including any suggested variations to the brief or its deliverables. Timeframes for undertaking the studies should also be indicated.

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It is proposed that following an assessment of the EOI that selected contractors will be invited to provide a fee proposal.

This will be based on a lump sum amount for Stages 1a and 1b and an upper limit fee for Stage 2.

Approval to undertake Stage 2 will be dependent upon Council consideration of Stage 1 findings and recommendations.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 31 January 2017

Item: 10 **IS - Establishment of an Infrastructure Committee - (79351, 95495, 105109, 80106)**

Previous Item: NM4, Ordinary (25 October 2016)

REPORT:

Executive Summary

Council sought a report regarding the establishment of a committee of Council to support and advance, at a strategic level, the planning and delivery of key infrastructure.

This report examines the issue of infrastructure provision, including responsibilities and authority and Council's role in advocacy/lobbying and direct delivery, in order to assess an appropriate charter and structure for a committee. The report recommends that in the first instance a working party be established to develop a charter, objectives and activities to guide the formation of an Infrastructure committee.

Consultation

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

Background

Council at its meeting of 25 October 2016 resolved in part, that:

"a report be prepared regarding the establishment of a committee of Council to support and advance at a strategic level the planning and delivery of key infrastructure for the community."

Under the Local Government General Regulation Council "may, by resolution, establish such committees as it considers necessary."

If Council resolves to do so it must specify the function of the committee, membership and quorum.

Additionally there are a number of procedural matters relating to calling of and operation of committees specified in the Regulation.

It also remains open to Council to consider a "Working Party" structure to progress or advise on specific issues. This less formal structure is often suited to issues where the objective is short term in nature, or where a task or strategy may be ill defined and an informal structure would allow an action or role to be better defined. A working party in this latter situation may lead to the establishment of a formal committee.

Discussion

In order to determine an appropriate structure, it is necessary to consider the role of the proposed committee. The resolution calls for the committee "to support and advance at a strategic level the planning and delivery of key infrastructure."

Whilst Council plays a significant role in direct delivery / maintenance of community infrastructure, many other agencies and tiers of government also play a major role in delivery / maintenance of infrastructure or its funding.

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Key Infrastructure	Agency / Responsible Body
Local Roads	Council
Regional Roads	Council (RMS contribution)
State Roads	RMS
Water Supply	Sydney Water
Sewer	Council / Sydney Water / Private Companies
Drainage	Council
Parks	Council
Community Buildings	Council
Rural Fire Service Buildings	Council / NSW Rural Fire Service
Public Transport	Relevant State Agency

In addition to this listing there is a range of other infrastructure or services such as hospitals, ambulance, NSW Fire and Rescue and Social Services that support the community and its needs.

Council's direct and indirect action and planning for infrastructure provision, renewal and maintenance should, at a strategic level, be detailed and programmed through its Community Strategic Plan and Operational Plan.

The draft Community Strategic Plan contains a number of strategies that address the role of Council in provision of, or advocacy for, infrastructure. These strategies will form the basis of actions for Councils four year plan.

It is envisaged that a committee or working party of Council could:

1. provide further input into priorities for new capital works
2. act as a vehicle to lobby at a State or Commonwealth level for works or financial assistance
3. complement direct community input in determining service levels for infrastructure.

Should Council wish to establish an Infrastructure Committee, to address these and other issues it is suggested that in the first instance that a Working Party consisting of the Mayor, two Councillors and relevant staff be created to determine the charter and objectives of a committee and align this with the objectives and strategies in the draft Community Strategic Plan.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Linking the Hawkesbury Directions Statement;

- Plan for, maintain and renew our physical infrastructure and community services, facilities and communication connections for the benefit of residents, visitors and businesses

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

- Provide and maintain roads that are financially and environmentally sustainable and respond to community safety, priorities and expectations

Financial Implications

There are no financial implications applicable to this report.

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Meeting Date: 31 January 2017

RECOMMENDATION:

That:

1. Council establish a Working Party consisting of the Mayor and two Councillors, General Manager and Director Infrastructure Services, to determine a detailed charter and objectives and actions for an Infrastructure Committee.
2. The Working Party report back to Council with the recommended charter, structure and actions for Council consideration.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date: 31 January 2017****SUPPORT SERVICES****Item: 11 SS - Monthly Investments Report - November 2016 - (95496, 96332)****REPORT:****Executive Summary**

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

This report indicates that Council held \$43.90 million in investments at 30 November 2016.

It is recommended that this report be received and noted.

Consultation

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

Background

The following table indicates that Council held \$43.90 million in investments as at 30 November 2016. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
On Call								
CBA	A1+	AA-			1.25%	400,000	0.91%	
Tcorp	A1+	AA-			1.71%	3,014,402	6.86%	
Total On-call Investments								3,414,402
Term Investments								
ANZ	A1+	AA-	07-Sep-16	02-Mar-17	2.69%	2,500,000	5.69%	
ANZ	A1+	AA-	21-Sep-16	04-Apr-17	2.70%	1,200,000	2.73%	
ANZ	A1+	AA-	14-Sep-16	14-Jun-17	2.71%	1,000,000	2.28%	
ANZ	A1+	AA-	14-Sep-16	14-Jun-17	2.71%	1,000,000	2.28%	
ANZ	A1+	AA-	14-Sep-16	05-Jul-17	2.71%	1,500,000	3.42%	
NAB	A1+	AA-	18-May-16	14-Dec-16	2.95%	2,000,000	4.55%	
NAB	A1+	AA-	24-Aug-16	04-Jan-17	2.60%	2,000,000	4.55%	
NAB	A1+	AA-	16-Mar-16	08-Feb-17	3.09%	2,000,000	4.55%	
NAB	A1+	AA-	27-Apr-16	30-Mar-17	3.10%	1,000,000	2.28%	
NAB	A1+	AA-	27-Apr-16	27-Apr-17	3.10%	2,000,000	4.55%	
NAB	A1+	AA-	31-Aug-16	28-Jun-17	2.60%	2,000,000	4.55%	
NAB	A1+	AA-	05-Aug-16	03-Aug-17	2.78%	1,000,000	2.28%	
NAB	A1+	AA-	17-Aug-16	16-Aug-17	2.75%	1,500,000	3.42%	
NAB	A1+	AA-	23-Nov-16	18-Oct-17	2.72%	1,000,000	2.28%	
NAB	A1+	AA-	23-Nov-16	22-Nov-17	2.75%	1,500,000	3.42%	

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Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
Westpac	A1+	AA-	10-Dec-15	14-Dec-16	3.00%	1,000,000	2.28%	
Westpac	A1+	AA-	20-Jul-16	18-Jan-17	3.05%	1,200,000	2.73%	
Westpac	A1+	AA-	06-Jul-16	01-Feb-17	3.05%	1,000,000	2.28%	
Westpac	A1+	AA-	06-Jul-16	08-Feb-17	3.05%	1,000,000	2.28%	
Westpac	A1+	AA-	03-Aug-16	22-Feb-17	3.00%	1,000,000	2.28%	
Westpac	A1+	AA-	30-Mar-16	30-Mar-17	3.10%	500,000	1.14%	
Westpac	A1+	AA-	06-Apr-16	14-Apr-17	3.10%	1,000,000	2.28%	
Westpac	A1+	AA-	04-May-16	04-May-17	3.05%	2,000,000	4.55%	
Westpac	A1+	AA-	23-Nov-16	24-May-17	2.80%	2,000,000	4.55%	
Westpac	A1+	AA-	17-Aug-16	12-Jul-17	3.00%	1,000,000	2.28%	
Westpac	A1+	AA-	03-Aug-16	03-Aug-17	2.90%	800,000	1.82%	
Westpac	A1+	AA-	05-Aug-16	03-Aug-17	3.00%	1,000,000	2.28%	
Westpac	A1+	AA-	24-Aug-16	24-Aug-17	3.00%	800,000	1.82%	
Westpac	A1+	AA-	31-Aug-16	07-Sep-17	3.00%	1,000,000	2.28%	
Westpac	A1+	AA-	07-Sep-16	07-Sep-17	3.00%	1,000,000	2.28%	
Westpac	A1+	AA-	19-Oct-16	18-Oct-17	3.00%	1,000,000	2.28%	
Total Term Investments								40,500,000
TOTAL INVESTMENT AS AT 30 November 2016								43,914,402

Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	3,414,402	1.66%	Reserve Bank Cash Reference Rate	1.50%	0.16%
Term Deposit	40,500,000	2.88%	UBS 90 Day Bank Bill Rate	1.76%	1.12%
Total	43,914,402	2.79%			

Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	6,778,491
External Restrictions - Other	4,975,179
Internal Restrictions	21,380,789
Unrestricted	10,779,943
Total	43,914,402

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

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

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

Investment Commentary

The investment portfolio increased by \$0.30 million for the month of November 2016. During November 2016, income was received totalling \$9.80 million, including rate payments amounting to \$6.00 million, while payments to suppliers and staff costs amounted to \$7.40 million.

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

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

As at 30 November 2016, Council's investment portfolio is all invested with major Australian trading banks and in line with Council's Investment Policy.

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

Council's investment portfolio complies with Council's Investment Policy, adopted on 31 May 2016.

Investment Certification

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

Conformance to the Hawkesbury Community Strategic Plan

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

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

Financial Implications

Funds have been invested with the aim of achieving budgeted income in Service 121 – Investments within the 2016/2017 Adopted Operational Plan.

RECOMMENDATION:

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

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date: 31 January 2017****Item: 12****SS - Monthly Investments Report - December 2016 - (95496, 96332)****REPORT:****Executive Summary**

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

This report indicates that Council held \$44.92 million in investments at 31 December 2016.

It is recommended that this report be received and noted.

Consultation

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

Background

The following table indicates that Council held \$44.92 million in investments as at 31 December 2016. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
On Call								
CBA	A1+	AA-			1.25%	400,000	0.89%	
Tcorp	A1+	AA-			1.84%	3,520,232	7.84%	
Total On-call Investments								3,920,232
Term Investments								
ANZ	A1+	AA-	07-Sep-16	02-Mar-17	2.69%	2,500,000	5.57%	
ANZ	A1+	AA-	21-Sep-16	04-Apr-17	2.70%	1,200,000	2.67%	
ANZ	A1+	AA-	14-Sep-16	14-Jun-17	2.71%	1,000,000	2.23%	
ANZ	A1+	AA-	14-Sep-16	14-Jun-17	2.71%	1,000,000	2.23%	
ANZ	A1+	AA-	14-Sep-16	05-Jul-17	2.71%	1,500,000	3.34%	
Bankwest	A1+	AA-	09-Dec-16	24-Jan-17	2.35%	2,000,000	4.45%	
NAB	A1+	AA-	24-Aug-16	04-Jan-17	2.60%	2,000,000	4.45%	
NAB	A1+	AA-	16-Mar-16	08-Feb-17	3.09%	2,000,000	4.45%	
NAB	A1+	AA-	27-Apr-16	30-Mar-17	3.10%	1,000,000	2.23%	
NAB	A1+	AA-	27-Apr-16	27-Apr-17	3.10%	2,000,000	4.45%	
NAB	A1+	AA-	31-Aug-16	28-Jun-17	2.60%	2,000,000	4.45%	
NAB	A1+	AA-	05-Aug-16	03-Aug-17	2.78%	1,000,000	2.23%	
NAB	A1+	AA-	17-Aug-16	16-Aug-17	2.75%	1,500,000	3.34%	
NAB	A1+	AA-	23-Nov-16	18-Oct-17	2.72%	1,000,000	2.23%	
NAB	A1+	AA-	23-Nov-16	22-Nov-17	2.75%	1,500,000	3.34%	
NAB	A1+	AA-	14-Dec-16	13-Dec-17	2.70%	1,500,000	3.34%	

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Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
Westpac	A1+	AA-	20-Jul-16	18-Jan-17	3.05%	1,200,000	2.67%	
Westpac	A1+	AA-	06-Jul-16	01-Feb-17	3.05%	1,000,000	2.23%	
Westpac	A1+	AA-	06-Jul-16	08-Feb-17	3.05%	1,000,000	2.23%	
Westpac	A1+	AA-	03-Aug-16	22-Feb-17	3.00%	1,000,000	2.23%	
Westpac	A1+	AA-	30-Mar-16	30-Mar-17	3.10%	500,000	1.11%	
Westpac	A1+	AA-	06-Apr-16	14-Apr-17	3.10%	1,000,000	2.23%	
Westpac	A1+	AA-	04-May-16	04-May-17	3.05%	2,000,000	4.45%	
Westpac	A1+	AA-	23-Nov-16	24-May-17	2.80%	2,000,000	4.45%	
Westpac	A1+	AA-	17-Aug-16	12-Jul-17	3.00%	1,000,000	2.23%	
Westpac	A1+	AA-	03-Aug-16	03-Aug-17	2.90%	800,000	1.78%	
Westpac	A1+	AA-	05-Aug-16	03-Aug-17	3.00%	1,000,000	2.23%	
Westpac	A1+	AA-	24-Aug-16	24-Aug-17	3.00%	800,000	1.78%	
Westpac	A1+	AA-	31-Aug-16	07-Sep-17	3.00%	1,000,000	2.23%	
Westpac	A1+	AA-	07-Sep-16	07-Sep-17	3.00%	1,000,000	2.23%	
Westpac	A1+	AA-	19-Oct-16	18-Oct-17	3.00%	1,000,000	2.23%	
Total Term Investments								41,000,000
TOTAL INVESTMENT AS AT 31 December 2016								44,920,232

Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	3,920,232	1.78%	Reserve Bank Cash Reference Rate	1.50%	0.28%
Term Deposit	41,000,000	2.85%	UBS 90 Day Bank Bill Rate	1.79%	1.06%
Total	44,920,232	2.75%			

Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	6,488,851
External Restrictions - Other	4,304,602
Internal Restrictions	21,623,739
Unrestricted	12,503,040
Total	44,920,232

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

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

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

Investment Commentary

The investment portfolio increased by \$1.01 million for the month of December 2016. During December 2016, income was received totalling \$7.30 million, including rate payments amounting to \$2.70 million, while payments to suppliers and staff costs amounted to \$7.20 million.

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

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

As at 31 December 2016, Council's investment portfolio is all invested with major Australian trading banks or wholly owned subsidiaries of major Australian trading banks and in line with Council's Investment Policy.

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

Council's investment portfolio complies with Council's Investment Policy, adopted on 31 May 2016.

Investment Certification

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

Conformance to the Hawkesbury Community Strategic Plan

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

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

Financial Implications

Funds have been invested with the aim of achieving budgeted income in Service 121 – Investments within the 2016/2017 Adopted Operational Plan.

RECOMMENDATION:

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

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 31 January 2017

Item: 13 **SS - Code of Meeting Practice - (95496, 96333)**

Previous Item: 230, Ordinary (25 October 2016)
 179, Ordinary (9 August 2016)
 65, Ordinary (12 April 2016)
 21, Ordinary (2 February 2016)
 174, Ordinary (27 August 2013)

REPORT:

Executive Summary

At its Ordinary meeting on 25 October 2016, Council considered a report in relation to its Code of Meeting Practice (the Code) and resolved to make a number of amendments to the Code. The Code, including the proposed amendments, (Draft Code) was publicly exhibited in accordance with the provisions of the Local Government Act 1993.

This report discusses submissions received in relation to these proposed amendments to the Code, relevant considerations and makes a number of recommendations accordingly.

Consultation

The proposed amendments to Council's Code of Meeting Practice have been on exhibition for a period of not less than 28 days; with a period of not less than 42 days after the date on which the draft Code was exhibited, during which submissions may be made to Council. Advertisements inviting submissions in respect of the Code appeared in a local paper on the 17 and 24 November 2016 and 1 and 8 December 2016. The Draft Code was also advertised on Council's website from 17 November 2016. Submissions were to be made up to and including 30 December 2016.

Council must now consider any submissions received prior to adopting any proposed amendments.

Background

At its meeting on 25 October 2016, Council considered a report in relation to its Code of Meeting Practice, and resolved as follows:

"1. *That Council's Code of Meeting Practice be amended as follows:*

a) *Clause 2.3.6 be as follows:*

2.3.6 Order of Business

The order of business for Ordinary Meetings shall be as follows:

- 1) *Welcome*
- a) *Acknowledgement of Indigenous Heritage*
- 2) *Apologies and Leave of Absence*
- 3) *Declaration of Interests*
- 4) *Confirmation of Minutes*
- 5) *Acknowledgement of Official Visitors to the Council*
- 6) *Agenda Items Subject to Public Address*
- 7) *Mayoral Minutes*
- 8) *Exception Reports – Adoption of Items Not Identified for Discussion and Decision*
- 9) *Reports for Determination*
 - *Planning Decisions*

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- General Manager
 - City Planning
 - Infrastructure Services
 - Support Services
- 10) Receipt of Minutes of Other Committees
 - 11) Notices of Motion
 - 12) Responses to Questions from Previous Meeting
 - 13) Questions for Next Meeting
 - 14) Reports Proposed to be discussed in Confidential Session

b) Clause 3.3.7 be as follows:

3.3.7 Mode of Addressing Council by the Public

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

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

The procedure for addressing Council is as follows:

1. *All persons wishing to speak on an item in the business paper must make an application to do so. Each speaker is required to complete an application form by 3pm on the day of the meeting.*

The application form will include an undertaking, signed by the person wishing to speak, to refrain from any insult, allegation or personal reflection against any person, present or not, during the course of their address to Council and any answers they give to questions from Councillors.

Persons intending to apply for approval to address Council must lodge an application form online/email, in person, or by facsimile, by 3pm on the day of the meeting to enable scheduling of items. Persons without access to online or facsimile facilities may contact Council by telephone to discuss their application to speak at the meeting.

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

2. *A maximum of 30 minutes per item for all speakers and a maximum of five minutes per speaker.*
3. *All speakers must state their name, organisation if applicable and their interest in the matter before speaking.*
4. *Items subject to public address will be heard in the order as outlined in Clause 2.3.6.*
5. *An applicant to a Planning Decision Item is given the right to respond to any new material raised only, for a period of two minutes.*

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6. *At meetings where applications for more than 20 speakers to Council have been received, a person should speak only on one item unless granted permission by the Chairperson who will have regard to the circumstances of each case taking into account such factors as the nature of the interest in the matter e.g. applicant, neighbour, and the number of speakers on the item or collectively on the agenda.*
7. *At the conclusion of an address by a member or members of the public on an item on the agenda, the Council will then proceed to discuss and determine that item and this procedure shall be repeated for each of these items that are subject to an address by a member or members of the public, unless determined otherwise by Council*
8. *In the case of Extraordinary Meetings (but for the exceptions outlined previously in this Section), Council may resolve to increase the number of speakers permitted to address Council and to amend the normal three minute maximum speaking time with a possible two minute extension, provided that the total amount of time allocated for speakers does not exceed 60 minutes for each item, in addition to no more than 20 minutes provided for speakers, to answer questions from Councillors and no more than ten minutes for a right of reply.*
9. *The Chairperson may deal with issues concerning the relevance in debate in accordance with 4.3.2.*
10. *Councillors may ask questions of members of the public who address Council in order to clarify their understanding of the speaker's view or to seek specific additional information. All Councillor questions to, and answers from speakers, are limited to a total time of two minutes per speaker.*

c) Clause 3.3.12 be as follows:

3.3.12 Communication between Councillors and Public

During Council meetings, members of the public are not permitted to approach Councillors or Council staff whilst around the Council tables. Any discussions between Councillors and members of the public during Council meetings must be held outside the Council Chambers. No communication between Councillors and members of the public is permitted within the Council Chambers, once the meeting has commenced.

d) An additional Clause 3.3.13, be as follows:

3.3.13 Reporting of Development Applications to Council

Councillors can request any development application currently with Council but not yet determined, to be reported to Council for consideration. Councillors must forward a request in writing to the Director City Planning that the particular development application be reported to Council.

e) Clause 4.3.2 be as follows:

4.3.2 Relevance in Debate

- 1) *Councillors, in the course of debate, should not introduce material that is irrelevant to the item under discussion. If a Councillor is called to order for a second time in a single speech for introducing irrelevant material, he or she shall immediately cease speaking.*

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- 2) *Members of the public who address Council also have an obligation to ensure relevance to the item under discussion. The Chairperson has the discretion, including action similar to (1) above, to deal with members of the public who introduce irrelevant material.*
- f) *Annexure A regarding Principles for Local Government be amended to read as outlined in Chapter 3 of the Local Government Act 1993.*
2. *The Amended Code of Meeting Practice be placed on public exhibition in accordance with Section 361 of the Local Government Act 1993.*
3. *A further report be provided to Council at the conclusion of the public exhibition period."*

In accordance with Council's resolution, the Draft Code incorporating the above amendments was placed on public exhibition in accordance with legislative requirements.

Submissions

At the close of the public exhibition period, four submissions had been received. The issues raised in the submissions in respect of which, further changes to the Code were suggested, are briefly outlined below with comment as necessary:

Table 1: Public Submissions

Relevant Clause	Issue	Comment
Clause 1 Introduction	Contention that the Introduction is poorly worded, does not reference the correct adoption date of the current Code with no mention that this Code supersedes previous versions. The submission also suggests that the Introduction should include a history of updates. The submission goes on to assert that the Introduction does not properly reference either the Act or Regulation and suggests that it should contain a comment that changes to the Act and Regulation will be automatically included in the Code without the need to readvertise.	It is agreed that the Code would benefit from the inclusion of some of these suggestions. The revised Draft Code has been amended to reflect all the suggestions with the exception of the sentence relating to the adoption date being deleted as the adoption date appears on the Title page and suggestions relating to the inclusion of a history of updates. The Code is intended to be a guiding document to support the conduct of Council meetings. Accordingly, the inclusion of updates history within the Code itself would be irrelevant to the intent of the Code.
Clause 1 Introduction, Point 7	Suggestion that as the Council Charter, which was provided in Chapter 3 of the Act has now been replaced with a series of Principles at Sections 8, 8A, 8B and 8C this Clause needs to be changed and for Council to adopt these Principles.	As the Principles are provided by the Act, Council is legally bound to follow them. Accordingly Council does not need to "adopt" them. As Minister Toole outlined in his second reading speech on the Local Government Amendment (Governance and Planning) Bill 2016 which introduced this amendment to the Act, <i>"These principles are both guiding and aspirational. They are not intended as binding rules, but they set down in writing what we expect from local government."</i> Significantly, the Principles appear to have no direct bearing on how meetings should be conducted. It is therefore

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Relevant Clause	Issue	Comment
		considered that the inclusion of these Principles in the Code is superfluous and should be removed. The revised Draft Code has been amended accordingly.
Clause 1 Introduction	Suggestion that the Introduction should also include comment about how the Code shall be interpreted, when it will come into effect, when it needs to be reviewed and how such review shall be carried out.	It is agreed that the Code would benefit from this suggestion. While there is no legal requirement for a council to periodically review its Code of Meeting Practice, it is considered that it would be sound business practice to include provisions for the Code to be reviewed on a regular basis, not just when amendments become necessary. The suggestion that this review be carried out within the first 12 months of the Council's term is a sound one. The revised Draft Code has been amended accordingly.
Clause 2 Notice of Meetings and Agendas	<p>Suggestion that there is no valid reason why the public should have to wait until well after midday on the Friday before the meeting to be able to access the business paper via the Council website.</p> <p>The submission goes on to comment that a document available on Council's website entitled "Council Meetings – Your Guide" indicates that Business Papers may be viewed online, with hard copies to be viewed at Council's Administration Building and Libraries from noon on the Friday before the meeting.</p>	<p>Public access to the business paper is provided on Council's website from 12 noon on the Friday prior to the meeting except on very rare occasions where problems are experienced uploading the documents to the website or in printing hard copies. It is important to note that the legislation provides that notice of meetings is to be provided to Councillors "at least three days before each meeting" and that the public is entitled to have access to the business papers as "nearly as possible to the time they are available to councillors".</p> <p>It is considered that in providing public access to the business papers from 12 noon on the Friday prior to the meeting, Council is fully complying with the legislation. Accordingly, it is not proposed that the Code be altered as suggested. However, some minor amendments have been made to the revised Draft Code to clarify the current arrangements.</p>
Clause 2.3.6 Order of Business (Prayer)	Suggestion that the Prayer should be reinstated.	<p>It is noted that all four submissions comment that of the nine councils surrounding Council only two do not have an opening prayer and argue for the retention of the prayer.</p> <p>Research by Council staff indicates that whilst a number of councils have an opening prayer, it could be argued that a number of councils do not have an opening prayer. There is no legislative requirement to include an opening prayer. Council has indicated the preference to not have a prayer, therefore no amendment to the Code is necessary.</p>

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Relevant Clause	Issue	Comment
Clause 2.3.6 Order of Business (Acknowledgement of Indigenous Heritage)	Suggestion that the Acknowledgement of Indigenous Heritage should be delivered by the Chairperson of the meeting rather than the General Manager to show due respect.	The determination of who delivers the Acknowledgement of Indigenous Heritage is solely at Council's discretion. There is no requirement to amend the Code in this regard.
Clause 2.3.6 Order of Business (Agenda Items Subject to Public Address)	Comment made that there is no indication as to what the nature of these items might be.	It is understood that this proposed change was to provide an avenue to facilitate items on the agenda in respect of which members of the public had sought to address the Council to be dealt with earlier in the meeting with the intent of not holding up the public unnecessarily. The nature of the items themselves is therefore irrelevant.
Clause 3.3.1 Conduct of Business by Exception	Suggestion that the numbering of the Clauses is incorrect due to the inclusion of the above new Clause.	Agreed. The revised Draft Code has been amended accordingly.
Clause 3.3.2 Voting at Meetings	Suggestion that reference to the electronic voting system needs to be formalised to ensure that it is used for all planning decisions.	Not necessary. The legislation provides that divisions are required to be called on all planning decisions. This requirement is set out at Clause 3.2.10 of the Code. In the normal course of events a division may be called on any motion, not just planning decisions. The use of electronic voting is just a way of recording the results of divisions.
Clause 3.3.7 Mode of addressing Council by the public	Suggestion that the proposed changes to the introduction to this Clause leaves the public with the opportunity to address Council on confidential items and generally suggests that the public may speak "on any item in the business paper".	It is implicit in Clause 3.1.10 of the Code, which provides that Council may deal with "confidential" matters in the absence of the public, that the public may not address Council on "confidential" matters. Therefore any change to cater for this suggestion is unnecessary.
	Suggestion that part 1 of the procedure for addressing Council to be reworded to better reflect how Council expects that speakers will behave.	It is considered that the intent of the suggested wording would enhance the Code. The revised Draft Code has been amended accordingly.
	Suggestion that the proposed changes to part 2 of the procedure for addressing Council leaves the situation open to abuse with no distinction between proponents and opponents on any item and, as such, a representative presentation by the public cannot be assured. The submission suggests that a well organised developer, for instance, could secure all 6 available speakers on their behalf and shut out any opposing viewpoint from local residents.	It is considered that Council would benefit from the opportunity to hear opposing points of view and so limiting the numbers of speakers both 'for' and 'against' would seem to be a reasonable approach and would at least facilitate a more balanced consideration of the issue. The revised Draft Code has been amended accordingly.

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Relevant Clause	Issue	Comment
	Suggestion that in relation to part 3 of the procedure for addressing Council that those speakers, doing so on behalf of an organisation, be required to provide appropriate authorisation.	The "application to address a council meeting" form contains a requirement that persons who are representing a particular organisation also provide with their completed application, written consent from that organisation for them to speak on its behalf. Accordingly, it is considered that no change to the Code is required.
	Suggestion that the intention in part 4 of the procedure for addressing Council where items the subject of a public address would be dealt with earlier in the meeting will enable Council to "get rid of the public" at the earliest opportunity.	Comment was made about this issue above in regard to the intention of the Clause being to accommodate the public's convenience. The Order of Business proposed in the Draft Code does not prohibit the public from attending meetings up until closure of the meeting, if they wish to do so.
	Suggestion that the wording of part 5 of the procedure for addressing Council needs to be more specific to provide that the applicant to a planning decision will be given the opportunity to speak first, regardless whether the recommendation is for refusal, thus giving that person the further chance to speak again in response to any issues raised by other speakers.	The 'for' and 'against' allocation of speakers as referred to in the comments in regard to Clause 3.3.7 provides for the applicant of a planning decision to address issues raised by speakers.
	Suggestion that the wording of part 8 of the procedure for addressing Council during extraordinary meetings needs to provide for similar time frames as in ordinary meetings.	Agreed. The revised Draft Code has been amended accordingly.
	Suggestion that the wording of part 9 of the procedure for addressing Council needs to be altered as there is no "debate" occurring as it is a public address.	Agreed. The revised Draft Code has been amended accordingly.
	Suggestion that the formatting and punctuation of part 10 of the procedure for addressing Council needs to be adjusted and for the last paragraph in the Clause to be incorporated into part 10 where it belongs.	While the punctuation has been altered in the revised Draft Code it is considered that the last paragraph is located where it should be as it refers to the whole of the Clause and not just part 10 of the procedures.
	Suggestion that the following sentence, which was removed from the 2010 Code at the conclusion of part 10: <i>"Council may wish to deal with the matters that involve speakers prior to dealing with other matters on the agenda for the convenience of interested parties."</i>	It is considered that this is unnecessary given the provisions of Clause 2.3.6.

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Relevant Clause	Issue	Comment
	needs to be reinserted.	
Clause 3.3.9 Conferences	Suggestion that the wording of this Clause be amended to include notification via email and text messaging.	Agreed. The revised Draft Code has been amended accordingly.
Clause 3.3.10 Open Meetings	Suggestion that Council consider removing from the Code, Annexure C which reproduces part of the (then) DLG "Open Meeting Guidelines" as it would appear to be little more than padding.	Agreed. The revised Draft Code has been amended to remove Clause 3.3.10 – Open Meetings together with Appendix C, particularly as the information contained in the Appendix is out dated and does not now accurately reflect the current terms of the legislation. The subsequent Clauses have been renumbered accordingly.
Clause 3.3.12 Communication between Councillors and the public	Suggestion that this Clause, which stipulates that there should be no communication between Councillors and members of the public during meetings, either be enforced or removed.	The Clause as it presently stands would appear to provide the necessary protections to ensure that meetings are not disrupted by members of the public continually speaking to Councillors. No change to the Draft Code is considered necessary.
Clause 3.3.13 Reporting of Development Applications to Council	Suggestion that this Clause be modified to specify the various types of applications that can be reported. Also suggesting that the term "development application" be defined.	It is considered that the current wording requires no amplification.
Clause 4.2.1 Questions of Order	Suggestion that this Clause, which provides that when a question of order is called it must be ruled on by the Chair immediately, should be removed as it is continually ignored.	It is considered that no change is required, particularly as it is a legal requirement for the Chair to immediately suspend the business of the meeting and "rule" when a question of order is raised.
Clause 4.2.2 Acts of Disorder	Suggestion that part 3 of this Clause erroneously refers to clause 3.1.10 as that Clause refers to Section 10A of the Act and not Section 10 (2) (a) or (b). It is suggested that the reference should be to Clause 2.1.2.	Agreed. The revised Draft Code has been amended accordingly.
	Suggestion that a provision be included in the Code indicating that a Councillor commits an Act of Disorder if the Councillor fails to turn off or use a mobile phone or other electronic device in meetings.	This is covered in Clause 6.2.3 which covers all mobile devices, not just those carried by Councillors.
Clause 4.2.3 How disorder at a Meeting may be dealt with	Suggestion that part 2 of this Clause erroneously refers to clause 3.1.10 as that Clause refers to Section 10A of the Act and not Section 10 (2) (a) or (b). It is suggested that the reference should be to Clause 2.1.2.	Agreed – see above. The revised Draft Code has been amended accordingly.

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Relevant Clause	Issue	Comment
Clause 6.2.3 Recording of a meeting	Suggestion that this Clause will need to be revised to allow the planned live streaming/webcasting of meetings.	No action is proposed at this stage as this would be addressed in the event that, and when, Council decides to proceed with webcasting or live streaming of Council meetings.
Clause 6.3.1 Minutes of Meetings	Suggestion that the provision that the Chairperson inform the meeting that the proceedings are being recorded needs to be altered as the General Manager is currently making that announcement.	No amendment necessary. While the Code provides that the Chairperson shall make that announcement, it is quite in order for that responsibility to be delegated to the General Manager.
Clause 7 Annexure A	Suggestion that the numbering of this Annexure is confusing and needs to be simplified or that the Annexure be removed from the Code.	See earlier comments which recommended removal of this Annexure. The revised Draft Code has been amended accordingly.
Clause 8 Annexure B	Suggestion that this Annexure which relates to Pecuniary Interest needs to be removed as it has nothing to do with the actual conduct of meetings and is superfluous.	It is considered important that the Code contains advice to Councillors in regard to disclosure of interests and so this Annexure must remain – renumbered as Annexure A.
Clause 9 Annexure C	Suggestion that this Annexure which reproduces the (then) DLG "Open Meetings Guidelines" is superfluous.	Agreed. See earlier comments. The revised Draft Code has been amended accordingly.
	Suggestion that Council should include the (then) DLG Meetings Practice Note 16 in the Code.	As the (then) DLG comments at the start of Practice Note 16 it <i>"...has been made as a guide"</i> ; <i>"...does not give legal advice"</i> and one's <i>"...own legal advice should be sought on issues of concern."</i> In the circumstances, it is considered that Practice Note 16, while a useful resource, should not be included as part of the Code.
	Suggestion that guidance needs to be included in the Code on how that Chair should use the casting vote.	It is considered that the current Code adequately covers the use of the casting vote. It is important to note that Practice Note 16 provides "guidance" on the use of the casting vote.
	Suggestion that the Code should include reference to the degree of "privilege" afforded to Councillors and that this "privilege" does not extend to public speakers.	Such a comment does not need to be included in the Code. It is considered that this is something that could more appropriately be included in the "application to address a council meeting" form and will be considered as the form is revised.
	Suggestion that in relation to planning decisions, where Council makes a decision against the recommendation made by staff, that the minutes record the reasons for this decision.	No action required as this process is already in place.

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Relevant Clause	Issue	Comment
	Suggestion that because there have been instances where Councillors have left meetings prior to the conclusion of business, a Clause be inserted to address Councillor attendance.	It is considered that no change to the Draft Code is necessary in this regard. There is no legislative requirement for Councillors to attend Council meetings until closure

As detailed above, where it is considered that an amendment to the Draft Code as exhibited is merited, this is outlined in the Comment in the tables above and appropriate amendments have been made to the attached copy of the Draft Code with those amendments shown as track changes.

Additionally, where there have been amendments to either the Act or Regulation since the last time that Draft Code was exhibited, these have been incorporated into the revised Draft Code.

Section 362 of the Act provides that after considering submissions, if Council decides to amend its Draft Code it may either again publicly exhibit the amended Draft or, if it of the opinion that the amendments are not substantial, it may adopt the amended Draft Code without further public exhibition. It is considered that the proposed amendments do not represent substantial amendments and therefore Council may adopt the revised Draft Code of Meeting Practice without a further exhibition process.

Conformance to the Hawkesbury Community Strategic Plan

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

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

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

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

Financial Implications

There are no financial implications arising from this report.

RECOMMENDATION:

That Council:

1. Determine the amendments to the exhibited Code of Meeting Practice, made following the consideration of submissions received are not substantial.
2. Adopt the Draft Code of Meeting Practice (Revised January 2017) included as Attachment 1 to this report.

ATTACHMENTS:

AT - 1 Draft Code of Meeting Practice (Revised January 2017) - *(Distributed under separate cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 31 January 2017

Item: 14 **SS - Council Resolution Summary - July to December 2016 - (95496, 96333)**

Previous Item: NM2, Ordinary (24 June 2014)

REPORT:

Executive Summary

At the Ordinary meeting on 24 June 2014, Council resolved as follows:

"That Council prepare a six-monthly report summarising the resolutions passed by Council in the preceding six months, excluding resolutions not requiring action or procedural resolutions, and assigning a status to such resolutions to indicate if the action has commenced, has been completed, or a likely timeframe for completion."

This report and the attachment to the report summarises the resolutions passed by Council for the period from 1 July 2016 to 31 December 2016, excluding resolutions as outlined in the above resolution.

The report recommends the information be received and noted.

Consultation

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

Background

Council, at its meeting on 24 June 2014, gave consideration to a Notice of Motion regarding summarising Council resolutions. At that meeting, Council resolved, as follows:

"That Council prepare a six-monthly report summarising the resolutions passed by Council in the preceding six months, excluding resolutions not requiring action or procedural resolutions, and assigning a status to such resolutions to indicate if the action has commenced, has been completed, or a likely timeframe for completion."

Following the resolution of 24 June 2014, staff determined a means to capture the required information in line with the resolution. Accordingly, based on the excluded resolutions outlined in the above resolution, it was determined that the Council report would be prepared according to the following criteria for accuracy and consistency with the resolution:

A. Inclusions for the six-monthly report are:

1. Resolutions regarding Development Applications that:
 - a) are referred to a Councillor Briefing Session
 - b) are deferred to conduct a site visit
 - c) call for a further report to be submitted to Council.
2. Resolutions regarding Conference attendances that require a follow-up report.
3. Resolutions regarding Confidential items including:
 - a) all lease matters
 - b) all tender matters.
4. Resolutions not in the exclusions outlined in Part B, below.

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B. Exclusions for the six-monthly report are:

1. Items with receive and note resolutions.
2. Procedural resolutions, including the adoption of reporting publications such as, Council's Operational Plan and adoption of Council Policies.
3. Resolutions regarding Development Applications which have been approved with conditions or refused.
4. Resolutions regarding Conference attendance without a follow-up report.
5. Reports of Committees where they are received and/or adopted.
6. Resolutions regarding park usage which have been approved or refused.

Included, as Attachment 1 to this report, is a Resolution Tracking Summary for the period from 1 July 2016 to 31 December 2016, based on the Council resolutions outlined in Part A above. The Resolution Tracking Summary contains information regarding each resolution including the Council Meeting Date, Item Number, Item Description, Resolution Number, Summary of the Resolution, Responsible Officer, and the Status. The Status column of the Summary has a set of options, being "Completed / In Progress / Not Initiated" and a comments area to further expand on the progress or final actions of each resolution.

Conformance to the Hawkesbury Community Strategic Plan

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

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

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

- Achieve community respect through good corporate governance and community leadership and engagement
- Make decisions in ways that are transparent, fair, balanced and equitable supported by appropriate resource allocations

Financial Implications

There are no financial implications applicable to this report.

RECOMMENDATION:

That the report regarding Council resolutions for the period of 1 July 2016 to 31 December 2016 be received and noted.

ATTACHMENTS:

AT - 1 Council Resolution Summary - July to December 2016 (*Distributed under separate cover*)

oooO END OF REPORT Oooo

Item: 15 SS - Pecuniary Interest Returns - Councillors and Designated Persons - (95496, 96333)

REPORT:

Executive Summary

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

Consultation

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

Background

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

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

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

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

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With regard to Section 450(2)(a), the following Section 449(1) Returns have been lodged by Councillors:

Councillor Name	Return Date	Date Lodged
Councillor Emma-Jane Garrow	17 September 2016	6 December 2016
Councillor Amanda Kotlash	17 September 2016	6 December 2016
Councillor Sarah Richards	17 September 2016	13 December 2016
Councillor Peter Reynolds	17 September 2016	27 September 2016
Councillor John Ross	17 September 2016	14 December 2016
Councillor Danielle Wheeler	17 September 2016	6 December 2016
Councillor Nathan Zamprogno	17 September 2016	7 December 2016

With regard to Section 450(2)(a), the following Section 449(1) Returns have been lodged by Designated Persons:

Position	Return Date	Date Lodged
Duty Officer	17 October 2016	24 November 2016
Development Services Support Officer	31 October 2016	13 January 2017

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

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

Conformance to the Hawkesbury Community Strategic Plan

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

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

Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 16 SS - Proposal to Install Pedestrian Crossing Point - Kable Street, Windsor - (95496)

REPORT:**Executive Summary**

This report has been prepared to advise Council of a resolution of the Hawkesbury Access and Inclusion Advisory Committee in relation to a proposal to improve pedestrian access from the Council car park on the corner of Kable Street and The Terrace, Windsor, to the Kable Street Medical Centre and Kable Street shopping precinct. The report outlines the scope and projected cost of the proposed works and requests that Council give consideration to placing the proposed works on a future Works Program.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. The report has been prepared following community representations which were referred to Hawkesbury Access and Inclusion Advisory Committee (HAIAAC) which has been established to provide advice and guidance to Council on access and inclusion issues.

Background

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

The concerns which have prompted these representations include:

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

Response to Representations

A site visit was undertaken by the Manager Design and Mapping, the Community Programs Coordinator and the Manager Peppercorn Community Transport, to investigate options to address access issues in the Kable Street precinct. Designated on street Community Bus/accessible parking was ruled out due to the footpath where passengers would alight having a steep cross-fall and not having the width to allow for installation of a compliant layback to enable wheelchair access.

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The proposal to relocate existing accessible car parking spaces within the Kable Street car park was discussed with the Manager, Peppercorn Community Transport. It was determined that the installation of an additional community bus-length accessible car parking space and the installation of a crossing point from this section of the car park to the Medical Practice side of Kable Street would both address issues currently experienced by Community Transport and formalise the crossing point currently used by pedestrians crossing Kable Street to access the medical centre and shopping precinct, to improve safety for all pedestrians in the area.

The Manager Design and Mapping was requested to attend a meeting of the HAIAC to discuss options for the location of a pedestrian crossing point on Kable Street. HAIAC subsequently resolved to recommend the options as outlined in Attachment 1 to this report.

The proposed works outlined in Attachment 1 will:

- create a bus-length accessible car park within the Kable Street car park and re-locate the existing accessible parking resulting in the loss of 3 parking spaces within the car park;
- install a pedestrian crossing point from Kable Street car park, resulting in a loss of 4 car parking spaces on Kable Street.

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

The Manager Construction and Maintenance has estimated that the cost of the works outlined in Attachment 1 would be approximately \$25,000. The HAIAC have requested that Council give consideration to including provision for these works within Council's capital works program.

Conformance to the Hawkesbury Community Strategic Plan

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

- Council have friendly neighbourhoods, connected communities, and supported households and families,

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

- Council upgrade the necessary physical infrastructure and human services to meet contemporary needs and expectations.

Financial Implications

If the recommendation to commission the proposed works is adopted, an amount of \$25,000 will be required to be allocated to complete the works. Whilst the proposed works are not currently included in Council's forward financial estimates, provision could be made in the 2017/2018 Operational Plan.

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RECOMMENDATION:

That:

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

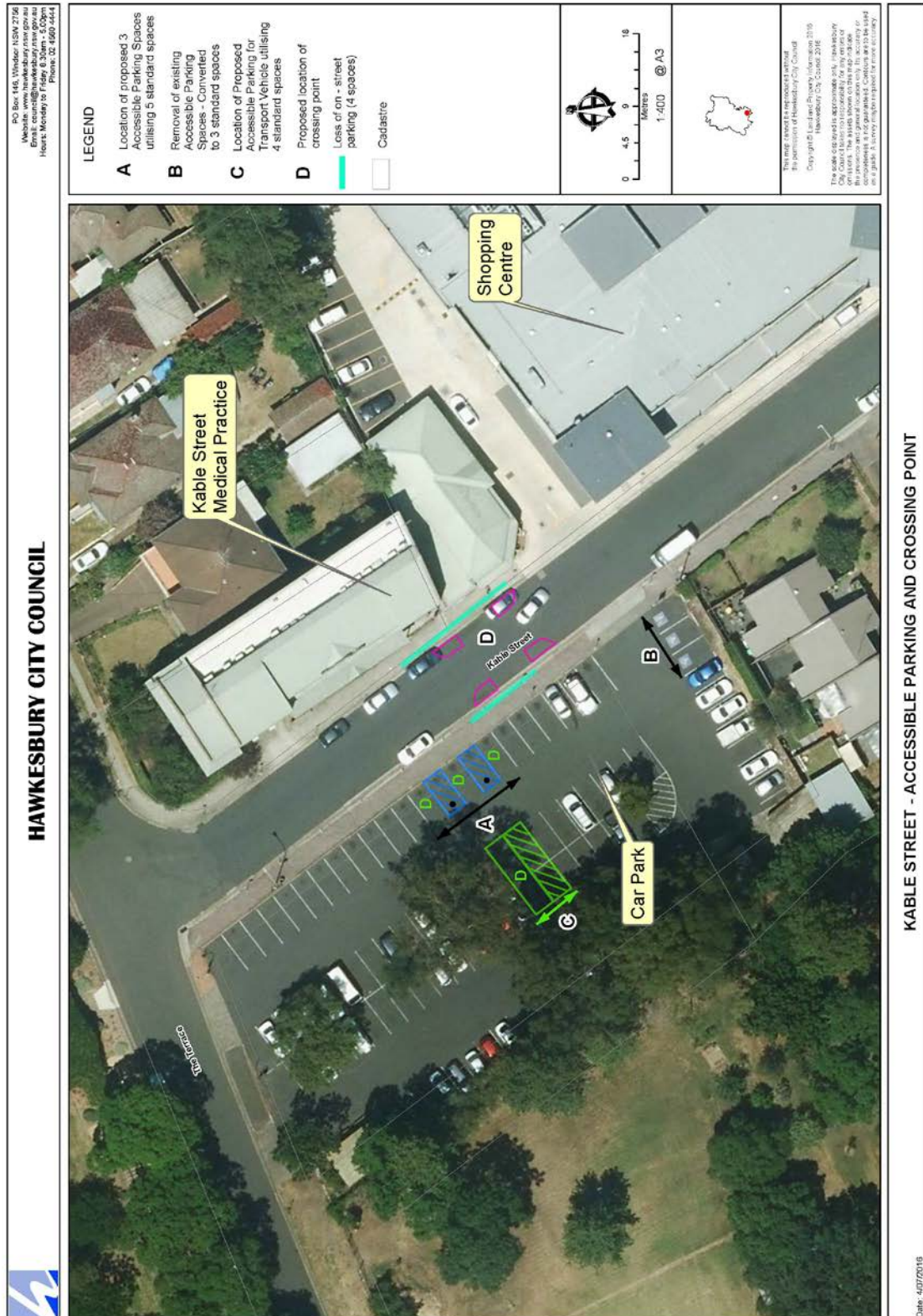
ATTACHMENTS:

AT - 1 Proposed accessible parking and pedestrian crossing point, Kable Street, Windsor

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AT - 1 Proposed accessible parking and pedestrian crossing point, Kable Street, Windsor



oooO END OF REPORT Oooo

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Item: 17 **SS - Rating Strategy for the 2017/2018 Financial Year - (95496, 96332)**

Previous Item: 221, Ordinary (11 October 2016)

REPORT:

Executive Summary

At the Ordinary Meeting held on 11 October 2016, Council considered a report on a Review of the Local Government Rating System in NSW, conducted by the Independent Pricing and Regulatory Tribunal (IPART). During this item, discussions were held on possible rating structures that could be implemented for the 2017/2018 rating year.

At that meeting Council resolved (in part) that:

- "3. *A Councillor Briefing Session to be held to investigate options in regard to Council's rating structure. The modelling options to include, but not limited to, a review of the current rates distribution across the various rating categories.*"

In accordance with Council's resolution, a Councillor Briefing Session was held on 1 November 2016, with a further Session being held on 22 November 2016.

The purpose of this report is to provide an overview of the financial modelling undertaken in line with the Council resolution of 11 October 2016, and as discussed during the Councillor Briefing Sessions.

The outcome of the Councillor Briefing Sessions was that the model that appears to align the most with Council's objective to achieve a fair and equitable rating system is the Option 3 Amended Rating Structure. If this Rating Structure were implemented, over 78% of properties would have lower rates than if no change to the current Rating Structure was made. Further detail is provided within this report.

The report recommends that the information regarding the possible rating structure that could be implemented for the 2017/2018 rating year be received and noted.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. However, the 2017/2018 rating strategy will be included within the Revenue Pricing Policy as part of the 2017/2018 Operational Plan public consultation process.

Background

At the Ordinary Meeting held on 11 October 2016, Council considered a report on a Review of the Local Government Rating System in NSW, as conducted by IPART. During this item, discussions were held on possible rating structures that could be implemented for the 2017/2018 rating year.

At that meeting Council resolved (in part), that:

- "3. *A Councillor Briefing Session to be held to investigate options in regard to Council's rating structure. The modelling options to include, but not limited to, a review of the current rates distribution across the various rating categories.*"

In accordance with Council's resolution, a Councillor Briefing Session was held on 1 November 2016, with a further Session being held on 22 November 2016. The purpose of the Councillor Briefing Sessions was to give an overview of various rating options and provide modelling on various alternative rating structures to outline the impact on properties within the Local Government Area (LGA) should Council implement a particular rating structure.

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During the Councillor Briefing Sessions, an overview was given of Council's current rating method and structure, and the impact on properties within the LGA of four alternative rating structures, in order to ascertain the rating structure with the most equitable distribution of the rating burden.

The alternative rating structures were derived through altering the current proportion of the Notional Yield payable by each Category and Sub-Category respectively, the introduction of a subsidisation of properties within the Farmland Category, the introduction of a premium levied on properties within the Business Sub-Categories, removal of the Rural Residential Sub-Category, and amendment of the proportion of rates derived through Base Amounts.

The information presented at the Councillor Briefing Sessions has been summarised in this report.

Main Terms

An overview was provided at the Councillor Briefing Session of the main terms used when considering the various alternative rating options and structures.

- *Notional Yield:* The total general income permitted to be derived through the levying of General Rates. The Notional Yield may be increased from one year to the next up to the Rate-Pegging limit set by IPART.
- *Rate-Pegging:* The permissible percentage increase in total general income on the previous year, as determined by IPART. The rate-peg is applied to the Notional Yield, based on the latest land valuations, as provided by the NSW Valuer General (VG).
- *Ad Valorem Rates:* Rates that are collected through the application of a rate in the dollar to a property's land value. The Ad Valorem is determined for each category and sub-category based on the total Notional Yield calculation. A different Ad Valorem Rate may be applied to different Categories and Sub-categories.
- *Minimum Rates:* A Council may resolve as part of its rating methodology to apply a Minimum Rate to all or some of its Categories or Sub-categories within its rating structure. A Minimum Rate results in a minimum rate being payable even where the Ad Valorem Rate calculation results in a lower amount than the Minimum Rate set by Council.
- *Base Amounts:* A Base Amount can enable Council to charge all properties subject to the rate, a sufficient levy to cover the cost of common services, as well as basic general administration costs. A Base Amount can be used successfully to reduce the variability in the amount of rates paid that can occur as a result of land valuation fluctuations.
- *Residential Category:* Any rateable parcel of land valued as one assessment, and the dominant use is for residential accommodation. If vacant land, is zoned or otherwise designated for residential purposes under an environmental planning instrument; or is rural residential land.
- *Farmland Category:* Any rateable parcel of land valued as one assessment and the dominant use of the land is for farming, and: the farming activity has a significant and substantial commercial purpose or character; and is engaged in for the purpose of profit on a continuous or repetitive basis.
- *Business Category:* Any rateable parcel of land in the Hawkesbury that cannot be classified as Farmland or Residential.

Rating Options

Section 497 of the Local Government Act 1993 stipulates the allowed rating methods. In summary, a council may have any, or a combination of the following, for any Category or Sub - Category:

- *Ad Valorem only* (land value multiplied by a rate in the dollar)

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- *Ad Valorem with Minimum Rate* (same as above but with a minimum amount payable)
- *Base Rate with Ad Valorem* (all ratepayers within a specific category to pay an equivalent amount as part of their rates, the base rate, with the balance of their rates made up via an *ad valorem* amount). It is noted that the amount collected through Base Amounts is restricted to a maximum 50% of total revenue for any particular Category or Sub-Category.
- *Combination* (Council may resolve to levy rates using different methods for separate Categories or Sub- Categories).

The total general income permitted to be derived through the levying of General Rates through the application of any of the rating methods outlined above, referred to as the Notional Yield, is based on the latest VG Land Valuations and may be increased from one year to the next up to the Rate-Pegging limit set by the Independent Pricing and Regulatory Tribunal (IPART). The rate-pegging amount set by IPART for 2017/2018 is 1.5% and land values used will be those as determined by the VG in late 2016.

The Act provides for all rateable properties to be categorised into one of four categories:

- *Residential*
- *Farmland*
- *Business*
- *Mining.*

Each of these categories can be divided into Sub-Categories determined on the basis of identified criteria for each category.

Current Rating Methods and Structure

There are currently 25,602 rateable properties in the Hawkesbury LGA:

- Residential Category 19,115 properties
 - Rural Residential Sub-Category 4,406 properties
- Business Category (with 3 sub-categories) 1,509 properties
- Farmland Category 572 properties.

Council's current rating method is a combination of Ad Valorem Rate, with a Minimum Rate or Base Amounts applicable across the Categories and Sub-Categories within Council's rating structure.

Table 1 below, provides a summary of the current rating structure, as levied in 2016/2017, with an assumed rate peg of 2.5% applied to calculate rates for the 2017/2018 year.

Table 1

Category / Sub-Category	Ad Valorem	Minimum Rate	Base Amount	% of LGA Land Value	% of Notional Yield	Average Rate
Residential	YES	N/A	\$530	58.44%	65%	\$1,067
Rural Residential	YES	N/A	\$705	27.73%	20%	\$1,423
Business (3 sub-categories)	YES	N/A	\$990	8.01%	10%	\$2,076
Farmland	YES	\$546	N/A	5.82%	5%	\$2,751

The percentage of Notional Yield collected from each Category and Sub-category is currently a set percentage of the total Notional Yield, which results in a differentiation between the percentage of Notional Yield collected for a Category or Sub-category and the respective percentage of the total LGA Land Value.

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Definitions of the Sub-Categories used in the current rating structure are below:

- *Rural Residential*: in accordance with the Local Government Act, is land that:
 - is the site of a dwelling, and
 - is not less than 2 hectares and not more than 40 hectares in area, and
 - is either: (i) not zoned or otherwise designated for use under an environmental planning instrument, or (ii) zoned or otherwise designated for use under such an instrument for non-urban purposes, and
 - does not have a significant character and substantial commercial purpose or character.
- *Business Area 1*: business rated properties within defined areas in Richmond, Windsor, Vineyard and Mulgrave.
- *Business Area 2*: business rated properties within defined areas in North Richmond and South Windsor
- *Business Area Other*: all other business rated properties not falling within any of the defined areas stipulated in the other business sub-categories.

Alternative Rating Options Considered

Over the two Councillor Briefing Sessions, four alternative models were considered, in which adjustments were made to both the rating methods and structures progressively to determine the rating options that most aligned to Councillor's perception of a fair and equitable rating system.

Due to issues with the administration and outcomes derived from the use of the Rural Residential Sub-Category, all options reflect the removal of this sub-category. In order to depict the impact of the removal of this Sub-Category, it is included in the summary of rating options considered, as shown below.

It is to be noted that all modelling information provided in this section of the report is based on current land valuations and an assumed 2.5% rate peg. Advice was received after the modelling information was collated, that the general revaluation scheduled to be conducted in 2017 would be brought forward to 2016 and brought into effect from 1 July 2017, in order to facilitate implementation of the Emergency Services Property Levy. Since this modelling was conducted, IPART advised that the rate peg for 2017/2018 is 1.5%.

• Rating Structure – Option 1

The first rating structure option was developed by redistributing the Notional Yield, based on each Category and Sub-Category's percentage of the total Land Value.

Table 2 below provides a summary of this rating structure.

Table 2

Category / Sub-Category	Ad Valorem	Minimum Rate	Base Amount	% of LGA Land Value	% of Notional Yield	Average Rate
Residential						\$1,054
Rural Residential						\$1,565
Combined Residential	YES	N/A	\$570	86.17%	86%	\$1,149
Business (3 sub-categories)	YES	N/A	\$800	8.01%	8%	\$1,663
Farmland	YES	\$546	N/A	5.82%	6%	\$3,202

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• Rating Structure – Option 2

The second rating structure option was developed by modifying Option 1 via setting the Ad Valorem Rate for Farmland properties at 90% of the Ad Valorem Rate levied on Residential Properties. This essentially implements a subsidisation of Farmland Properties.

Table 3 below provides a summary of this rating structure.

Table 3

Category / Sub-Category	Ad Valorem	Minimum Rate	Base Amount	% of LGA Land Value	% of Notional Yield	Average Rate
Residential						\$1,090
Rural Residential						\$1,624
Combined Residential	YES	N/A	\$585	86.17%	89%	\$1,190
Business (3 sub-categories)	YES	N/A	\$800	8.01%	8%	\$1,663
Farmland	YES	\$546	N/A	5.82%	3%	\$1,529

• Rating Structure – Option 3

The third rating structure option was developed by modifying Option 2 via setting the Ad Valorem Rate for Business properties at twice the Ad Valorem Rate levied on Residential Properties. This essentially implements a premium levied on Business Properties.

Additionally, the Minimum Rate on Farmland was removed and Base Amounts for all categories and sub-categories were set at the Base Amount calculated to achieve just under 50% of the Notional Yield collected from Residential properties.

Table 4 below provides a summary of this rating structure.

Table 4

Category / Sub-Category	Ad Valorem	Minimum Rate	Base Amount	% of LGA Land Value	% of Notional Yield	Average Rate
Residential						\$1,045
Rural Residential						\$1,558
Combined Residential	YES	N/A	\$560	86.17%	86%	\$1,141
Business (3 sub-categories)	YES	N/A	\$560	8.01%	11%	\$2,240
Farmland	YES	N/A	\$560	5.82%	4%	\$2,018

This was the last option considered at the Councillor Briefing Session conducted on 1 November 2016. Councillors requested that Option 3 be amended to increase the reduction in the average rate for Residential Properties. Council staff conducted appropriate modelling and presented an amended Option 3 to Councillors at a Briefing Session held 22 November 2016.

• Rating Structure – Option 3 Amended

In order to increase the reduction in the average rate for Residential properties, it was determined that the most effective amendment to Option 3 was to reduce the percentage of the Notional Yield collected via Base Amounts. The calculation of the Base Amount to be levied on all Categories and Sub-Categories was lowered from 50% of the Residential Category Notional Yield to 30% of the Residential Category Notional Yield.

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Table 5 below provides a summary of this rating structure.

Table 5

Category / Sub-Category	Ad Valorem	Minimum Rate	Base Amount	% of LGA Land Value	% of Notional Yield	Average Rate
Residential						\$985
Rural Residential						\$1,667
Combined Residential	YES	N/A	\$340	86.17%	83%	\$1,113
Business (3 sub-categories)	YES	N/A	\$340	8.01%	12%	\$2,575
Farmland	YES	N/A	\$340	5.82%	4%	\$2,280

Councillors at the Briefing Session on 22 November 2016 requested that further information on the impacts of the Amended Option 3 rating structure be provided by a report to Council in early 2017.

Impact of 2016 Revaluation and Updated Rate Peg on the Current and Option 3 Amended Rating Structures

The results of the VG revaluation were received by Council in early 2017. In order to provide an accurate depiction of the impact the proposed rating structure on properties, further modelling was undertaken to update the land valuations of all properties within the LGA.

In December 2016, the 2017/2018 Rate Peg was announced by IPART as being 1.5%. Consequently, further modelling was conducted to amend the assumed 2.5% Rate Peg used in earlier modelling.

Table 6 provides a summary of the impact of the revaluation and updated Rate Peg on the current Rating Structure with no change.

Table 6

Category / Sub-Category	Ad Valorem	Minimum Rate	Base Amount	% of LGA Land Value	% of Notional Yield	Average Rate
Residential	YES	N/A	\$525	56.31%	65%	\$1,057
Rural Residential	YES	N/A	\$700	30.89%	20%	\$1,410
Business (3 sub-categories)	YES	N/A	\$1,000	6.88%	10%	\$2,059
Farmland	YES	\$540	N/A	5.92%	5%	\$2,726

Table 7 provides a summary of the impact of the revaluation and updated Rate Peg on the Option 3 Amended Rating Structure.

Table 7

Category / Sub-Category	Ad Valorem	Minimum Rate	Base Amount	% of LGA Land Value	% of Notional Yield	Average Rate
Residential						\$960
Rural Residential						\$1,815
Combined Residential	YES	N/A	\$340	87.20%	85%	\$1,120
Business (3 sub-categories)	YES	N/A	\$340	6.88%	11%	\$2,260
Farmland	YES	N/A	\$340	5.92%	4%	\$2,299

Impacts of Option 3 Amended Rating Structure

In order to outline the impacts that the Option 3 Amended Rating Structure would have, a comparison has been made between the Current Rating Structure, using 2016 land values (Table 6), and the Option 3 Amended Rating Structures, using 2016 land values (Table 7).

To present an accurate picture of the impacts of the Option 3 Amended Rating Structure, the average, median, mode and range is given. This is to highlight that while an average gives an indication of the movement from the Current Rating Structure, some properties may experience more or less extreme movements.

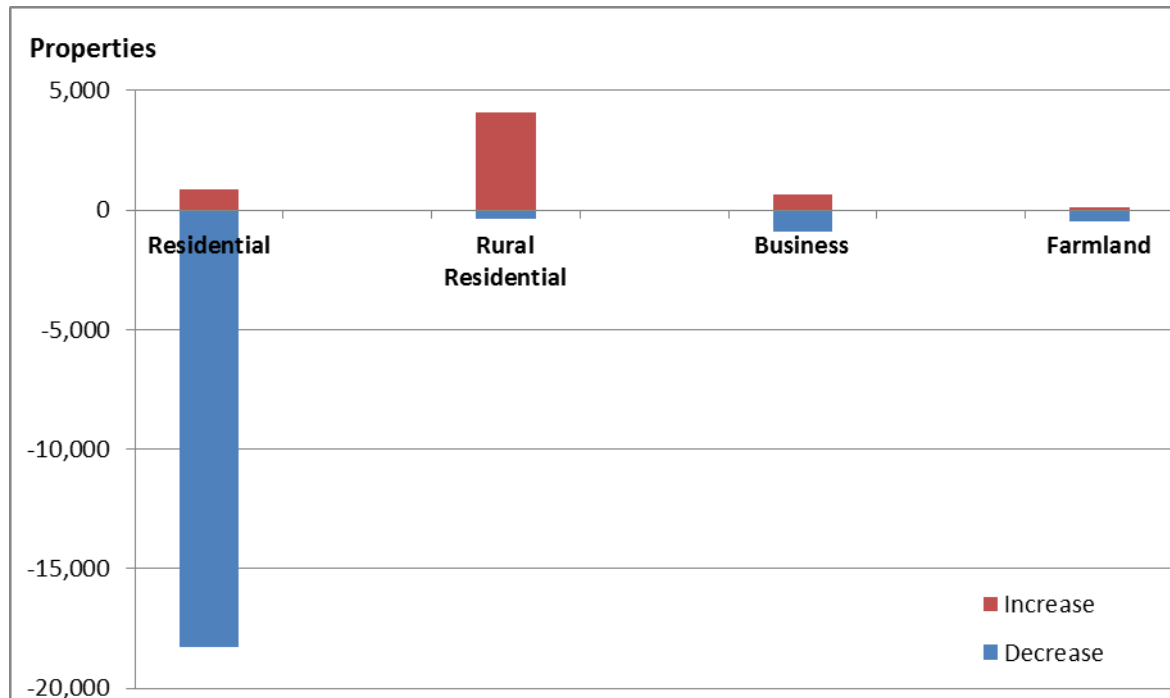
Definitions of average, mode and median are provided below:

- *Average*: calculated by dividing the total change by the number of properties
- *Median*: calculated by determining the middle result
- *Mode*: shows the most frequently occurring result.

In summary, 95.5% of properties within the current Residential Category, 8.0% of properties within the current Rural Residential Category, 58.9% of properties within the Business Sub-Categories and 83.9% of properties within the Farmland Category would experience a decrease in rates, if the Option 3 Amended Rating Structure was implemented.

Figure 1 provides a diagrammatic representation of the number of properties that would experience an increase (in red) and the number of properties that would experience a decrease (in blue) for each Category and Sub-Category.

Figure 1



A more detailed summary is provided in the sections below for each Rating Category and Sub-Category. The impact on the current properties within the Rural Residential Rating Category is provided, even though this Sub-Category would be removed, if the Option 3 Amended Rating Structure was implemented.

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- Residential Rating Category**

As shown above, most properties within the Residential Rating Category would experience a decrease in rates payable.

Table 8 provides a comparison between the Current and Option 3 Amended Rating Structures.

Table 8

Rating Structure	Average	Median	Mode	Minimum	Maximum
Current	\$1,057	\$1,012	\$1,086		
Option 3 Amended	\$960	\$908	\$994		
Change	-\$97	-\$104	-\$92	-\$185	+\$1,712

A summary of the impacts on properties for selected suburbs is presented in Table 9, below. For a full suburb listing, please refer to Attachment 1.

Table 9

Suburb	Properties	Change from Current Structure				
		Average	Median	Mode	Minimum	Maximum
Bligh Park	2,243	-\$114	-\$107	-\$107	-\$167	+\$138
Bowen Mountain	565	-\$125	-\$130	-\$131	-\$150	-\$57
Glossodia	827	-\$101	-\$119	-\$120	-\$180	+\$1,202
Hobartville	1,081	-\$94	-\$92	-\$92	-\$159	-\$86
Kurrajong	681	-\$75	-\$80	-\$75	-\$183	+\$207
McGraths Hill	876	-\$98	-\$104	-\$104	-\$147	+\$75
North Richmond	1,814	-\$110	-\$105	-\$103	-\$184	+\$1,053
Oakville	40	+\$108	+\$63	+\$283	-\$185	+\$283
Pitt Town	903	-\$37	-\$49	-\$63	-\$184	+\$788
Richmond	2,146	-\$116	-\$111	-\$107	-\$185	+\$1,712
South Windsor	2,246	-\$115	-\$111	-\$110	-\$184	+\$310
Wilberforce	798	-\$81	-\$98	-\$98	-\$183	+\$1,040
Windsor	701	-\$103	-\$105	-\$130	-\$185	+\$244

- Rural Residential Rating Sub-Category**

Most properties within the current Rural Residential Rating Category would experience an increase in rates. This is attributable to the reduction of the Base Amount from 50% to 30% (placing a heavier reliance on land values), changes in land valuations and the adjustment to align the percentage of Notional Yield collected from this Sub-Category more closely to the percentage of land value this Sub-Category represents of the total land value.

Table 10 provides a comparison between the Current and Option 3 Amended Rating Structures.

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Table 10

Rating Structure	Average	Median	Mode	Minimum	Maximum
Current	\$1,410	\$1,297	\$2,283		
Option 3 Amended	\$1,815	\$1,581	\$3,627		
Change	+\$405	+\$283	+\$1,344	-\$293	+\$10,525

A summary of the impacts on properties for selected suburbs is presented in Table 11, below. For a full suburb listing, please refer to Attachment 1.

Table 11

Suburb	Properties	Change from Current Structure				
		Average	Median	Mode	Minimum	Maximum
Bilpin	147	+\$97	+\$87	+\$173	-\$104	+\$514
Bowen Mountain	21	+\$107	+\$78	+\$46	+\$40	+\$295
Cattai	133	+\$493	+\$482	+\$482	+\$245	+\$1,344
East Kurrajong	460	+\$201	+\$194	+\$116	+\$24	+\$1,184
Ebenezer	126	+\$364	+\$358	+\$151	-\$50	+\$1,041
Grose Vale	217	+\$289	+\$264	+\$264	+\$47	+\$1,549
Kurrajong	415	+\$246	+\$223	+\$274	-\$183	+\$2,709
Maraylya	223	+\$502	+\$482	+\$482	+\$235	+\$2,486
North Richmond	127	+\$438	+\$323	+\$323	+\$158	+\$3,495
Oakville	511	+\$1,100	+\$1,344	+\$1,344	+\$252	+\$4,994
Pitt Town	203	+\$607	+\$482	+\$520	+\$93	+\$10,525
Vineyard	137	+\$835	+\$711	+\$1,344	-\$46	+\$3,396
Wilberforce	174	+\$466	+\$394	+\$223	-\$28	+\$1,826

• Business Sub-Categories

Most properties within the Business Rating Sub-Categories would experience a decrease in rates; however 41.1% of businesses would experience an increase. This is attributable to the reduction of the Base Amount from 50% to 30%, changes in land valuations and the adjustment to the applicable ad valorem to be twice that of the residential Rating Category.

Table 12 provides a comparison between the Current and Option 3 Amended Rating Structures.

Table 12

Rating Structure	Average	Median	Mode	Minimum	Maximum
Current	\$2,059	\$1,651	\$1,908		
Option 3 Amended	\$2,260	\$1,520	\$1,985		
Change	+\$201	-\$131	+\$78	-\$659	+\$22,176

A summary of the impacts on properties for selected suburbs is presented in Table 13, below. For a full suburb listing, please refer to Attachment 1.

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Table 13

Suburb	Properties	Change from Current Structure				
		Average	Median	Mode	Minimum	Maximum
Clarendon	14	+\$374	+\$145		-\$617	+\$3,954
Kurrajong	31	+\$244	-\$135	-\$606	-\$606	+\$4,802
Kurrajong Heights	19	+\$102	-\$46	-\$199	-\$629	+\$2,056
McGraths Hill	11	+\$796	+\$796		-\$396	+\$2,210
Mulgrave	225	+\$140	-\$213	-\$439	-\$646	+\$5,713
North Richmond	103	+\$182	-\$313	-\$463	-\$653	+\$7,564
Oakville	8	+\$1,148	+\$1,060	+\$929	-\$626	+\$2,287
Pitt Town	15	+\$1,041	+\$351		-\$267	+\$6,469
Richmond	277	+\$59	-\$258	-\$554	-\$658	+\$22,176
South Windsor	300	+\$162	-\$53	+\$78	-\$573	+\$5,404
Vineyard	75	+\$847	+\$315	-\$467	-\$616	+\$8,043
Wilberforce	60	-\$7	-\$96	-\$592	-\$641	+\$1,485
Windsor	244	+\$88	-\$183	-\$568	-\$654	+\$10,450

- Farmland Category**

Most properties within the Farmland Category would experience a decrease in rates.

Table 14 provides a comparison between the Current and Option 3 Amended Rating Structures.

Table 14

Rating Structure	Average	Median	Mode	Minimum	Maximum
Current	\$2,726	\$2,082	\$4,096		
Option 3 Amended	\$2,299	\$1,844	\$3,298		
Change	-\$427	-\$238	-\$797	-\$19,729	+\$188

A summary of the impacts on properties for selected suburbs is presented in Table 15, below. For a full suburb listing, please refer to Attachment 1.

ORDINARY MEETING**Meeting Date:** 31 January 2017**Table 15**

Suburb	Properties	Change from Current Structure				
		Average	Median	Mode	Minimum	Maximum
Agnes Banks	26	-\$390	-\$375	-\$660	-\$1,137	+\$43
Bilpin	29	-\$63	-\$33	+\$43	-\$583	+\$104
Cornwallis	20	-\$484	-\$422	-\$351	-\$1,566	+\$33
Ebenezer	16	-\$291	-\$282	-\$375	-\$726	-\$22
Freemans Reach	85	-\$302	-\$217	-\$416	-\$2,048	+\$162
Glossodia	16	-\$321	-\$282	-\$303	-\$723	-\$89
Kurrajong	9	-\$285	-\$363	-\$363	-\$666	+\$4
North Richmond	23	-\$1,966	-\$381	-\$416	-\$19,729	-\$116
Oakville	32	-\$778	-\$797	-\$797	-\$2,638	-\$273
Pitt Town Bottoms	38	-\$90	-\$42	-\$142	-\$637	+\$179
Richmond	14	-\$1,454	-\$601	-\$643	-\$6,092	+\$183
Vineyard	23	-\$625	-\$613	-\$613	-\$1,625	+\$158
Wilberforce	59	-\$245	-\$175	-\$375	-\$2,131	+\$188

Conclusion

The report above provides an overview of the current rating structure used to levy general rates in the Hawkesbury LGA, outlines the various possible rating structures as presented during Councillor Briefing Sessions in November 2016 and the impact of moving to the Option 3 Amended Rating Structure, using 2016 land values and the updated Rate Peg of 1.5%.

As detailed in this report, Councillors at the Councillor Briefing Session indicated that Amended Option 3 most aligned with Council's objective to achieve a fair and equitable rating structure.

Conformance to the Hawkesbury Community Strategic Plan

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

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

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

- Improve financial sustainability

Financial Implications

There are no financial implications arising from this report.

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Meeting Date: 31 January 2017

RECOMMENDATION:

That the information concerning the possible rating structure that could be implemented for the 2017/2018 rating year be received and noted.

ATTACHMENTS:

AT - 1 Possible Rating Structure – Impact by Suburb

ORDINARY MEETING

Meeting Date: 31 January 2017

AT - 1 Possible Rating Structure – Impact by Suburb

				Current Rating Structure					Option 3 Amended Rating Structure					Movement				
Number of Properties	Suburb	Rate (Average)	Rate (Median)	Rate (Mode)	Rate (Minimum)	Rate (Maximum)	Rate (Average)	Rate (Median)	Rate (Mode)	Rate (Minimum)	Rate (Maximum)	Suburb	Average	Median	Mode	Minimum	Maximum	
130	AGNES BANKS	\$1,073.60	\$1,012.00	\$1,012.00	\$550.38	\$2,738.64	\$979.70	\$907.87	\$907.87	\$369.60	\$2,921.25	AGNES BANKS	\$93.90	\$104.13	\$104.13	\$180.78	\$182.61	
20	BERAMBING	\$960.64	\$969.20	\$997.24	\$854.09	\$1,296.82	\$842.99	\$957.97	\$990.67	\$723.75	\$1,299.99	BERAMBING	\$112.46	\$111.23	\$106.58	\$130.35	\$56.83	
131	BILPIN	\$948.24	\$857.05	\$839.34	\$685.86	\$1,163.09	\$833.52	\$727.19	\$706.54	\$577.57	\$2,750.12	BILPIN	\$114.72	\$129.86	\$132.80	\$158.29	\$87.03	
81	BLAXLANDS RIDGE	\$1,211.24	\$1,171.38	\$1,171.38	\$559.92	\$2,443.49	\$1,140.20	\$1,093.72	\$1,093.72	\$373.73	\$2,577.08	BLAXLANDS RIDGE	\$71.04	\$77.66	\$182.00	\$183.59	\$13.59	
2,243	BLIGH PARK	\$953.80	\$952.82	\$992.82	\$634.76	\$2,473.00	\$840.00	\$885.50	\$885.50	\$467.99	\$2,611.50	BLIGH PARK	\$113.79	\$107.31	\$107.31	\$166.77	\$138.49	
565	BOWEN MOUNTAIN	\$884.31	\$855.05	\$849.67	\$736.03	\$1,298.30	\$758.98	\$727.19	\$718.58	\$586.08	\$1,241.71	BOWEN MOUNTAIN	\$112.33	\$129.86	\$131.08	\$145.95	\$56.98	
20	CATTAL	\$1,604.15	\$1,617.06	\$1,558.03	\$1,010.53	\$1,940.25	\$1,598.36	\$1,613.41	\$1,544.58	\$906.15	\$1,990.28	CATTAL	\$5.79	\$3.65	\$13.45	\$104.37	\$50.02	
11	CENTRAL COLO	\$899.06	\$988.37	\$934.51	\$694.51	\$1,184.66	\$716.18	\$735.37	\$742.05	\$421.05	\$1,109.21	CENTRAL COLO	\$122.88	\$123.00	\$173.46	\$175.46	\$75.45	
9	CENTRAL MACDONALD	\$1,041.52	\$1,041.52	#N/A	\$639.22	\$1,912.21	\$946.96	\$942.29	#N/A	\$473.19	\$1,957.59	CENTRAL MACDONALD	\$98.56	\$99.23	#N/A	\$166.03	\$45.37	
24	CLARENDON	\$1,048.61	\$963.30	\$908.70	\$593.38	\$1,459.00	\$950.56	\$851.09	\$787.42	\$426.73	\$1,475.75	CLARENDON	\$98.05	\$112.21	\$121.28	\$172.65	\$23.25	
19	COLO	\$864.19	\$865.90	\$938.52	\$537.44	\$1,359.80	\$735.51	\$737.51	\$728.91	\$354.51	\$1,312.27	COLO	\$128.67	\$128.39	\$129.61	\$182.93	\$46.54	
31	CORNWALLIS	\$974.53	\$830.48	\$704.23	\$541.09	\$1,381.37	\$864.18	\$966.21	\$973.31	\$558.43	\$1,338.76	CORNWALLIS	\$110.35	\$134.27	\$151.92	\$182.33	\$256.13	
16	CUMBERLAND REACH	\$7,024.98	\$2,096.68	\$2,104.06	\$718.32	\$4,243.92	\$2,089.01	\$2,172.68	\$2,181.29	\$565.43	\$4,276.49	CUMBERLAND REACH	\$64.08	\$76.00	\$77.22	\$152.90	\$432.58	
68	EAST KURRAJONG	\$844.68	\$765.55	\$762.60	\$525.00	\$1,096.12	\$712.76	\$720.50	\$611.95	\$340.00	\$1,005.96	EAST KURRAJONG	\$131.91	\$145.05	\$145.05	\$185.00	\$90.16	
198	EBENEZER	\$1,274.08	\$1,265.09	\$1,165.48	\$546.10	\$2,089.31	\$1,213.47	\$1,203.00	\$1,086.84	\$364.61	\$2,164.08	EBENEZER	\$60.61	\$62.10	\$78.64	\$181.50	\$74.77	
203	FERNANCES	\$1,275.43	\$1,189.09	\$924.58	\$691.76	\$8,095.65	\$1,156.74	\$1,114.37	\$689.33	\$534.45	\$9,167.86	FERNANCES	\$68.68	\$74.72	\$135.25	\$157.31	\$107.21	
15	FERNANCES	\$706.14	\$693.14	\$666.67	\$531.92	\$1,065.13	\$551.22	\$543.06	\$505.20	\$348.07	\$969.82	FERNANCES	\$154.92	\$156.08	\$161.47	\$183.85	\$95.30	
526	FREEMANS REACH	\$1,087.81	\$970.68	\$929.36	\$526.82	\$3,286.43	\$996.72	\$859.69	\$911.51	\$342.12	\$4,143.03	FREEMANS REACH	\$91.54	\$110.99	\$117.85	\$184.70	\$356.60	
827	GLOSSODIA	\$1,030.82	\$920.50	\$916.08	\$554.07	\$8,877.80	\$929.82	\$801.18	\$796.02	\$373.90	\$10,979.90	GLOSSODIA	\$101.00	\$119.32	\$120.06	\$180.17	\$1,202.10	
198	GROSE VALE	\$1,298.95	\$1,285.78	\$1,271.73	\$554.24	\$2,841.94	\$1,242.47	\$1,227.09	\$1,210.74	\$350.77	\$3,041.70	GROSE VALE	\$56.48	\$58.67	\$60.99	\$183.47	\$199.76	
99	HIGHER MACDONALD	\$1,411.38	\$1,293.77	\$1,060.70	\$1,060.70	\$5,763.95	\$1,373.58	\$1,243.44	\$964.66	\$648.66	\$6,448.95	HIGHER MACDONALD	\$37.80	\$56.34	\$96.04	\$96.04	\$685.00	
19	HOBARTVILLE	\$870.11	\$759.65	\$759.65	\$613.25	\$1,980.10	\$742.42	\$613.61	\$613.61	\$442.91	\$2,036.74	HOBARTVILLE	\$127.69	\$146.03	\$146.03	\$170.34	\$56.64	
1,081	KURRAJONG	\$1,073.89	\$1,085.79	\$1,085.79	\$679.22	\$1,122.68	\$990.04	\$993.92	\$993.92	\$519.83	\$1,036.94	KURRAJONG	\$93.85	\$91.87	\$91.87	\$159.39	\$85.75	
132	KURRAJONG	\$1,155.76	\$1,082.84	\$997.24	\$814.35	\$2,860.00	\$1,075.50	\$900.47	\$900.67	\$677.28	\$3,179.37	KURRAJONG	\$80.35	\$92.36	\$106.58	\$136.97	\$219.37	
691	KURRAJONG HEIGHTS	\$951.89	\$941.16	\$942.64	\$554.27	\$2,896.22	\$1,110.75	\$1,074.79	\$1,114.37	\$350.81	\$3,093.53	KURRAJONG HEIGHTS	\$75.23	\$80.36	\$115.65	\$159.02	\$207.11	
471	KURRAJONG HILLS	\$1,357.03	\$1,298.30	\$1,267.88	\$873.28	\$5,852.49	\$1,310.20	\$1,241.71	\$1,200.42	\$746.12	\$6,552.20	KURRAJONG HILLS	\$46.83	\$50.09	\$62.47	\$127.16	\$699.70	
25	LEETS VALE	\$962.06	\$963.30	\$978.06	\$752.27	\$1,069.07	\$849.64	\$851.09	\$868.29	\$605.01	\$1,009.40	LEETS VALE	\$112.42	\$112.21	\$109.76	\$147.25	\$89.67	
222	LOWER MACDONALD	\$780.14	\$769.98	\$665.05	\$601.59	\$1,468.01	\$627.51	\$625.66	\$503.31	\$475.95	\$1,339.61	LOWER MACDONALD	\$142.63	\$144.32	\$161.74	\$165.64	\$28.40	
79	MARAYLYA	\$1,036.15	\$1,012.00	\$1,012.00	\$552.74	\$2,059.79	\$936.06	\$907.87	\$744.46	\$372.35	\$2,427.66	MARAYLYA	\$100.12	\$104.13	\$104.13	\$180.39	\$69.87	
20	MCGRATHS HILL	\$1,078.10	\$1,078.10	\$1,078.10	\$667.73	\$4,081.58	\$1,121.86	\$1,159.49	\$1,159.49	\$856.25	\$4,481.20	MCGRATHS HILL	\$24.76	\$34.33	\$46.35	\$111.48	\$405.62	
876	MELLONG	\$1,046.90	\$1,012.00	\$1,012.00	\$755.96	\$2,089.31	\$948.57	\$907.87	\$907.87	\$609.31	\$2,164.08	MELLONG	\$98.33	\$104.13	\$104.13	\$146.65	\$74.77	
8	MELONG	\$1,167.69	\$1,087.28	\$1,087.28	\$1,085.79	\$1,569.84	\$1,089.42	\$995.64	\$995.64	\$933.92	\$1,558.35	MELONG	\$78.27	\$91.63	\$91.63	\$91.63	\$11.49	
6	MOGO CREEK	\$702.34	\$680.55	\$654.13	\$654.13	\$789.16	\$546.79	\$531.87	\$490.57	\$490.57	\$648.03	MOGO CREEK	\$155.55	\$157.67	\$163.56	\$163.56	\$141.13	
14	MOUNTAIN LAGOON	\$988.47	\$907.22	\$799.43	\$799.43	\$1,441.45	\$857.11	\$785.69	\$660.07	\$660.07	\$1,408.64	MOUNTAIN LAGOON	\$111.36	\$121.53	\$133.42	\$133.42	\$32.81	
15	MULGRAVE	\$1,217.87	\$1,208.28	\$1,208.28	\$1,109.40	\$1,500.48	\$1,147.87	\$1,136.74	\$1,136.74	\$1,071.45	\$1,471.47	MULGRAVE	\$69.95	\$71.53	\$71.53	\$87.95	\$23.01	
1,814	NORTH RICHMOND	\$979.27	\$1,007.57	\$1,017.90	\$530.30	\$7,977.59	\$869.71	\$902.71	\$914.76	\$346.18	\$9,030.13	NORTH RICHMOND	\$109.56	\$104.86	\$103.15	\$184.12	\$1,052.60	
40	OAKVILLE	\$2,291.76	\$2,015.52	\$3,243.70	\$527.21	\$3,343.70	\$2,400.16	\$2,078.04	\$3,243.70	\$342.58	\$3,626.79	OAKVILLE	\$108.39	\$62.52	\$283.08	\$184.63	\$283.08	
8	PERRY'S CROSSING	\$729.02	\$721.28	\$721.28	\$696.19	\$789.16	\$577.90	\$568.87	\$568.87	\$539.62	\$648.03	PERRY'S CROSSING	\$151.32	\$152.41	\$152.41	\$156.57	\$141.13	
903	PITT TOWN	\$1,415.66	\$1,347.00	\$1,259.93	\$533.88	\$6,383.77	\$1,378.56	\$1,298.50	\$1,136.97	\$350.36	\$7,171.70	PITT TOWN	\$37.09	\$48.50	\$62.96	\$183.52	\$87.93	
23	PITT TOWN BOTTOMS	\$1,490.79	\$1,546.23	#N/A	\$741.94	\$2,075.52	\$1,466.17	\$1,530.81	#N/A	\$592.96	\$2,075.52	PITT TOWN BOTTOMS	\$24.62	\$15.41	#N/A	\$148.97	\$62.52	
7	PUTTY	\$989.86	\$790.64	\$790.64	\$762.60	\$1,677.57	\$882.06	\$649.75	\$649.75	\$617.05	\$1,683.97	PUTTY	\$107.60	\$140.89	#N/A	\$145.54	\$64.00	
2146	RICHMOND	\$939.84	\$972.16	\$972.16	\$576.40	\$1,947.38	\$823.73	\$861.41	\$890.67	\$341.63	\$1,365.27	RICHMOND	\$116.11	\$110.74	\$106.58	\$184.77	\$1,711.84	
14	RICHMOND LOWLANDS	\$2,714.73	\$1,956.49	\$1,956.49	\$590.23	\$10,988.14	\$2,893.37	\$2,009.21	\$2,009.21	\$416.06	\$12,540.68	RICHMOND LOWLANDS	\$178.63	\$52.72	\$52.72	\$174.17	\$1,552.55	
57	SACKVILLE	\$909.32	\$924.58	\$795.06	\$793.59	\$1,631.82	\$788.14	\$889.33	\$854.91	\$653.19	\$1,630.62	SACKVILLE	\$121.18	\$135.25	\$140.15	\$140.15	\$120.00	
2,246	SOUTH WINDSOR	\$947.84	\$973.63	\$793.53	\$551.54	\$3,506.04	\$833.06	\$863.13	\$954.92	\$347.62	\$3,516.08	SOUTH WINDSOR	\$114.78	\$110.50	\$109.52	\$183.91	\$130.04	
79	SOUTH WINDSOR	\$786.86	\$738.99	\$743.41	\$544.21	\$2,295.91	\$645.34	\$599.52	\$594.68	\$420.71	\$2,405.00	SOUTH WINDSOR	\$141.51	\$149.46	\$148.73	\$173.51	\$109.08	
43	TENNANT	\$1,323.80	\$1,249.60	\$1,180.24	\$1,007.57	\$2,005.03	\$1,184.93	\$1,184.93	\$1,184.93	\$902.71	\$2,112.45	TENNANT	\$52.35	\$64.67	\$76.19	\$104.86	\$67.42	
75	THE SLOPES	\$1,323.74	\$1,313.06	\$1,313.06	\$1,025.28	\$1,696.75	\$1,271.38	\$1,268.92	\$1,268.92	\$923.36	\$1,706.34	THE SLOPES	\$52.36	\$54.13	\$54.13	\$101.92	\$9.59	
25	UPPER COLO	\$1,013.54	\$948.54	\$948.54	\$699.14	\$2,289.44	\$909.66	\$833.88	\$833.88	\$543.06	\$1,231.39	UPPER COLO	\$103.87	\$134.66	\$114.66	\$156.08	\$58.05	
19	UPPER MACDONALD	\$810.64	\$845.24	\$777.71	\$597.31	\$995.77	\$673.08	\$713.42	\$751.28	\$424.32	\$888.94	UPPER MACDONALD	\$137.56	\$131.82	\$126.43	\$172.99	\$106.82	
223	VINEYARD	\$1,193.98	\$1,292.40	\$991.41	\$526.43	\$5,306.46	\$1,170.07	\$1,234.83	\$1,441.44	\$341.67	\$5,315.43	VINEYARD	\$73.91	\$57.56	\$173.97	\$184.76	\$609.03	
28	WEBBS CREEK	\$875.49	\$803.92	\$716.85	\$677.00	\$1,515.23	\$748.70	\$665.24	\$663.71	\$517.25	\$1,494.68	WEBBS CREEK	\$126.80	\$138.68	\$153.14	\$159.76	\$20.56	
14	WHEELER CREEK	\$947.70	\$876.23	\$845.24	\$834.33	\$1,358.80	\$872.89	\$749.56	\$713.42	\$699.65	\$1,312.27	WHEELER CREEK	\$114.80	\$126.67	\$131.82	\$133.78	\$46.54	
798	WILBERFORCE	\$1,152.21	\$1,048.83	\$1,048.83	\$536.25	\$7,903.80	\$1,071.36	\$950.89	\$950.89	\$353.11	\$8,944.15	WILBERFORCE	\$80.94	\$98.00	\$98.00	\$183.13	\$1,040.35	
701	WINDSOR	\$1,020.63	\$1,004.63	\$958.52	\$736.37	\$3,107.58	\$917.93	\$899.27	\$728.91	\$341.60	\$3,351.45	WINDSOR	\$102.69	\$105.35	\$123.61	\$184.77	\$243.87	
334	WINDSOR DOWNS	\$1,392.79	\$1,392.79	\$1,392.79	\$1,392.79	\$1,392.79	\$1,392.79	\$1,392.79	\$1,392.79	\$1,392.79	\$1,392.79	WINDSOR DOWNS	\$20.75	\$11.06	\$1.99	\$40.90	\$101.73	
36	WISEMANS FERRY	\$731.98	\$654.87	\$638.63	\$525.80	\$1,515.23	\$784.71	\$691.43	\$472.50	\$340.93	\$1,494.68	WISEMANS FERRY	\$150.63	\$163.43	\$166.13	\$184.87	\$20.56	
10	WRIGHTS CREEK	\$1,167.56	\$871.07	\$800.97	\$635.83	\$2,886.22	\$1,089.27	\$743.53	\$661.80	\$469.23	\$3,093.33	WRIGHTS CREEK	\$78.29	\$127.53	\$139.17	\$166.60	\$207.11	
187	YARRAMUNDI	\$1,341.79	\$1,335.19	\$1,311.58	\$667.56	\$2,045.03	\$1,292.43	\$1,284.74										

ORDINARY MEETING

Meeting Date: 31 January 2017

Current Rating Structure										Option 3 Amended Rating Structure										Movement					
Suburb	Number of Properties	Rate (Average)	Rate (Median)	Rate (Mode)	Rate (Minimum)	Rate (Maximum)	Rate (Average)	Rate (Median)	Rate (Maximum)	Suburb	Rate (Minimum)	Rate (Median)	Rate (Maximum)	Average	Median	Mode	Minimum	Maximum							
AGNES BANKS	13	\$1,361.97	\$1,342.15	\$1,337.18	\$1,262.61	\$1,462.29	\$1,171.48	\$1,673.64	\$1,663.32	\$1,508.44	\$1,926.16	\$1,931.49	\$2,058.84	\$352.84	\$331.49	\$326.14	\$245.84	\$460.87							
BERAMBING	18	\$1,090.54	\$1,103.93	\$965.15	\$902.17	\$1,291.61	\$1,151.08	\$1,178.90	\$890.67	\$759.88	\$1,568.67	\$74.97	\$60.55	\$74.97	\$74.97	\$74.48	\$142.29	\$277.07							
BILPIN	147	\$1,124.59	\$1,115.12	\$1,194.66	\$937.80	\$1,512.01	\$1,221.80	\$1,202.14	\$1,367.34	\$833.88	\$2,026.41	\$97.21	\$87.02	\$172.67	\$87.02	\$172.67	\$103.92	\$514.41							
BLAXLANDS RIDGE	120	\$1,139.45	\$1,142.46	\$1,168.15	\$979.80	\$1,431.64	\$1,252.67	\$1,252.67	\$1,312.27	\$733.42	\$1,258.92	\$1,312.27	\$733.42	\$113.22	\$116.46	\$144.12	\$166.38	\$427.86							
BOWEN MOUNTAIN	21	\$1,133.43	\$1,106.83	\$1,077.00	\$1,071.20	\$1,308.18	\$1,240.16	\$1,344.93	\$1,122.98	\$1,110.93	\$1,603.09	\$1,067.73	\$78.09	\$45.97	\$59.73	\$78.09	\$294.91	\$294.91							
CATTAL	133	\$1,432.55	\$1,482.18	\$1,482.18	\$1,261.78	\$2,282.59	\$1,986.01	\$1,986.01	\$1,664.46	\$1,506.72	\$3,626.73	\$1,506.72	\$483.45	\$483.45	\$482.28	\$482.28	\$244.95	\$1,344.20							
CENTRAL COLO	10	\$963.74	\$950.23	\$1,019.83	\$995.54	\$1,019.83	\$887.74	\$887.74	\$859.69	\$1,064.24	\$746.12	\$1,064.24	\$90.54	\$76.02	\$90.54	\$151.26	\$151.26	\$1,040.83							
CENTRAL MACDONALD	22	\$993.17	\$996.63	\$977.57	\$949.14	\$1,127.55	\$948.86	\$948.86	\$959.06	\$1,167.95	\$69.75	\$1,227.95	\$44.31	\$40.57	\$40.57	\$159.59	\$159.59	\$1,000.40							
CLARENDON	16	\$1,343.03	\$1,301.55	\$1,301.55	\$1,246.86	\$1,445.72	\$1,675.47	\$1,589.32	\$1,589.32	\$1,475.75	\$1,888.75	\$1,475.75	\$332.44	\$332.44	\$287.77	\$287.77	\$228.83	\$443.03							
COLO HEIGHTS	17	\$954.28	\$933.66	\$933.66	\$864.06	\$1,090.26	\$868.09	\$868.09	\$825.27	\$895.27	\$680.72	\$1,150.51	\$86.18	\$86.18	\$108.39	\$108.39	\$183.33	\$60.25							
CORNWALLIS	83	\$914.50	\$914.60	\$914.60	\$806.89	\$1,064.58	\$795.49	\$795.49	\$785.69	\$795.69	\$1,097.17	\$1,097.17	\$129.01	\$129.01	\$129.01	\$129.01	\$129.01	\$22.59							
CUMBERLAND REACH	2	\$2,253.59	\$2,253.59	N/A	\$1,793.73	\$2,713.45	\$3,566.56	\$3,566.56	N/A	\$2,611.50	\$4,521.62	\$4,521.62	\$1,312.97	\$1,312.97	N/A	N/A	\$817.77	\$1,808.17							
EAST KURRAJONG	7	\$1,366.77	\$1,433.29	N/A	\$1,024.80	\$1,578.29	\$1,724.78	\$1,862.93	N/A	\$1,014.57	\$2,164.08	\$1,014.57	\$429.64	\$429.64	N/A	N/A	\$10.24	\$585.79							
EAST KURRAJONG	460	\$1,270.70	\$1,270.70	\$1,270.70	\$1,056.29	\$2,133.44	\$1,421.42	\$1,421.42	\$1,408.64	\$1,258.92	\$1,079.96	\$1,079.96	\$23.67	\$23.67	\$194.09	\$116.46	\$23.67	\$1,183.59							
EBENEZER	126	\$1,372.06	\$1,367.01	\$1,174.78	\$986.35	\$2,000.87	\$1,735.76	\$1,735.76	\$1,725.27	\$1,326.04	\$938.85	\$3,041.70	\$252.93	\$252.93	\$319.00	\$319.00	\$144.12	\$1,237.13							
EBENEZER	103	\$1,382.69	\$1,330.55	\$1,313.98	\$1,168.15	\$2,183.16	\$1,757.83	\$1,649.55	\$1,615.14	\$1,312.27	\$3,420.29	\$1,312.27	\$245.57	\$245.57	\$222.64	\$222.64	\$183.33	\$270.93							
FERNANCES	415	\$1,262.36	\$1,241.06	\$1,288.29	\$864.06	\$3,550.32	\$1,507.93	\$1,463.70	\$1,561.79	\$680.72	\$6,259.66	\$680.72	\$62.59	\$62.59	\$222.64	\$222.64	\$183.33	\$270.93							
KURRAJONG	63	\$1,164.04	\$1,152.40	\$1,029.77	\$988.35	\$1,452.35	\$1,303.75	\$1,279.57	\$1,024.89	\$938.85	\$1,902.51	\$1,303.75	\$139.70	\$139.70	\$127.17	\$127.17	\$4.88	\$450.16							
KURRAJONG HEIGHTS	102	\$1,272.23	\$1,262.61	\$1,214.55	\$1,043.03	\$1,619.72	\$1,528.44	\$1,528.44	\$1,408.64	\$1,052.42	\$2,250.12	\$1,052.42	\$256.20	\$256.20	\$245.84	\$194.09	\$9.39	\$630.40							
KURRAJONG HILLS	5	\$1,275.98	\$1,255.98	N/A	\$1,020.66	\$1,384.41	\$1,440.30	\$1,494.68	N/A	\$1,005.96	\$1,761.41	\$1,005.96	\$210.50	\$210.50	\$238.70	N/A	\$14.70	\$377.00							
LEETS VALE	16	\$971.93	\$956.09	\$912.95	\$854.12	\$1,168.98	\$904.75	\$871.24	\$782.25	\$660.07	\$1,313.98	\$660.07	\$67.17	\$67.17	\$84.29	\$130.69	\$194.04	\$145.01							
LOWER MACDONALD	79	\$1,067.99	\$1,064.58	\$1,114.29	\$951.63	\$1,401.81	\$1,104.27	\$1,097.17	\$1,200.42	\$654.91	\$1,797.54	\$654.91	\$36.27	\$36.27	\$32.59	\$86.13	\$196.72	\$395.24							
LOWER PORTLAND	223	\$1,500.23	\$1,482.18	\$1,482.18	\$1,252.66	\$3,343.17	\$2,001.95	\$1,964.62	\$1,964.62	\$1,816.47	\$5,823.45	\$1,816.47	\$501.72	\$501.72	\$482.28	\$284.20	\$73.63	\$1,268.36							
MAGRATHA	18	\$1,606.65	\$1,545.15	\$1,444.89	\$1,410.92	\$2,191.44	\$2,222.97	\$2,095.25	\$1,887.03	\$1,816.47	\$4,337.49	\$1,816.47	\$616.32	\$616.32	\$550.10	\$442.13	\$405.55	\$1,246.05							
MAGRATHA HILL	3	\$794.60	\$779.54	N/A	\$772.50	\$831.74	\$536.46	\$505.20	N/A	\$490.57	\$613.61	\$490.57	\$258.13	\$258.13	\$74.34	N/A	\$281.93	\$218.13							
MOUNTAIN LAGOON	30	\$1,079.70	\$1,086.95	\$1,132.52	\$952.72	\$1,291.61	\$1,128.57	\$1,128.57	\$1,143.03	\$1,238.27	\$864.85	\$1,143.03	\$86.87	\$86.87	\$95.68	\$105.75	\$87.96	\$677.07							
MULGRAVE	9	\$1,295.66	\$1,243.55	N/A	\$1,128.40	\$1,644.58	\$1,577.09	\$1,468.86	N/A	\$1,219.34	\$2,301.75	\$1,219.34	\$275.32	\$275.32	N/A	N/A	\$95.94	\$677.17							
MULGRAVE	127	\$1,440.65	\$1,333.86	\$1,333.86	\$1,181.40	\$4,279.47	\$1,878.21	\$1,656.43	\$1,656.43	\$1,339.80	\$7,773.99	\$1,339.80	\$437.56	\$437.56	\$322.57	\$322.57	\$158.40	\$3,494.52							
NORTH RICHMOND	511	\$2,056.12	\$2,282.59	\$2,282.59	\$1,768.41	\$5,671.48	\$3,156.44	\$3,626.79	\$3,626.79	\$1,520.49	\$10,664.98	\$1,520.49	\$1,100.33	\$1,100.33	\$1,344.20	\$1,344.20	\$252.08	\$4,993.50							
OAKVILLE	2	\$956.23	\$905.23	N/A	\$900.26	\$810.20	\$558.55	\$558.55	N/A	\$548.22	\$568.87	\$548.22	\$246.68	\$246.68	N/A	N/A	\$252.04	\$0.30							
PERRY'S CROSSING	203	\$1,597.73	\$1,482.18	\$1,516.98	\$1,120.92	\$10,808.68	\$2,204.45	\$1,964.46	\$2,036.74	\$1,214.18	\$21,334.13	\$1,214.18	\$606.72	\$606.72	\$482.28	\$519.76	\$93.26	\$10,525.45							
PITT TOWN	6	\$1,383.44	\$1,414.65	N/A	\$956.86	\$1,868.30	\$1,759.40	\$1,824.22	N/A	\$873.46	\$2,766.37	\$873.46	\$946.16	\$946.16	\$768.70	\$710.70	\$226.14	\$1,817.09							
RICHMOND	10	\$1,912.86	\$1,748.15	\$1,694.30	\$1,337.18	\$2,721.74	\$2,859.12	\$2,516.95	\$2,405.00	\$1,663.32	\$4,538.83	\$1,663.32	\$1,609.32	\$1,609.32	\$1,272.82	N/A	\$599.02	\$3,271.92							
RICHMOND LOWLANDS	7	\$2,528.79	\$2,216.30	N/A	\$1,554.44	\$4,022.61	\$4,138.12	\$3,489.12	N/A	\$2,112.45	\$7,240.08	\$2,112.45	\$251.45	\$251.45	\$321.68	\$399.30	\$53.07	\$410.01							
SACKVILLE	28	\$1,267.81	\$1,333.30	\$1,405.12	\$985.03	\$1,415.06	\$1,519.26	\$1,654.71	\$1,804.43	\$931.97	\$1,825.08	\$931.97	\$308.94	\$308.94	\$334.17	\$399.30	\$53.07	\$1,609.32							
SCHEYVILLE	1	\$1,586.58	\$1,344.64	\$1,405.12	\$985.03	\$2,528.79	\$2,181.29	\$1,678.81	\$1,804.43	\$931.97	\$4,138.12	\$931.97	\$282.31	\$282.31	\$760.11	\$260.11	\$12.07	\$657.17							
SOUTH WINDSOR	47	\$1,296.47	\$1,275.86	\$1,275.86	\$1,045.52	\$1,644.58	\$1,578.78	\$1,535.98	\$1,535.98	\$1,057.59	\$2,301.75	\$1,057.59	\$106.96	\$106.96	\$114.63	\$130.69	\$276.31	\$309.19							
ST ALBANS	38	\$934.99	\$927.86	\$912.95	\$777.72	\$1,321.44	\$828.03	\$813.23	\$782.25	\$501.41	\$1,630.62	\$501.41	\$54.22	\$54.22	\$45.04	\$149.43	\$281.30	\$164.12							
TENNYSON	87	\$1,473.38	\$1,400.15	\$1,204.61	\$1,183.06	\$2,672.02	\$1,946.19	\$1,794.10	\$1,387.99	\$1,343.24	\$4,435.58	\$1,343.24	\$477.81	\$477.81	\$393.95	\$183.38	\$160.18	\$1,763.56							
THE SLOPES	29	\$1,321.21	\$1,288.29	\$1,262.61	\$1,142.46	\$2,067.16	\$1,630.15	\$1,561.79	\$1,508.44	\$1,258.92	\$3,173.37	\$1,258.92	\$308.94	\$308.94	\$273.50	\$245.84	\$116.46	\$1,112.21							
UPPER COLO	13	\$983.96	\$992.49	\$985.54	\$773.08	\$1,168.15	\$929.74	\$947.45	\$746.12	\$491.78	\$1,312.27	\$491.78	\$157.33	\$157.33	\$161.92	\$132.48	\$276.31	\$166.43							
UPPER MACDONALD	26	\$888.21	\$883.94	\$911.29	\$771.72	\$1,188.86	\$730.88	\$722.02	\$778.81	\$501.41	\$1,355.25	\$501.41	\$137.81	\$137.81	\$151.92	\$132.48	\$276.31	\$166.43							
VINEYARD	137	\$1,809.42	\$1,694.30	\$2,282.59	\$991.66	\$4,188.32	\$2,644.09	\$2,644.09	\$3,626.79	\$945.73	\$7,584.83	\$945.73	\$623.94	\$623.94	\$710.70	\$1,344.20	\$54.93	\$3,996.37							
WEBBS CREEK	13	\$925.56	\$870.69	\$870.69	\$836.72	\$1,299.06	\$808.46	\$694.49	\$694.49	\$623.94	\$1,584.16	\$623.94	\$51.06	\$51.06	\$100.80	\$149.43	\$175.30	\$480.50							
WHEEY CREEK	12	\$986.90	\$940.70	\$895.54	\$871.52	\$1,480.52	\$935.84	\$839.90	\$746.12	\$696.21	\$1,961.02	\$696.21	\$466.09	\$466.09	\$393.95	\$222.64	\$78.08	\$1,826.01							
WILBERFORCE	174	\$1,467.14	\$1,400.15	\$1,241.06	\$1,008.23	\$2,730.02	\$1,933.23	\$1,794.10	\$1,483.70	\$980.15	\$4,556.05	\$980.15	\$189.24	\$189.24	\$120.92	\$120.92	\$151.33	\$395.06							
WINDSOR	7	\$1,210.05	\$1,146.60	\$1,146.60	\$1,081.98	\$1,345.46	\$1,399.29	\$1,267.37	\$1,267.37	\$1,133.30	\$1,680.53	\$1,133.30	\$139.71	\$139.71	\$683.93	\$683.93	\$184.47	\$935.45							
WINDSOR DOWNS	25	\$1,674.34	\$1,669.44	\$1,669.44	\$1,205.43	\$1,934.58	\$2,363.56	\$2,363.56	\$1,389.71	\$2,904.04	\$1,														

ORDINARY MEETING

Meeting Date: 31 January 2017

			Current Rating Structure										Option 3 Amended Rating Structure										Movement			
	Number of Properties	Rate (Average)	Rate (Median)	Rate (Mode)	Rate (Minimum)	Rate (Maximum)	Rate (Average)	Rate (Median)	Rate (Mode)	Rate (Minimum)	Rate (Maximum)	Suburb	Average	Median	Mode	Minimum	Maximum									
	2	\$2,083.19	\$2,083.19	N/A	\$1,706.30	\$2,460.07	\$2,303.47	\$2,303.47	N/A	\$1,620.30	\$2,986.64	AGNES BANKS	\$220.28	\$220.28	N/A	N/A	\$526.57									
	1	\$2,203.75	\$2,203.75	N/A	\$2,203.75	\$2,203.75	\$2,522.01	\$2,522.01	N/A	\$2,522.01	\$2,522.01	BERAMBING	\$318.26	\$318.26	N/A	N/A	\$318.26									
	6	\$1,492.07	\$1,423.40	\$1,423.40	\$1,235.43	\$1,848.70	\$1,221.96	\$1,107.49	\$1,107.49	\$1,766.77	\$1,878.42	BILPIN	\$260.11	\$315.91	N/A	\$315.91	\$272.72									
	2	\$1,713.90	\$1,713.90	N/A	\$1,535.42	\$1,892.37	\$1,634.06	\$1,634.06	N/A	\$1,310.55	\$1,957.58	BLAXLANDS RIDGE	\$79.83	\$79.83	N/A	N/A	\$524.87									
	7	\$2,130.57	\$1,632.25	N/A	\$1,157.97	\$5,177.05	\$2,389.36	\$1,486.07	N/A	\$626.35	\$7,911.65	BLIGH PARK	\$258.79	\$146.18	N/A	N/A	\$531.62									
	3	\$1,710.73	\$1,776.55	N/A	\$1,410.11	\$1,945.53	\$1,628.33	\$1,747.64	N/A	\$1,083.40	\$2,053.95	BOWEN MOUNTAIN	\$82.40	\$28.91	N/A	N/A	\$326.71									
	2	\$2,565.45	N/A	N/A	\$2,501.84	\$2,629.05	\$3,177.65	\$3,177.65	N/A	\$3,062.35	\$3,292.94	CATTAI	\$612.20	\$560.51	N/A	N/A	\$663.89									
	14	\$2,272.13	\$1,990.87	N/A	\$1,052.49	\$6,676.99	\$2,645.96	\$2,136.12	N/A	\$435.16	\$10,650.56	CLARENDON	\$373.83	\$145.25	N/A	N/A	\$3,953.57									
	3	\$2,132.23	\$2,072.74	N/A	\$1,983.51	\$2,340.45	\$2,392.38	\$2,284.54	N/A	\$2,122.78	\$2,769.81	COLO	\$260.14	\$295.13	N/A	N/A	\$76.67									
	7	\$1,273.41	\$1,103.29	N/A	\$1,070.63	\$1,854.40	\$835.60	\$527.23	N/A	\$468.03	\$1,888.75	COLO HEIGHTS	\$437.81	\$576.06	N/A	N/A	\$602.60									
	1	\$4,645.43	\$4,645.43	N/A	\$4,645.43	\$4,645.43	\$6,947.99	\$6,947.99	N/A	\$6,947.99	\$6,947.99	CORNWALLIS	\$2,302.56	\$2,302.56	N/A	N/A	\$2,302.56									
	1	\$1,717.69	\$1,717.69	N/A	\$1,717.69	\$1,717.69	\$1,640.95	\$1,640.95	N/A	\$1,640.95	\$1,640.95	CUMBERLAND REACH	\$76.75	\$76.75	N/A	N/A	\$76.75									
	3	\$2,388.55	\$2,849.29	N/A	\$1,132.91	\$3,183.46	\$2,857.00	\$3,692.18	N/A	\$380.92	\$4,297.91	EAST KURRAJONG	\$468.45	\$842.88	N/A	N/A	\$551.99									
	9	\$2,534.79	\$2,630.95	N/A	\$1,013.69	\$4,303.67	\$3,122.09	\$3,296.39	N/A	\$364.81	\$6,328.49	EBENEZER	\$987.29	\$665.44	N/A	N/A	\$648.87									
	11	\$2,138.51	\$1,917.05	N/A	\$1,495.55	\$4,389.11	\$2,403.74	\$2,092.32	N/A	\$1,238.27	\$6,483.36	FREEMANS REACH	\$265.24	\$150.08	N/A	N/A	\$237.22									
	6	\$2,506.27	\$1,724.34	N/A	\$1,499.35	\$6,373.21	\$3,070.38	\$1,652.99	N/A	\$1,245.16	\$10,079.90	GLOSSODIA	\$564.11	\$71.35	N/A	N/A	\$3,706.69									
	7	\$2,679.23	\$2,344.25	N/A	\$1,417.71	\$6,392.19	\$3,383.90	\$2,776.70	N/A	\$1,097.17	\$10,114.31	GROSE VALE	\$704.67	\$432.44	N/A	N/A	\$3,722.12									
	5	\$6,248.28	\$3,088.53	N/A	\$2,228.43	\$16,777.86	\$9,853.44	\$4,125.83	N/A	\$2,566.75	\$28,940.19	GROSE WOLD	\$3,605.16	\$1,037.30	N/A	N/A	\$338.32									
	3	\$1,598.52	\$1,129.49	N/A	\$1,090.19	\$2,575.89	\$1,424.93	\$574.72	N/A	\$503.48	\$3,196.58	HOBARTVILLE	\$173.59	\$554.77	N/A	N/A	\$620.69									
	11	\$2,132.02	\$2,215.14	N/A	\$1,601.88	\$3,335.35	\$2,717.81	\$2,542.66	N/A	\$1,431.01	\$4,573.24	KURRAJONG	\$243.72	\$327.52	N/A	N/A	\$1,737.18									
	31	\$2,112.02	\$1,645.54	\$1,066.93	\$1,066.93	\$7,721.26	\$2,355.74	\$1,510.16	\$461.32	\$461.32	\$12,523.48	KURRAJONG	\$102.42	\$135.38	N/A	\$605.61	\$4,802.22									
	19	\$1,938.16	\$1,755.67	\$1,567.70	\$1,038.35	\$4,341.64	\$2,040.58	\$1,709.78	\$1,369.06	\$409.52	\$6,397.32	KURRAJONG HEIGHTS	\$102.42	\$45.89	N/A	\$198.64	\$2,055.68									
	4	\$2,071.79	\$2,068.95	N/A	\$1,742.38	\$2,406.91	\$2,282.82	\$2,277.65	N/A	\$1,885.69	\$2,890.27	KURRAJONG HILLS	\$211.02	\$208.71	N/A	N/A	\$56.69									
	5	\$2,567.15	\$2,463.87	N/A	\$1,715.79	\$3,961.91	\$3,180.75	\$2,993.52	N/A	\$1,637.51	\$5,708.98	LOWER PORTLAND	\$613.59	\$571.31	N/A	N/A	\$256.54									
	4	\$2,145.27	\$2,348.05	N/A	\$1,081.26	\$2,803.73	\$2,416.01	\$2,783.58	N/A	\$487.30	\$3,609.58	MARAYLYA	\$270.74	\$435.53	N/A	N/A	\$593.96									
	11	\$2,791.99	\$2,792.34	N/A	\$1,324.67	\$4,531.51	\$3,588.30	\$3,588.30	N/A	\$28.52	\$6,741.49	MCGRATHS HILL	\$796.31	\$796.59	N/A	N/A	\$396.15									
	1	\$2,898.66	\$2,898.66	N/A	\$2,898.66	\$2,898.66	\$3,781.66	\$3,781.66	N/A	\$3,781.66	\$3,781.66	MELLONG	\$883.00	\$883.00	N/A	N/A	\$883.00									
	1	\$1,001.78	\$1,001.78	N/A	\$1,001.78	\$1,001.78	\$343.24	\$343.24	N/A	\$343.24	\$343.24	MOGO CREEK	\$658.55	\$658.55	N/A	N/A	\$658.55									
	225	\$1,983.85	\$1,550.61	\$1,271.51	\$1,016.88	\$8,841.47	\$2,123.41	\$1,338.08	\$832.16	\$370.60	\$14,554.06	MULGRAVE	\$139.55	\$212.53	N/A	\$439.35	\$5,712.59									
	103	\$2,095.98	\$1,427.20	\$1,241.89	\$1,009.02	\$11,119.86	\$2,271.89	\$1,114.37	\$778.47	\$356.35	\$18,684.05	NORTH RICHMOND	\$181.92	\$312.83	N/A	\$652.67	\$7,564.19									
	8	\$3,224.26	\$3,117.01	\$2,955.62	\$1,041.58	\$4,626.44	\$4,371.86	\$4,177.45	\$3,884.91	\$415.37	\$6,913.57	OAKVILLE	\$1,147.61	\$1,060.45	N/A	\$929.29	\$2,287.13									
	15	\$2,093.59	\$2,201.85	N/A	\$1,484.16	\$9,771.81	\$4,135.00	\$2,518.57	N/A	\$1,217.62	\$16,240.47	PITT TOWN	\$1,041.41	\$351.44	N/A	N/A	\$266.54									
	1	\$2,604.37	\$2,604.37	N/A	\$2,604.37	\$2,604.37	\$3,248.20	\$3,248.20	N/A	\$3,248.20	\$3,248.20	PITT TOWN BOTTOMS	\$643.84	\$643.84	N/A	N/A	\$643.84									
	277	\$1,884.85	\$1,494.56	\$1,130.53	\$1,002.32	\$9,100.17	\$1,943.95	\$1,236.48	\$76.61	\$344.20	\$51,276.57	RICHMOND	\$59.10	\$258.08	N/A	\$553.92	\$2,176.40									
	3	\$3,394.21	\$3,753.06	N/A	\$1,872.12	\$4,607.45	\$4,679.93	\$5,330.41	N/A	\$1,830.24	\$6,879.15	RICHMOND LOWLANDS	\$1,285.72	\$1,577.35	N/A	N/A	\$8.12									
	2	\$2,528.42	\$2,528.42	N/A	\$1,968.32	\$3,088.53	\$3,110.54	\$3,110.54	N/A	\$2,095.25	\$4,175.83	SACKVILLE	\$582.12	\$582.12	N/A	N/A	\$126.93									
	300	\$2,011.04	\$1,746.73	\$1,907.56	\$1,006.73	\$8,461.73	\$2,172.70	\$1,693.58	\$1,985.11	\$333.47	\$13,865.72	SOUTH WINDSOR	\$161.65	\$55.15	N/A	\$77.55	\$5,403.99									
	8	\$1,450.33	\$1,390.17	\$1,281.00	\$1,000.99	\$2,329.06	\$1,556.30	\$1,047.06	\$849.37	\$341.79	\$2,749.16	ST ALBANS	\$294.03	\$342.91	N/A	\$431.64	\$659.20									
	1	\$1,941.74	\$1,941.74	N/A	\$1,941.74	\$1,941.74	\$2,047.06	\$2,047.06	N/A	\$2,047.06	\$2,047.06	UPPER COLO	\$105.33	\$105.33	N/A	N/A	\$105.33									
	75	\$2,854.16	\$2,199.95	\$1,237.90	\$1,054.68	\$11,708.44	\$3,700.99	\$2,515.13	\$771.24	\$435.12	\$19,750.96	VINEYARD	\$846.83	\$315.18	N/A	\$615.56	\$8,042.52									
	4	\$2,245.17	\$1,524.03	N/A	\$1,524.03	\$2,245.17	\$4,409.76	\$1,289.90	N/A	\$952.62	\$14,106.64	WEBBS CREEK	\$1,164.60	\$234.13	N/A	N/A	\$385.35									
	1	\$1,017.89	\$1,017.89	N/A	\$1,017.89	\$1,017.89	\$372.42	\$372.42	N/A	\$372.42	\$372.42	WILHEENY CREEK	\$645.46	\$645.46	N/A	N/A	\$645.46									
	60	\$1,803.70	\$1,693.96	\$1,084.25	\$1,023.92	\$3,639.14	\$1,756.84	\$1,597.93	\$492.72	\$383.36	\$5,123.91	WILBERFORCE	\$6.95	\$96.03	N/A	\$591.53	\$1,484.77									
	244	\$1,920.24	\$1,586.69	\$1,112.73	\$1,007.21	\$14,670.35	\$2,008.11	\$1,403.47	\$444.33	\$353.08	\$25,119.95	WINDSOR	\$87.86	\$183.21	N/A	\$568.39	\$10,443.60									
	1	\$2,105.02	\$2,105.02	N/A	\$2,105.02	\$2,105.02	\$2,343.05	\$2,343.05	N/A	\$2,343.05	\$2,343.05	WISEMANS FERRY	\$238.03	\$238.03	N/A	N/A	\$238.03									
	1	\$2,424.00	\$2,424.00	N/A	\$2,424.00	\$2,424.00	\$2,921.25	\$2,921.25	N/A	\$2,921.25	\$2,921.25	YARRAMUNDI	\$497.25	\$497.25	N/A	N/A	\$497.25									

ORDINARY MEETING

Meeting Date: 31 January 2017

Suburb	Number of Properties	Current Rating Structure				Option 3 Amended Rating Structure				Movement			
		Rate (Average)	Rate (Median)	Rate (Mode)	Rate (Minimum)	Rate (Maximum)	Rate (Average)	Rate (Median)	Rate (Mode)	Rate (Minimum)	Rate (Maximum)	Average	Median
AGNES BANKS	26	\$2,573.51	\$2,573.21	\$2,573.21	\$2,573.21	\$2,573.21	\$2,573.21	\$2,573.21	\$2,573.21	\$2,573.21	\$2,573.21	\$2,573.21	\$2,573.21
BERAMBING	3	\$1,290.51	\$1,290.51	\$1,290.51	\$1,290.51	\$1,290.51	\$1,290.51	\$1,290.51	\$1,290.51	\$1,290.51	\$1,290.51	\$1,290.51	\$1,290.51
BILPIN	29	\$1,451.37	\$1,451.37	\$1,451.37	\$1,451.37	\$1,451.37	\$1,451.37	\$1,451.37	\$1,451.37	\$1,451.37	\$1,451.37	\$1,451.37	\$1,451.37
BLAXLANDS RIDGE	5	\$3,011.83	\$3,011.83	\$3,011.83	\$3,011.83	\$3,011.83	\$3,011.83	\$3,011.83	\$3,011.83	\$3,011.83	\$3,011.83	\$3,011.83	\$3,011.83
CATTAI	3	\$2,105.66	\$2,105.66	\$2,105.66	\$2,105.66	\$2,105.66	\$2,105.66	\$2,105.66	\$2,105.66	\$2,105.66	\$2,105.66	\$2,105.66	\$2,105.66
CENTRAL MACDONALD	2	\$1,076.42	\$1,076.42	\$1,076.42	\$1,076.42	\$1,076.42	\$1,076.42	\$1,076.42	\$1,076.42	\$1,076.42	\$1,076.42	\$1,076.42	\$1,076.42
CLARENDON	3	\$3,412.95	\$3,412.95	\$3,412.95	\$3,412.95	\$3,412.95	\$3,412.95	\$3,412.95	\$3,412.95	\$3,412.95	\$3,412.95	\$3,412.95	\$3,412.95
COLO HEIGHTS	1	\$900.59	\$900.59	\$900.59	\$900.59	\$900.59	\$900.59	\$900.59	\$900.59	\$900.59	\$900.59	\$900.59	\$900.59
CORNWALLIS	20	\$2,966.26	\$2,966.26	\$2,966.26	\$2,966.26	\$2,966.26	\$2,966.26	\$2,966.26	\$2,966.26	\$2,966.26	\$2,966.26	\$2,966.26	\$2,966.26
CUMBERLAND REACH	3	\$1,797.60	\$1,797.60	\$1,797.60	\$1,797.60	\$1,797.60	\$1,797.60	\$1,797.60	\$1,797.60	\$1,797.60	\$1,797.60	\$1,797.60	\$1,797.60
EAST KURRAJONG	14	\$2,634.84	\$2,634.84	\$2,634.84	\$2,634.84	\$2,634.84	\$2,634.84	\$2,634.84	\$2,634.84	\$2,634.84	\$2,634.84	\$2,634.84	\$2,634.84
EBENEZER	16	\$2,271.44	\$2,271.44	\$2,271.44	\$2,271.44	\$2,271.44	\$2,271.44	\$2,271.44	\$2,271.44	\$2,271.44	\$2,271.44	\$2,271.44	\$2,271.44
FERNANCES	2	\$540.00	\$540.00	\$540.00	\$540.00	\$540.00	\$540.00	\$540.00	\$540.00	\$540.00	\$540.00	\$540.00	\$540.00
FREEMANES REACH	85	\$2,311.43	\$2,311.43	\$2,311.43	\$2,311.43	\$2,311.43	\$2,311.43	\$2,311.43	\$2,311.43	\$2,311.43	\$2,311.43	\$2,311.43	\$2,311.43
GLOSSODIA	16	\$2,380.66	\$2,380.66	\$2,380.66	\$2,380.66	\$2,380.66	\$2,380.66	\$2,380.66	\$2,380.66	\$2,380.66	\$2,380.66	\$2,380.66	\$2,380.66
GROSE VALE	10	\$2,240.54	\$2,240.54	\$2,240.54	\$2,240.54	\$2,240.54	\$2,240.54	\$2,240.54	\$2,240.54	\$2,240.54	\$2,240.54	\$2,240.54	\$2,240.54
GROSE WOLD	7	\$2,060.33	\$2,060.33	\$2,060.33	\$2,060.33	\$2,060.33	\$2,060.33	\$2,060.33	\$2,060.33	\$2,060.33	\$2,060.33	\$2,060.33	\$2,060.33
HIGHER MACDONALD	3	\$540.00	\$540.00	\$540.00	\$540.00	\$540.00	\$540.00	\$540.00	\$540.00	\$540.00	\$540.00	\$540.00	\$540.00
KURMOND	11	\$2,494.94	\$2,494.94	\$2,494.94	\$2,494.94	\$2,494.94	\$2,494.94	\$2,494.94	\$2,494.94	\$2,494.94	\$2,494.94	\$2,494.94	\$2,494.94
KURRAJONG	9	\$2,251.00	\$2,251.00	\$2,251.00	\$2,251.00	\$2,251.00	\$2,251.00	\$2,251.00	\$2,251.00	\$2,251.00	\$2,251.00	\$2,251.00	\$2,251.00
KURRAJONG HEIGHTS	7	\$2,053.28	\$2,053.28	\$2,053.28	\$2,053.28	\$2,053.28	\$2,053.28	\$2,053.28	\$2,053.28	\$2,053.28	\$2,053.28	\$2,053.28	\$2,053.28
KURRAJONG HILLS	6	\$2,783.61	\$2,783.61	\$2,783.61	\$2,783.61	\$2,783.61	\$2,783.61	\$2,783.61	\$2,783.61	\$2,783.61	\$2,783.61	\$2,783.61	\$2,783.61
LOWER MACDONALD	4	\$1,139.18	\$1,139.18	\$1,139.18	\$1,139.18	\$1,139.18	\$1,139.18	\$1,139.18	\$1,139.18	\$1,139.18	\$1,139.18	\$1,139.18	\$1,139.18
LOWER PORTLAND	7	\$2,136.60	\$2,136.60	\$2,136.60	\$2,136.60	\$2,136.60	\$2,136.60	\$2,136.60	\$2,136.60	\$2,136.60	\$2,136.60	\$2,136.60	\$2,136.60
MARAYLYA	6	\$4,547.26	\$4,547.26	\$4,547.26	\$4,547.26	\$4,547.26	\$4,547.26	\$4,547.26	\$4,547.26	\$4,547.26	\$4,547.26	\$4,547.26	\$4,547.26
MCGRATHS HILL	4	\$3,628.09	\$3,628.09	\$3,628.09	\$3,628.09	\$3,628.09	\$3,628.09	\$3,628.09	\$3,628.09	\$3,628.09	\$3,628.09	\$3,628.09	\$3,628.09
MOUNTAIN LAGOON	4	\$1,131.10	\$1,131.10	\$1,131.10	\$1,131.10	\$1,131.10	\$1,131.10	\$1,131.10	\$1,131.10	\$1,131.10	\$1,131.10	\$1,131.10	\$1,131.10
MUL GRAVE	5	\$2,672.61	\$2,672.61	\$2,672.61	\$2,672.61	\$2,672.61	\$2,672.61	\$2,672.61	\$2,672.61	\$2,672.61	\$2,672.61	\$2,672.61	\$2,672.61
NORTH RICHMOND	23	\$8,303.88	\$8,303.88	\$8,303.88	\$8,303.88	\$8,303.88	\$8,303.88	\$8,303.88	\$8,303.88	\$8,303.88	\$8,303.88	\$8,303.88	\$8,303.88
OKAYVILLE	32	\$4,077.13	\$4,077.13	\$4,077.13	\$4,077.13	\$4,077.13	\$4,077.13	\$4,077.13	\$4,077.13	\$4,077.13	\$4,077.13	\$4,077.13	\$4,077.13
PITT TOWN	6	\$2,957.65	\$2,957.65	\$2,957.65	\$2,957.65	\$2,957.65	\$2,957.65	\$2,957.65	\$2,957.65	\$2,957.65	\$2,957.65	\$2,957.65	\$2,957.65
PITT TOWN BOTTOMS	38	\$1,546.51	\$1,546.51	\$1,546.51	\$1,546.51	\$1,546.51	\$1,546.51	\$1,546.51	\$1,546.51	\$1,546.51	\$1,546.51	\$1,546.51	\$1,546.51
RICHMOND	14	\$6,459.58	\$6,459.58	\$6,459.58	\$6,459.58	\$6,459.58	\$6,459.58	\$6,459.58	\$6,459.58	\$6,459.58	\$6,459.58	\$6,459.58	\$6,459.58
RICHMOND LOWLANDS	6	\$4,659.50	\$4,659.50	\$4,659.50	\$4,659.50	\$4,659.50	\$4,659.50	\$4,659.50	\$4,659.50	\$4,659.50	\$4,659.50	\$4,659.50	\$4,659.50
SACKVILLE	5	\$2,452.18	\$2,452.18	\$2,452.18	\$2,452.18	\$2,452.18	\$2,452.18	\$2,452.18	\$2,452.18	\$2,452.18	\$2,452.18	\$2,452.18	\$2,452.18
SOUTH WINDSOR	3	\$2,030.61	\$2,030.61	\$2,030.61	\$2,030.61	\$2,030.61	\$2,030.61	\$2,030.61	\$2,030.61	\$2,030.61	\$2,030.61	\$2,030.61	\$2,030.61
ST ALBANS	9	\$880.34	\$880.34	\$880.34	\$880.34	\$880.34	\$880.34	\$880.34	\$880.34	\$880.34	\$880.34	\$880.34	\$880.34
TENNISON	11	\$2,988.51	\$2,988.51	\$2,988.51	\$2,988.51	\$2,988.51	\$2,988.51	\$2,988.51	\$2,988.51	\$2,988.51	\$2,988.51	\$2,988.51	\$2,988.51
THE SLOPES	2	\$6,853.80	\$6,853.80	\$6,853.80	\$6,853.80	\$6,853.80	\$6,853.80	\$6,853.80	\$6,853.80	\$6,853.80	\$6,853.80	\$6,853.80	\$6,853.80
UPPER COLO	8	\$1,203.47	\$1,203.47	\$1,203.47	\$1,203.47	\$1,203.47	\$1,203.47	\$1,203.47	\$1,203.47	\$1,203.47	\$1,203.47	\$1,203.47	\$1,203.47
UPPER MACDONALD	23	\$3,474.07	\$3,474.07	\$3,474.07	\$3,474.07	\$3,474.07	\$3,474.07	\$3,474.07	\$3,474.07	\$3,474.07	\$3,474.07	\$3,474.07	\$3,474.07
VINEYARD	4	\$1,096.08	\$1,096.08	\$1,096.08	\$1,096.08	\$1,096.08	\$1,096.08	\$1,096.08	\$1,096.08	\$1,096.08	\$1,096.08	\$1,096.08	\$1,096.08
WEBBS CREEK	59	\$2,105.55	\$2,105.55	\$2,105.55	\$2,105.55	\$2,105.55	\$2,105.55	\$2,105.55	\$2,105.55	\$2,105.55	\$2,105.55	\$2,105.55	\$2,105.55
WILBERFORCE	4	\$1,771.16	\$1,771.16	\$1,771.16	\$1,771.16	\$1,771.16	\$1,771.16	\$1,771.16	\$1,771.16	\$1,771.16	\$1,771.16	\$1,771.16	\$1,771.16
WINDSOR	1	\$2,823.01	\$2,823.01	\$2,823.01	\$2,823.01	\$2,823.01	\$2,823.01	\$2,823.01	\$2,823.01	\$2,823.01	\$2,823.01	\$2,823.01	\$2,823.01
WINDSOR DOWNS	1	\$1,771.16	\$1,771.16	\$1,771.16	\$1,771.16	\$1,771.16	\$1,771.16	\$1,771.16	\$1,771.16	\$1,771.16	\$1,771.16	\$1,771.16	\$1,771.16
WISEMANS FERRY	7	\$1,955.87	\$1,955.87	\$1,955.87	\$1,955.87	\$1,955.87	\$1,955.87	\$1,955.87	\$1,955.87	\$1,955.87	\$1,955.87	\$1,955.87	\$1,955.87
YARRAMUNDI	7	\$1,955.87	\$1,955.87	\$1,955.87	\$1,955.87	\$1,955.87	\$1,955.87	\$1,955.87	\$1,955.87	\$1,955.87	\$1,955.87	\$1,955.87	\$1,955.87

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 31 January 2017

Item: 18 **SS - Strategies for Reducing Family and Domestic Violence within the Hawkesbury - (95496, 96328)**

Previous Item: NM1, Ordinary (26 May 2015)

REPORT:

Executive Summary

This report has been prepared in response to a Notice of Motion considered by Council at its Ordinary Meeting of 26 May 2015. In considering the Notice of Motion, Council resolved to request the preparation of a report detailing how Council could support strategies for reducing family and domestic violence within the Hawkesbury. The report summarises the actions taken to date to implement Council's resolution and proposes that Council prepare a draft Family and Domestic Violence Action Plan based on the outcomes of the recent Hawkesbury Family and Domestic Violence Forum held in November 2016. It is suggested that the draft Action Plan be prepared in consultation with the Hawkesbury Action and Domestic Violence Network (HANADV) and reported to Council for its consideration and public exhibition.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. The report however does summarise the outcomes of workshops, surveys and forums held with local service providers and residents to discuss issues and canvas options for responding to issues of Family and Domestic Violence in the Hawkesbury.

Background

On 26 May 2015, Council considered and adopted the following Notice of Motion;

"That:

- 1. Council views with deep concern the level of family and domestic violence within our own community.*
- 2. Council officer prepare a report outlining possible strategies for Council to support its commitment to prioritising and initiating a reduction in family and domestic violence in our local area. In addition confirm what funds may be available to implement strategies.*
- 3. Council will work with local organisations/networks, specifically Hawkesbury Action Network Against Domestic Violence to facilitate and develop a community led response plan to family and domestic violence in the Hawkesbury.*
- 4. Council corresponds with our local, state and federal representatives to work alongside the community and to give priority to and support funding programs available through the NSW Domestic & Family Violence Framework Reform and the Federal Government's Family & Domestic Violence Strategy to ensure that Hawkesbury maintains and enhances locally based services.*
- 5. Council instruct its senior officers to work through a joint consultative committee to establish a family and domestic violence clause in its workplace."*

Response

In practice, the development of a community led response to family and domestic violence requires considerable research, preparatory work and consultation to identify relevant local issues and targeted strategies that could be reasonably implemented within the Hawkesbury to respond to the incidence of family and domestic violence. As Council's dedicated community programs staff team is relatively small, in the first instance in August 2015, Council partnered with Bligh Park Community Services Inc. to prepare and submit a funding application under the Federal Government's Family & Domestic Violence Strategy for a proposed two year \$150,000 research, community and stakeholder engagement and mapping project to develop and implement practical solutions to family and domestic violence within the Hawkesbury. Unfortunately this funding application was not successful. Consequently, Council staff were required to pursue an alternate approach to implement Council's Resolution.

Hawkesbury Family and Domestic Violence Focus Groups and Survey

To enable Council to develop a community-informed response to family and domestic violence, Council engaged Dr Susan Heward-Belle, University of Sydney, to facilitate a number of focus sessions in November 2016. These focus groups were attended by 28 participants, including representatives from Hawkesbury non-government organisations, statutory child-protection services, Family and Community Services, Local Police and high schools. The format of these focus groups provided the opportunity for representatives from each of the agencies to answer a set of questions so that the issues and concerns could be documented and the information then presented at the Hawkesbury Family and Domestic Violence Forum. Survivors of domestic violence were also consulted via an online survey.

Hawkesbury Family and Domestic Violence Forum

Following these focus groups, Council co-hosted the Hawkesbury Family and Domestic Violence Forum 10 November 2016 in partnership with Family Worker Training and Development Unit Programme Inc.

The Forum, opened by a Hawkesbury resident who is a survivor of family and domestic violence, highlighted for all attendees the real and long-term challenges faced by individuals and families that have experienced family and domestic violence. Following this address, Superintendent Steve Egginton the Commander of Hawkesbury Local Area Command outlined some local statistics noting that on average Hawkesbury Local Area Command attend five call outs per day to respond to reports of family and domestic violence. The third speaker Moo Baulch, the CEO of Domestic Violence NSW, provided attendees with facts and national statistics on Family and Domestic Violence which indicated that between 66 and 80 women die at the hands of their male partners every year and that a woman in Australia is more likely to be killed in her own home by her male partner than anywhere else or by anyone else. She also detailed the various types of abuse that women experience and named intimate partner violence as the leading health issue for women in Australia.

Dr Susan Heward-Belle finished the morning presentations, detailing the information gathered through the local focus groups and surveys. Some key challenges in the Hawkesbury identified by survivors, services and statutory agencies were:

- no women's refuge, lack of transition and/or safe and affordable local housing
- difficulty navigating a complex support system and secondary victimisation experienced by some domestic violence survivors
- not enough capacity within existing services to meet demands of helping women and children recover from trauma
- no Men's Behaviour Change Program in the local area
- not enough is done to prevent family and domestic violence before it occurs
- inadequate court house facilities
- geographical constraints creating transport issues, especially after hours.

ORDINARY MEETING

Meeting Date: 31 January 2017

The afternoon session of the Forum was a workshop session. The 56 Forum attendees were invited to select three of a possible six topics, then participate in facilitated discussions to identify issues specific to this topic and propose strategies for potential solutions. Table moderators and scribes presented the information back to the entire Forum group at the end of the day, providing the opportunity for all participants to respond to the information and issues raised by different groups and to contribute additional information to the discussion.

The six topic areas discussed included:

- *It takes a village* - What is working well in our area in regard to our response to family and domestic violence family and domestic violence?
- *Working with Women and Children* - What needs to change in order to better assist women and children living with family and domestic violence?
- *Changing the Process* - What are some actions that could be taken right now to decrease the barriers for assisting women and children living with family and domestic violence in the Hawkesbury?
- *Prevention as a Strategy* - How can we prevent family and domestic violence from occurring in the first place? What can Council do to assist in these endeavours?
- *What is happening right now in the Hawkesbury?* - What are the most pressing issues that need to be addressed in our area?
- *Early intervention* - If Council were to advocate for early intervention in schools, what would an anti family and domestic violence program look like?

The information collected at the workshops and forum has provided a useful starting point for the development of a community Family and Domestic Violence Action Plan. It is proposed that Council collate the issues, strategies and recommended solutions workshopped by the forum participants to prepare a draft Family and Domestic Violence Action Plan.

Given the complexities of family and domestic violence and the extensive and varied service systems required to coordinate in response, it is crucial that Council leverage community networks and expertise to develop and implement the plan. It is proposed that Council partner with Hawkesbury Action and Domestic Violence Network (HANADV), the peak Family and Domestic Violence interagency within the Hawkesbury to review the draft plan prior to its reporting to Council.

In relation to the other parts of Council's resolution, Council has corresponded with local and state and federal members of parliament and with the responsible NSW Minister in relation to the need for additional services for Hawkesbury residents including representations made on behalf Hawkesbury Area Women's and Kids Services Inc. (HAWKS) seeking additional funding support for this agency. The Federal Member for Macquarie has affirmed her intention to support the activities of the Hawkesbury Local Area Command Community Safety Precinct Committee in lobbying for Federal family and domestic violence funding grants. In July 2015, Council management adopted a Domestic Violence Operational Management Standard to support staff dealing with issues of family and domestic violence.

Conformance to the Hawkesbury Community Strategic Plan

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

- Have friendly neighbourhoods, connected communities, and supported household and families

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

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

Financial Implications

There are no direct financial implications arising out of this report. The preparation of a draft Family and Domestic Violence Action Plan will require the allocation of staff resources however this will be negotiated in conjunction with the development of work plans and within budget planning processes.

RECOMMENDATION:

That:

1. The information be received.
2. Council prepare a draft Family and Domestic Violence Action Plan to give effect to the findings and recommendations of the Hawkesbury Family and Domestic Violence Forum held on 10 November 2016.
3. The draft Family and Domestic Violence Action Plan be referred for review by the Hawkesbury Action and Domestic Violence Network prior to its reporting to Council for its consideration and public exhibition.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 31 January 2017

Item: 19 **SS - Support for Mental Health Activities - (95496)**

Previous Item: NM6 Ordinary (11 October 2016)

REPORT:

Executive Summary

This report has been prepared in response to a Notice of Motion considered by Council at its Ordinary Meeting of 11 October 2016. In considering the Notice of Motion, Council resolved to request the preparation of a report detailing how Council could support Mental Health Month activities in 2017.

The report summarises the existing partnership activities that Council participates in to support mental health programs and increase community awareness of mental health issues.

Consultation

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

Background

At its Ordinary Meeting of 11 October 2016 Council considered a Notice of Motion in relation to Mental Health Month and Mental Health Services. In considering this Notice of Motion Council resolved (in part) to:

"Request a report detailing how Council can support Mental Health Month activities in 2017".

Council Support of Mental Health Activities

Council's Community Services staff are currently involved in a range of activities and projects to support mental health programs and raise community awareness of mental health issues. These activities are primarily directed by the actions and strategies within the community plans and strategies adopted by Council – including the recommendations of the biennial Hawkesbury Youth Summits, the Hawkesbury Access and Inclusion Plan, and funding contracts entered into with funding bodies. As Council's dedicated community programs staff team is relatively small, the delivery of these activities and projects is very much based on partnerships with other agencies. In 2016/2017 these activities and projects included:

1. Anti-bullying program. In 2015 Council committed resources to the roll-out of anti-bullying program within high schools and non-mainstream high schools (based on the The Human Sound Project and RRAAW - Respectful Relationships and Anti-Bullying Workshops). These programs are focused on the issues surrounding bullying including the importance of early intervention practices for positive mental health when facing bullying or supporting a friend through bullying.
2. Hawkesbury Youth Interagency & Schools Partnership Group Programs. Members of the Hawkesbury Youth Interagency (HYI) and Schools Partnership Group developed and implemented programs that focused on issues surrounding mental health (also include Drug & Alcohol awareness and Social Inclusion). These programs include: Stress Busters; Drumbeat; Not Even Once; Young Guns; and other Art Therapy programs. Council staff participate on the HYI as well as connecting schools and schools students to information about these programs.

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3. Green Health Zone. In October 2016, Council hosted an event for young people as part of Mental Health Month. The event was funded by a grant from the Way Ahead Mental Health Association to promote the importance of early intervention practices for positive mental health and wellbeing. This event was held in conjunction with the YMCA Skate Park League Competition at Clarendon Skate Park. Both event were successful in engaging alternative young people and are planned again for Mental Health Month 2017.
4. Squalor and Hoarding Project. Council gained funding through Partners in Recovery (PIR) Innovation Fund to deliver training in Penrith, Blue Mountains, Hawkesbury and Lithgow to mental health clinicians, General Practitioners and frontline workers to improve services responses and clinical support for people living with issues of squalor and/or hoarding. Council is also working with Nepean Anxiety Disorder Clinic to use PIR funds to develop a family support intervention for family members of people undergoing treatment for hoarding.
5. Regional Mental Health Forums. Council delivered the inaugural Regional Mental Health Forum in November 2016 in partnership with Blue Mountains and Penrith City Council as well as Western Sydney Community Forum and LEEP, to discuss access to community based mental health supports in the Nepean Region. The 2nd Regional Mental Health Forum (scheduled early 2017) will focus on the journey through the mental health service system from a consumer perspective.
6. Hawkesbury Disability Employment Expo. Council delivered the inaugural Hawkesbury Disability Employment Expo in August 2016. A range of disability services were promoted to people with disability, including people with mental health issues, to support access to employment and adult education.
7. Suicide Prevention Project – Council is currently in discussion with Partners in Recovery and Rotary to look to providing staff resources to support the rollout of suicide prevention program in the Hawkesbury in 2017.

These projects and activities are conducted throughout the year and not necessarily directly linked to Mental Health Month. This approach enables Council to maximise the efficient and effective use its staffing and financial resources. As identified above the Green Health Zone activity is planned to be repeated to coincide with Mental Health Month 2017. Staff will also review the other activities planned for the coming year to determine if they can be branded or linked with Mental Health Month 2017.

In addition to these specific activities and projects, Council also support the provision of mental health services and programs through the financial assistance provided under its Community Sponsorship Program, through its financial support of the services provided by Peppercorn Services Inc., and by providing a network of rent free accommodation and office spaces to community agencies involved in the provision of preventative and early intervention mental health programs and activities.

Conformance to the Hawkesbury Community Strategic Plan

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

- Have friendly neighbourhoods, connected communities, and supported household and families.

Financial Implications

There are no financial implications arising from this report. The activities and projects as listed in this report have been delivered within approved budget allocations.

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RECOMMENDATION:

That:

1. The information be received.
2. To support Mental Health Month 2017, Council commit to stage the Green Health Zone event as outlined in this report.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ordinary

section 4

reports
of committees

ORDINARY MEETING
Reports of Committees

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SECTION 4 - Reports of Committees

**ROC Development Application Monitoring Advisory Committee Agenda Minutes -
25 August 2016 - (79351, 1227794)**

Minutes of the Meeting of the Development Application Monitoring Advisory Committee held in Council Chambers, Windsor, on Thursday, 25 August 2016, commencing at 5pm.

Present: Councillor Kim Ford, Chairperson
 Councillor Mike Creed, Deputy Chairperson
 Councillor Warwick Mackay
 Councillor Bob Porter
 Councillor Tiffany Tree

Apologies: Nil

In Attendance: Mr Laurie Mifsud, Hawkesbury City Council
 Mr Matthew Owens, Hawkesbury City Council
 Ms Cristie Evenhuis, Hawkesbury City Council
 Ms Robyn Felsch, Minute Secretary

Attendance Register

Member	6/11/14	12/3/15	03/09/15	25/8/16
Councillor Kim Ford	✓		✓	✓
Councillor Bob Porter	✓		✓	✓
Councillor Mike Creed	A		A	✓
Councillor (Dr) Warwick Mackay	✓		✓	✓
Councillor Paul Rasmussen	A		✓	✓
Mr Peter Jackson (GM)	✓		✓	NA
Mr Laurie Mifsud(A/GM)	NA	NA	NA	✓
Mr Matt Owens (DCP)	✓		A	✓
Ms Cristie Evenhuis (MDS)	✓		✓	✓

Key: A = Formal Apology ✓ = Present X = Absent - no apology NA - not applicable

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Bob Porter and seconded by Councillor Kim Ford that the Minutes of the Development Application Monitoring Advisory Committee held on the Thursday, 3 September, 2015, be confirmed.

SECTION 4 - Reports for Information

Item: 1 DAMAC - Development Application Statistics 1 July 2015 - 30 June 2016 (127794)

RECOMMENDATION:

That the information regarding the Development Application Statistics for the period 1 July 2015 – 30 June 2016 be received and noted.

MOTION:

RESOLVED on the motion of Councillor Bob Porter, seconded by Councillor (Dr) Warwick Mackay.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information regarding the Development Application Statistics for the period 1 July 2015 - 30 June 2016 be received and noted.

**Item: 2 DAMAC - Development Applications (DA) Riverfront Land/Properties - 1 July 2015
- 30 June 2016 and Current Applications (127794)**

RECOMMENDATION:

That the information regarding the processing of development applications relating to riverfront land/properties between 1 July 2015 to 30 June 2016 and the status of current applications relating to riverfront land/properties be received and noted.

MOTION:

RESOLVED on the motion of Councillor (Dr) Warwick Mackay, seconded by Councillor Mike Creed.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

That the information regarding the development application processing and requirements for riverfront land/properties 1 July 2015 - 30 June 2016 be received and noted.

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SECTION 5 - General Business

The Mayor, Cllr Kim Ford congratulated staff as there are noted improvements in the results. Compliments have been received regarding changes implemented and also regarding on-site meetings and inspections.

The meeting terminated at 5:55pm.

Submitted to and confirmed at the meeting of the Development Application Monitoring Advisory Committee to be scheduled.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC Local Traffic Committee - 09 January 2017 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Small Committee Room, Windsor, on 09 January 2017, commencing at 3pm.

Present:	Mr Christopher Amit (Chairman) Ms Tina Kaur, Roads and Maritime Services Councillor Peter Reynolds
Apologies:	Inspector Ian Woodward, NSW Police Force Mr Steve Grady, Busways
In Attendance:	Ms Cathy Mills, Personal Assistant, Infrastructure Services Ms Sophie Hill, Events Coordinator

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 Ms Tina Kaur 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 Ms Tina Kaur that the minutes from the previous meeting held on Monday, 14 November 2016 be confirmed.

Item 1.2 Business Arising

There was no Business Arising.

SECTION 2 - Reports for Determination

**Item: 2.1 LTC - Hawkesbury Show 2017 - Hawkesbury Showground, Clarendon -
(Hawkesbury) - (80245, 74207, 123265)**

REPORT:

An application has been received from the Hawkesbury District Agricultural Association seeking approval (in traffic management terms) to conduct the Hawkesbury Show on 5, 6 and 7 May 2017, within the Hawkesbury Showground, Clarendon.

The event organiser has advised:

- The Hawkesbury Show is a major community event, featuring agricultural displays, rides, show bags, sideshows, business promotions and arts and craft shows that have been held at the showground for 130 years.

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- The times for operation are proposed from 9am to 11:30pm for both Friday, 5 and Saturday, 6 May, and 9am to 5pm for Sunday, 7 May 2017.
- It is expected that the exhibitors and workers will start to arrive at the site from 7am daily and will come and go until 11:30pm on Friday and Saturday nights. The final pack-down of the Show will occur after the Sunday closing time of 5pm, with vehicular movements expected to continue up to 8pm.
- The showground is located on Racecourse Road, with the Hawkesbury Racecourse and the Clarendon Railway Station located opposite.
- The event is expected to attract approximately 50,000 visitors over the three days it will operate.
- It is estimated approximately 26% of the total number of visitors will attend the show on Friday, 42% will attend the show on Saturday and 32% will attend the show on Sunday.
- It is anticipated that most visitors (an estimated 85%) will travel by car. They will park within the Hawkesbury Showground car parking area, the UWS Hawkesbury Campus/Clarendon paddock, the Hawkesbury Equestrian Centre, or in the road reserve areas of Hawkesbury Valley Way and Racecourse Road and walk to one of the pedestrian entry gates.
- Patrons travelling by train will use the Gate 1 access – which is located at the northern point of the Showground.
- Two dedicated “pedestrian crossing points” are to be established in Racecourse Road and one across the vehicular access to the Racecourse.
- The majority of the visitors will park within the Hawkesbury Showground in the dedicated “Hawkesbury Showground Car Park” adjacent to the western boundary of the showground; access through Gate 5. This will prevent the queuing of vehicles along Racecourse Road.
- It is expected that approximately 20,000 vehicles will travel to this area during the three days of the Show.
- Parking is available for more than 20,000 vehicles each day.
- ‘Free Parking’ signs are to be located at Hawkesbury Valley Way, Racecourse Road and adjacent to Gate 5 directing vehicular traffic into the Hawkesbury Showground.
- It is expected that there will be some impact on traffic during the opening hours and for one to two hours before and after closing times. The impact generally will be in the form of minor traffic delays in the vicinity of the site, as vehicles enter and leave the event, and negotiate the intersections with adjoining roads, with moderate delays expected during peak traffic times.
- During the event, entry/exit (Gates 4 and 5) for vehicular parking within the Hawkesbury Showground and the Western Sydney University land are to be clearly signposted in Hawkesbury Valley Way, Blacktown Road and Racecourse Road. A temporary ‘round-a-bout’ is to be created adjacent to gate 4 and 5 to facilitate traffic movement into and out of the Hawkesbury Showground.
- Traffic from the internal car park of the Showground will be directed onto Blacktown Road.
- Traffic departing the Hawkesbury Racecourse car park during peak periods will be directed right onto Racecourse Road to Hawkesbury Valley Way.
- Mobile VMS Units will be erected on Blacktown Road, South Windsor and Kurrajong Road, Richmond notifying motorists of the alternative routes to the showground via Racecourse Road off Blacktown Road.

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- Certified RMS Traffic Controllers are to be used at all intersecting points with additional Traffic Controllers being available as required to direct traffic.
- Application has been made with the Roads and Maritime Services - RMS (formerly RTA) for the following speed limit reductions to improve safety around the event precinct;
 - Hawkesbury Valley Way, speed reduction from 70/80km/h to 40km/h: between Percival Street and Hobart Street.
 - Racecourse Road, speed reduction from 60km/h to 40km/h: between Hawkesbury Valley Way and Rickaby Street.
 - Blacktown Road, speed reduction from 80km/h to 60km/h: between Bourke Street and Racecourse Road.

Discussion

Racecourse Road intersects with Hawkesbury Valley Way near the northern boundary of the showground site, and intersects with Blacktown Road approximately 3.5 kilometres to the south. Racecourse Road is a minor distributor rural road of approximately 3.5 kilometres in length with the full length being sealed. The event organiser has indicated that a high proportion of traffic is expected from the Hawkesbury Valley Way intersection. Both Hawkesbury Valley Way and Blacktown Road are state roads.

Considerable pedestrian movements are expected along Racecourse Road. It is likely that visitors to the Show may park in the road reserve areas of Racecourse Road and Hawkesbury Valley Way as well as the parking areas within the Showground, Clarendon Paddocks and the Hawkesbury Equestrian Centre.

Traffic congestion is likely to be concentrated in Hawkesbury Valley Way, from where the majority of vehicles will queue to enter Racecourse Road, and in Racecourse Road, as vehicles queue to enter parking areas. To improve traffic and pedestrian safety around the event precinct, the event organiser has applied to the Roads and Maritime Services - RMS (formerly RTA) for the following speed limit reductions:

- Hawkesbury Valley Way, speed reduction from 70/80Kph to 40Kph: between Percival Street and Hobart Street.
- Racecourse Road, speed reduction from 60Kph to 40Kph: between Hawkesbury Valley Way and Rickaby Street

It is likely that some vehicles, to avoid the congestion at Hawkesbury Valley Way, will travel towards the showground along Racecourse Road from the Blacktown Road intersection.

Delays are likely to occur when vehicles are leaving the site during peak times, as vehicles queue to enter Hawkesbury Valley Way from Racecourse Road. The majority of traffic will be directed from the main internal dedicated parking area within the showground, exiting onto Blacktown Road through the University of Western Sydney, Hawkesbury Campus property. To enable the exit into Blacktown Road to work effectively, an application has been made to the Roads and Maritime Services - RMS (formerly RTA) by the event organiser for the speed limit in Blacktown Road to be reduced from 80Kph to 60Kph between Bourke Street and Racecourse Road during the event.

It would be appropriate to classify the event as a "Class 1" special event under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA) as the event may impact on major traffic and transport systems which includes the Speed Zone reductions and traffic control on the nominated State roads, and there may be significant disruption to the non-event community.

The event organiser has submitted the following items in relation to the event: Attachment 1 (ECM Document Set ID No: 5615806):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,

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2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval - Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Transport Management Plan – referred to in the application as Traffic Management Plan (TMP) and Traffic Control Plans (TCP),
5. Copy of Insurance Policy which is valid to 28 February 2017.

RECOMMENDATION TO COMMITTEE:

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Hawkesbury Show 2017 planned for 5,6 and 7 May 2017, within the Hawkesbury Showground, Clarendon, be classified as a "Class 1" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services – RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

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

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- 4d. the application including the TMP and the associated TCP is to be submitted to the Transport Management Centre – TMC for authorisation as this is a Class 1 event.
- 4e. the event organiser is to obtain approval from the Transport Management Centre – TMC as this is a "Class 1" event which will have a traffic impact on both Hawkesbury Valley Way and Blacktown Road (state roads) as well as the proposed temporary speed reductions required for the following roads;
- Hawkesbury Valley Way, speed reduction from 70/80Kph to 40Kph: between Percival Street and Hobart Street,
 - Racecourse Road, speed reduction from 60Kph to 40Kph: between Hawkesbury Valley Way and Rickaby Street,
 - Blacktown Road, speed reduction from 80Kph to 60Kph: between Bourke Street and Racecourse Road
- a copy of the Transport Management Centre – TMC approval to be submitted to Council;
- 4f. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$20,000,000 noting Council, the Transport Management Centre (TMC) and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4g. as the event requires traffic control on public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4h. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; a copy of this approval to be submitted to Council;
- 4i. the event organiser is to advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);
- 4j. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4k. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4l. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;
- 4m. the event organiser is to submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

During the event:

- 4n. access is to be maintained for businesses, residents and their visitors;
- 4o. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;

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- 4p. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4q. in accordance with the submitted TMP and associated TCP, appropriate advisory signs - including temporary speed restriction signs (subject to Roads and Maritime Services - RMS (formerly RTA) and the Transport Management Centre (TMC) requirements), shall be placed at the event organiser's expense after all the required approvals are obtained from the relevant authorities - and traffic control devices are to be placed during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4r. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and
- 4s. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

APPENDICES:

AT - 1 Special Event Application - (ECM Document Set ID No. 5615806) - *see attached*

COMMITTEE RECOMMENDATION:

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

Support for the Recommendation: Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Hawkesbury Show 2017 planned for 5, 6 and 7 May 2017, within the Hawkesbury Showground, Clarendon, be classified as a "Class 1" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services – RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the site by the event organiser prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
- 4d. the application including the TMP and the associated TCP is to be submitted to the Transport Management Centre – TMC for authorisation as this is a Class 1 event.
- 4e. the event organiser is to obtain approval from the Transport Management Centre – TMC as this is a "Class 1" event which will have a traffic impact on both Hawkesbury Valley Way and Blacktown Road (state roads) as well as the proposed temporary speed reductions required for the following roads;
- Hawkesbury Valley Way, speed reduction from 70/80Kph to 40Kph: between Percival Street and Hobart Street,
 - Racecourse Road, speed reduction from 60Kph to 40Kph: between Hawkesbury Valley Way and Rickaby Street,
 - Blacktown Road, speed reduction from 80Kph to 60Kph: between Bourke Street and Racecourse Road
- a copy of the Transport Management Centre – TMC approval to be submitted to Council;
- 4f. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$20,000,000 noting Council, the Transport Management Centre (TMC) and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4g. as the event requires traffic control on public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4h. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; a copy of this approval to be submitted to Council;
- 4i. the event organiser is to advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);

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- 4j. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4k. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4l. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;
- 4m. the event organiser is to submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

During the event:

- 4n. access is to be maintained for businesses, residents and their visitors;
- 4o. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4p. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4q. in accordance with the submitted TMP and associated TCP, appropriate advisory signs - including temporary speed restriction signs (subject to Roads and Maritime Services - RMS (formerly RTA) and the Transport Management Centre (TMC) requirements), shall be placed at the event organiser's expense after all the required approvals are obtained from the relevant authorities - and traffic control devices are to be placed during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4r. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and
- 4s. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

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Item: 2.2 **LTC - RMS Intersection Review Hawkesbury Valley Way at Cox / Moses Streets, Windsor - (80245, 73621, 123265)**

Previous Item: Item 4.3, LTC (15 June 2015)

REPORT:

The intersection of Hawkesbury Valley Way, Cox Street and Moses Street was discussed at the LTC meeting on 15 June 2015 relating to sight distance and safety issues for vehicles driving along Hawkesbury Valley Way, negotiating past vehicles waiting to turn right into either Cox Street or Moses Street, Windsor. Vehicles also turning right from Hawkesbury Valley Way have near misses with vehicles passing through along the kerb line, as they are obstructed by the opposing turning vehicles.

The Committee requested that the Roads and Maritime Services (RMS) give consideration to the provision of Right Turn bans from Hawkesbury Valley Way into both Cox Street and Moses Street. The turn bans could either be during peaks times or full time. There is sufficient green time at the signalised intersection of Hawkesbury Valley Way and George Street for vehicles turning right from Hawkesbury Valley Way into George Street, wishing to access the Railway car park in Cox Street via Brabyn Street.

The RMS representative advised the Committee that RMS would investigate the five year accident history on Hawkesbury Valley Way with a view to banning the right hand turns at the intersection of Moses Street and Cox Street.

Following recommendation by the Local Traffic Committee at its meeting on 15 June 2015, Council, at its meeting held on 30 June 2015 resolved;

"That the Roads and Maritime Services investigate the recent accident history (five years) of Hawkesbury Valley Way at the intersection of Moses and Cox Streets, Windsor with a view to banning the right hand turn into Moses and Cox Street."

Correspondence has also been forwarded by residents to RMS raising concerns relating to the safety aspects along Hawkesbury Valley Way at Cox Street and Moses Street.

RMS has undertaken a review of the intersection of Hawkesbury Valley Way at Cox Street and Moses Street, Windsor and provided the following response (ECM Document Set ID. No. 5666815). Details in part of the advice received is listed below:

"An analysis of the most recent 5-year reported crash data from 01 Jan 2011 to 31 Dec 2015 revealed 11 crashes at this intersection during that time. Four of these reported crashes involving vehicles along Hawkesbury Valley Way turning right into Cox Street with through traffic on Hawkesbury Valley Way, there were no reported crashes involving vehicles driving from Cox Street into Moses Street with Hawkesbury Valley Way traffic as described by resident.

Cox Street is a local road under the care and control of Hawkesbury City Council restricting turning movements out of local road is a matter for consideration by Council. The request for restricting the movement from Cox Street to 'Left Turn' only is a matter for consideration by Council.

In response to your request, Roads and Maritime officers have undertaken site inspection which revealed that the 'No Stopping' restrictions on both sides of Hawkesbury Valley Way on both approaches to Cox Street provided good sight lines to motorists on Hawkesbury Valley Way and on Cox Street. Trimming of trees on south east corner of Hawkesbury Valley Way is a matter for Council to consider.

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Please note that the analysis of crash history for this intersection has also revealed a pattern of crashes at this intersection involving vehicles turning into Cox Street. RMS will continue to monitor the subject site with respect to road safety and should the site conditions change in the future then they will be investigated as necessary to determine possible treatments. Since most of the issues/concerns raised in the correspondence by the resident are for consideration by Council, this response is forwarded to Council for their investigation and response back to the resident."

Council has made several representations to RMS in the past to upgrade the overall functionality of the signalised operations of Hawkesbury Valley Way and George Street. In particular to provide a Green Turn Arrow for George Street, north-east bound turning right into of Hawkesbury Valley Way heading towards Macquarie Street.

Image of Road Layout:



It is felt that by improving the overall functionality of the Hawkesbury Valley Way and George Street intersection, there could potentially be a reduction in the traffic turning at the Cox Street and Moses Street intersection. Furthermore by banning the turns during the AM/PM peak from Hawkesbury Valley Way into Cox and Moses Streets and improving the signal functionality at Hawkesbury Valley Way and George Street, the 2 actions can complement each other and improve road safety overall.

COMMITTEE DISCUSSION:

Ms Tina Kaur, RMS requested that the wording in the Recommendation to Committee be amended in section 1. a) and 1. b), whereby the word 'provide' be replaced with 'investigate the possibility of'. The Committee agreed with these changes and accordingly the Committee Recommendation has been updated.

RECOMMENDATION TO COMMITTEE:

1. That RMS review and improve the signalised intersection functionality of Hawkesbury Valley Way and George Street, Windsor, with the following measures:
 - a) Provide additional Green time to the George Street, Windsor, approaches at Hawkesbury Valley Way and in particular the right turn Green time of George Street (north-east) into Hawkesbury Valley Way (north-west) – heading towards Richmond.
 - b) Provide a dedicated right turn Green Arrow phase for George Street, Windsor (south-west) turning right into Hawkesbury Valley Way (south-east) – heading towards Macquarie Street.
2. That RMS review the line marking layout in Hawkesbury Valley Way at its intersection with Cox Street and Moses Street, Windsor, and implement line marking improvements to ensure safe turning areas for vehicles turning into both Cox Street and Moses Street or alternatively consider banning AM and PM peak turning movements at this intersection from Hawkesbury Valley Way.

APPENDICES:

There are no supporting documents for this report.

COMMITTEE RECOMMENDATION:

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

Support for the Recommendation: Unanimous support

1. That RMS review and improve the signalised intersection functionality of Hawkesbury Valley Way and George Street, Windsor, with the following measures:
 - a) Investigate the possibility of additional Green time to the George Street, Windsor, approaches at Hawkesbury Valley Way and in particular the right turn Green time of George Street (north-east) into Hawkesbury Valley Way (north-west) – heading towards Richmond.
 - b) Investigate the possibility of a dedicated right turn Green Arrow phase for George Street, Windsor (south-west) turning right into Hawkesbury Valley Way (south-east) – heading towards Macquarie Street.
2. That RMS review the line marking layout in Hawkesbury Valley Way at its intersection with Cox Street and Moses Street, Windsor, and implement line marking improvements to ensure safe turning areas for vehicles turning into both Cox Street and Moses Street or alternatively consider banning AM and PM peak turning movements at this intersection from Hawkesbury Valley Way.

SECTION 3 - Reports for Information

Item: 3.1 **LTC - RMS Advice on the Additional School Zone Flashing Lights Program - (Hawkesbury) - (80245, 73621, 123265)**

Previous Item: Item 3.1, LTC (08 February 2016)

REPORT:

The implementation of School Zone Flashing Lights at all NSW Schools was completed in January 2016, with each school having at least one set of School Zone Flashing Lights. This included the 35 Schools within the Hawkesbury Local Government Area.

Advice was received from the Roads and Maritime Services - RMS (formerly RTA) in early 2016 indicating that the NSW State Government was committing to a new program of Additional School Zone Flashing Lights. Schools eligible to be nominated for a second set of flashing lights will have multiple entrances, and have only one set of flashing lights installed.

The second set of school zone flashing lights is intended to cover the second busiest entrance point in the school zone. All nominations received from schools will be prioritised by Roads and Maritime Services using a pedestrian risk model which takes into account a number of factors including approach speed, traffic and pedestrian volumes. The program was expected to commence in early 2016 and be completed by December 2017.

Further advice has been received from RMS indicating that implementation of the Additional School Zone Flashing Lights has commenced with an installation occurring along Boundary Road, Maraylya to benefit Maraylya Public School. (ECM Document Set ID No. 5743716). Details in part of the advice received is listed below:

"I am writing to inform you of the State Government's recent announcement that additional school zone flashing lights will soon be installed to protect the following school in the Hawkesbury Local Government area.

Area	School	Treatment Road
Hawkesbury	Maraylya Public	Boundary Road

These installations are in addition to the rollout of flashing lights to every school in NSW, which the Government completed in January of this year.

All schools that have multiple entrances were eligible to nominate for the \$5m program of additional flashing lights. The locations for additional flashing lights were selected using a risk assessment model which takes into account a number of factors including pedestrian and vehicle volumes, speed limits and sight distances.

The \$5m program of additional flashing lights will protect additional busy entrance points at around 400 schools across the state. Flashing lights will be retrofitted and installed on existing school zone signage wherever possible.

The rollout of additional flashing lights will commence later this year, and will be completed by mid-2017. Roads and Maritime will work with delivery partners to install this important safety infrastructure across the state.

The full list of schools selected for additional flashing lights is available along with other information about school zone safety on the Centre for Road Safety webpage -

<http://roadsafety.transport.nsw.gov.au/stayingsafe/schools/index.html>

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Details about individual installations are not yet available...

Listed below are the schools and their adjacent roads, within the Hawkesbury Local Government Area, that have School Zone Flashing Lights:

1. Arndell Anglican College at Wolseley Road, Oakville,
2. Bede Polding College at Rifle Range Road, Bligh Park,
3. Bilpin Public School at Bells Line of Road, Bilpin,
4. Bligh Park Public School at Alexander Street, Bligh Park,
5. Cattai Public School at Cattai Road, Cattai,
6. Chisholm Catholic Primary School at Collith Avenue, South Windsor,
7. Colo Heights Public School at Putty Road, Colo Heights,
8. Colo High School at Bells Line of Road, North Richmond,
9. Comleroy Road Public School at McMahons Road, Kurrajong,
10. Ebenezer Public School at Sackville Road, Ebenezer,
11. Freemans Reach Public School at Kurmond Road and Hibberts Lane, Freemans Reach,
12. Glossodia Public School at Golden Valley Drive, Glossodia,
13. Grose View Public School at Grose Wold Road, Grose Wold,
14. Hawkesbury High School at Kurmond Road and Hibberts Lane, Freemans Reach,
15. Hawkesbury Independent School at Comleroy Road, Kurrajong,
16. Hobartville Public School at Valder Avenue, Hobartville,
17. Kurmond Public School at Bells Line of Road, Kurmond,
18. Kurrajong East Public School at East Kurrajong Road, East Kurrajong,
19. Kurrajong North Public School at Bells Line Of Road, Kurrajong Hills,
20. Kurrajong Public School at Grose Vale Road, Kurrajong,
21. Kuyper Christian School at Redbank Road and Greggs Road, Kurrajong,
22. Macdonald Valley Public School at St Albans Road, Central Macdonald,
23. Maraylya Public School at Neich Road, Maraylya,
24. Oakville Public School at Oakville Road, Ogden Road and Hanckel Road, Oakville,
25. Pitt Town Public School at Buckingham Street, Pitt Town,
26. Richmond High School at Castlereagh Road and Lennox Street, Richmond,
27. Richmond North Public School at Grose Vale Road, North Richmond,
28. Richmond Public School at Francis Street and Windsor Street, Richmond,
29. St Matthews Primary School at Little Church Street and Tebbutt Street, Windsor,
30. St Monica's Catholic Primary School at Francis Street, Richmond,
31. Wilberforce Public School at George Road, Wilberforce,
32. Windsor High School at Mulgrave Road, Mulgrave,
33. Windsor Park Public School at Rifle Range Road and Porpoise Crescent, Bligh Park,
34. Windsor Public School at George Street, Windsor,
35. Windsor South Public School at Church Street, South Windsor.

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 Ms Tina Kaur.

Support for the Recommendation: Unanimous support

That the information be received.

SECTION 4 - General Business

Item: 4.1 LTC - Icely Park, Richmond - Review of Adjacent On-Street Parking (Hawkesbury) - (80245)

REPORT:

Councillor Peter Reynolds advised the Committee that there have been some recent issues in relation to parking in the vicinity of Icely Park, Richmond. Vehicles have been parking on the grass verge area at right angles to the road, along the surrounding streets. This practice has been going on for over 40 years without any notable incident. Parking at right angles allows more vehicles to park along the road compared to parallel parking.

In recent times, Councils enforcement section has issued infringement notices to vehicles parking at right angles. Councillor Reynolds advised the Committee that correspondence has been received from the Richmond Ex-Servicemen's Soccer Club requesting that the right angle parking be formalised with the appropriate sign posting.

Mr C Amit advised the committee that a vehicle cannot park at right angles (or any angle parking) unless signposted accordingly. The surrounding streets around Icely Park are currently not sign posted for right angle parking and as such vehicles should be parking parallel to the road. Due to the open nature of the road shoulder and nature strip, vehicles are parked at right angles to the roadway. These vehicles would be considered to be in breach of the Australian Road Rules as it is considered to be an unsafe practice as the vehicles are likely to block the pedestrian passageway along the nature strip/footpath area.

The surrounding grassed verge area around Icely Park does not have kerb and gutter which has resulted in vehicles parking on the grassed verge area. The opposite side of the road has kerb and gutter in front of the residential properties.

Based on a preliminary investigation of road widths along the surrounding roads to Icely Park, it is noted that there is inadequate road width to formalise right angled parking in this vicinity. The required road width needs to allow for the parking space, pedestrian pathway/nature strip and sufficient manoeuvring space within the roadway. For right angle parking, the required distance between the road centre line and the property boundary is 15.7 metres (allowing for a 3.5 metre nature strip). The available distance for the four surrounding streets ranges from 9.3 metres to 10.9 metres.

In accordance with the Australian Standards, there is a requirement to provide an adequate manoeuvring area separate from through traffic lanes. This ensures safe manoeuvring of vehicles without impeding the flow of traffic in the through lane. Insufficient manoeuvring area leads to vehicles utilising both travelling lanes to access the parking space and is considered unsafe.

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There are other options for angle parking such as 30° and 45°. Provision of such angle parking will require the construction of the pavement area to enable line marking to ensure that vehicles are utilising the space correctly. With right angle parking, formalising the pavement area with line marking would not be required as motorists are able to position their vehicles with relative ease compared to the other angles. As with right angle parking, there is insufficient road width to accommodate 30° and 45° parking. The required distance between the road centre line and the property boundary for 30° and 45° parking is 12.3 metres and 13.8 metres respectively (allowing for a 3.5 metre nature strip).

There is a difference in parking yield between parallel parking to right angle parking. In general terms for every 2 parallel parking spaces you get 5 right angle spaces. For 45° the ratio is 2 to 3 with no real gain for 30° due to the acute angle of parking.

Mr C Amit indicated that preliminary discussions have been held with Anne Neal from Hawkesbury Sports Council Inc. with a view to undertaking a site visit during the latter part of January 2017 on her return from leave. Options discussed included the possibility of repositioning the perimeter fence around the park to provide for the additional space required to enable angle parking whilst providing for safe pedestrian access around the park. The fence would need to be repositioned in the order of five metres.

The Committee discussed the various matters at hand and taking into account that there is inadequate road width to safely provide formalised angled parking in this vicinity, recommended that no changes be implemented at this stage until options are investigated with Hawkesbury Sports Council Inc. In the event that a practical and agreed solution cannot be formalised, then consideration may be given to formalise parallel parking, by way of signposting, along the four road frontages along and adjacent to Icely Park; namely Dight Street, Clarendon Street, Faithfull Street and Andrew Street, Richmond. With the implementation of 'Parallel Parking' signs, it would be in the best interests of motorist to also provide the mandatory 10 metre 'No Stopping' zones to all the intersections adjacent to the Park. This matter will be further discussed at a following LTC meeting.

The Committee acknowledged that there would be a loss of parking yield immediately adjacent to Icely Park if the parallel parking was formalised in lieu of the current informal right angle parking, however noted that there was adequate street parking along the adjacent road network to supplement this loss.

COMMITTEE RECOMMENDATION:

The information be received.

APPENDICES:

There are no supporting documents for this report.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Monday, 13 February 2017 at 3pm in the Small Committee Room.

The meeting terminated at 4:40pm.

oooO END OF REPORT Oooo

ordinary

section 5

notices of motion

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING

Notices of Motion

SECTION 5 - Notices of Motion

NM1

Feasibility of Webcasting Council Meetings - (79351, 105109, 80106)

Submitted by: Councillor Rasmussen

NOTICE OF MOTION:

That:

1. A report be submitted to Council regarding the feasibility of, and associated requirements to enable the webcasting and/or podcasting of all future Council ordinary meetings.
2. The report also address related issues such as costs involved, funding sources and amendments required to Council's Code of Meeting Practice, requirements arising from the Privacy and Personal Information Protection Act, the Government Information (Public Access) Act and other related legislation.

Background

A growing number of Councils throughout Australia webcast their ordinary meetings via the Internet thus enabling their communities to be aware of matters being debated by their elected Councillors.

For years many residents and ratepayers have missed attending important Council meetings because of working hours, illness, immobility, childcare difficulties, lack of transport, on holidays and other such issues. Webcasting of Council meetings via the Internet will enable such people to 'tune in live' to Council ordinary meetings and be aware of matters debated, resolved and otherwise dealt with at Council meetings.

The webcasting of Council meetings would make a contribution to promoting the democratic process and to increasing the transparency of the Council's decision making.

The webcasting of Council meetings would make an important contribution to increasing community engagement by enabling more of its community to having greater involvement in the democratic process.

Many Councils have successfully developed robust webcasting and podcasting procedures and protocols which are both efficient and effective.

Podcasting of Council meeting proceedings would enable residents and ratepayers to access the video file, or segments thereof, at a time which best suits their constraints.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

NM2

Short Term Rental Accommodation - (79351, 105109, 138882)

Submitted by: Councillor Wheeler

NOTICE OF MOTION:

That Council:

1. Commits to the development of a policy on short term rental accommodation.
2. Requests a report on the issue of such rentals including but not limited to potential restrictions on the number of days properties may be let, number of people accommodated, approvals and compliance issues and cost to Council, facilities required, insurance, developments on bushfire and flood prone land, and impact on neighbours and existing businesses who have sought approval through Council's standard processes.

Background

There is increased interest in short term rental accommodation, for example Airbnb and holiday letting. This interest is likely to increase as Council's aim of increased tourism is realised, and as events such as the Blues and Roots Festival and the Polo World Cup gather momentum. Council needs to be prepared or we risk disadvantaging those business who have acted within Council's existing approvals process, and taking up staff time and resources with compliance issues and other complaints including noise. Further, we must consider the unique constraints of the Hawkesbury regarding bush fire, flood, and impacts on heritage and the natural environment.

Other Councils in areas of high tourist activity like Gosford and Byron Shire have developed Short Term Rental Accommodation policies and made changes to their LEP to allow controlled use of short term rental accommodation. Council should also refer to the Report of the Findings of the NSW Parliamentary Inquiry into the Adequacy of the Regulation of Short-Term Holiday Letting in NSW (19 October 2016).

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING**Questions for Next Meeting****QUESTIONS FOR NEXT MEETING****Councillor Questions from Previous Meetings and Responses - (79351)**

REPORT:**Questions - 13 December 2016**

#	Councillor	Question	Response
1	Richards	Requested that the park on Pinedale Place, Kurrajong Heights receive maintenance.	The Director Infrastructure Services advised that instructions had been given for the park to be inspected and any appropriate maintenance to be carried out.
2	Richards	Enquired if the boat ramp at Lower Portland is scheduled for an upgrade and how many public boat ramps are located on the River.	<p>The Director Infrastructure Services advised that the structure at Skeleton Rocks, Lower Portland is not a formal boat ramp but it is a former ferry ramp.</p> <p>Whilst Council has no current plans to reconstruct the ramp, we have previously applied unsuccessfully for grant funding under the Better Boating Program. Further applications will continue to be made.</p> <p>There are currently public boat ramps located within the Hawkesbury LGA located at Punt Road, Pitt Town, Governor Phillip Park, Windsor and Holmes Drive, Cumberland Reach.</p>

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
3	Richards	Requested a status update on the State Government's gateway determination for detached dual occupancy.	The Director City Planning advised a planning proposal to permit dual occupancies (detached) and secondary dwellings in all rural and E3 and E4 environmental zones (LEP014/16) was previously prepared by Council and forwarded for a Gateway determination. The Gateway determination has been received and it has not permitted the proposal to proceed at this time. The reasons are primarily due to flood evacuation capacity on a regional and cumulative basis within the Hawkesbury-Nepean Valley. The outcome of this gateway determination will be included in an upcoming briefing to Councillors and a report to an Ordinary Meeting. That report is in response to the Notice of Motion adopted at the 11 October 2016 Ordinary Meeting in respect of the previous Council's attempts to permit Detached Dual Occupancy in the Hawkesbury LGA.
4	Zamprogno	Enquired if load limits apply on any local Council roads, what enforcement activity occurs, specifically in relation to an increase in frequency of heavy trucks on Old Pitt Town Road and Saunders Road.	The Director Infrastructure Services advised that there are 14 roads throughout the city that have load limits, due to either road / structure, capacity or for environmental (noise, safety) issues. Old Pitt Town Road between Old Stock Route Road and Cattai Road (Eldon Street) has a four tonne load limit. It should be noted that other than for bridge structures vehicles, regardless of weight, are permitted to use otherwise restricted roads. Compliance is undertaken in relation to identified complaints.
5	Wheeler	Requested that the speed limit along Sackville Road, Ebenezer near Tractor 828, could be changed from an 80km per hour zone to a 60km per hour zone.	The Director Infrastructure Services advised that RMS have previously investigated a change in the speed limit at this location, however declined to change it. Council will raise the matter again with RMS and request it be revisited.

ORDINARY MEETING
Questions for Next Meeting

#	Councillor	Question	Response
6	Garrow	Enquired if there is a solution to the problem of pigeons in town centres.	The Director Infrastructure Services advised that the matter would be investigated.
7	Ross	Requested that the amount of rubbish along the flow of South Creek, Windsor Downs could be investigated and whether Council or the Hawkesbury River County Council is the responsible authority for this issue.	<p>The Director City Planning advised that the Hawkesbury River County Council is only responsible for noxious weeds and not for rubbish removal in the creek. Ultimate responsibility for South Creek would be the NSW EPA, however they usually only become involved in major pollution incidents and do not get involved with minor litter matters.</p> <p>It is noted that the adjoining properties to South Creek in this locality generally own to the centreline of the creek. In this regard the landowners would have the first responsibility for litter. Council does not undertake work of this nature on private property. One suggestion which may assist in the removal of rubbish located in South Creek would be to organise a Clean Up Australia Day group to remove this rubbish out of the length of South Creek that is within the Hawkesbury LGA.</p>

oooO END OF REPORT Oooo

ORDINARY MEETING

Questions for Next Meeting

ORDINARY MEETING
CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

Item: 20 **GM - Community Representation on Council Committees - (79351, 79356)**
CONFIDENTIAL

Previous Item: 275, Ordinary (13 December 2016)

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(a) of the Act as it relates to personnel matters concerning particular individuals (other than councillors).

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 21 **IS - Easement Acquisition - Extension of Easement - Part of 45 Bowen Mountain Road, Bowen Mountain - (95495, 35135) CONFIDENTIAL**

Previous Item: 233, Ordinary (25 October 2016)

Reason for Confidentiality

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

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

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 22 **IS - Tender No. T00049 - Reconstruction of Failed Sealed Pavement Sections of Blaxlands Ridge, Dollins and Maddens Roads - (95495, 79344)**
CONFIDENTIAL

Reason for Confidentiality

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

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

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



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meeting

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