



ORDINARY MEETING

Date of meeting: 12 September 2023
Location: Council Chambers
Time: 6:30 PM

BUSINESS PAPER

ORDINARY MEETING

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1. PROCEDURAL MATTERS

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1. PROCEDURAL MATTERS

Welcome

The Mayor, Councillor Sarah McMahon will acknowledge the Indigenous Heritage.

The General Manager will address the Council meeting, mentioning:

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

Attendance

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

Statement of Ethical Obligations

On 11 January 2022 in accordance with Section 233A of the Local Government Act 1993, Councillors took an oath or made an affirmation of office to undertake the duties of the office of Councillor in the best interests of the people of the Hawkesbury City Council Local Government Area and the Hawkesbury City Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in Councillors under the Local Government Act 1993 or any other Act to the best of their ability and judgment.

Council's Code of Conduct requires Councillors to disclose and appropriately manage conflicts of interest.

Apologies and Leave of Absence

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

Declaration of Interest

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

Acknowledgement of Official Visitors to the Council

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

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2. CONFIRMATION OF MINUTES

Meeting Date: 12 September 2023

2. CONFIRMATION OF MINUTES



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MINUTES

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1. PROCEDURAL MATTERS

Meeting Date: 8 August 2023

1. PROCEDURAL MATTERS

Minutes of the Ordinary Meeting held at the Council Chambers, Windsor, on 8 August 2023, commencing at 6:30pm.

Welcome

The Mayor, Councillor Sarah McMahon acknowledged the Indigenous Heritage.

The General Manager addressed the Council meeting, mentioning:

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

ATTENDANCE

PRESENT: Councillor Sarah McMahon, Mayor and Councillors Patrick Conolly, Shane Djuric, Eddie Dogramaci, Amanda Kotlash, Mary Lyons-Buckett, Jill Reardon, Les Sheather, Paul Veigel, Danielle Wheeler and Nathan Zamprogno.

ALSO PRESENT: General Manager - Elizabeth Richardson, Director City Planning - Meagan Ang, Director Infrastructure Services - Will Barton, Director Corporate Services - Laurie Mifsud, Manager Corporate Communications and Events - Suzanne Stuart, Manager Strategic Planning - Andrew Kearns, Manager Governance - Charles McElroy and Administrative Support Coordinator - Tracey Easterbrook.

APOLOGIES AND LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK

An apology for absence was received from Councillor Barry Calvert.

132 RESOLUTION:

RESOLVED on the motion of Councillor Conolly, seconded by Councillor Reardon that the apology be accepted.

Councillor Conolly left the meeting at 8:10pm.

DECLARATIONS OF INTEREST

Councillor McMahon declared an interest on Item 5.1.2.

Acknowledgement of Official Visitors to the Council

There were no official visitors to Council.

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2. CONFIRMATION OF MINUTES

Meeting Date: 8 August 2023

2. CONFIRMATION OF MINUTES

133 RESOLUTION:

RESOLVED on the motion of Councillor Reardon, seconded by Councillor Veigel that the minutes of the Ordinary Meeting held on 11 July 2023, be confirmed.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 8 August 2023

4. REPORTS FOR DETERMINATION

4.2. GENERAL MANAGER

4.2.1. GM - Local Government NSW Annual Conference 2023 - (79351, 79633)

Directorate: General Manager

MOTION:

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

Refer to RESOLUTION

134 RESOLUTION:

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

That:

1. The report be received and noted.
2. Attendance of nominated Councillors and/or staff as considered by the General Manager at the 2023 Local Government NSW Annual Conference at an approximate cost of \$1,155 plus travel and accommodation expenses, if required per delegate.
3. The nomination of five Councillor voting delegates for voting on Conference Motions be considered.
4. The nomination of five Councillor voting delegates for voting in the 2023 Local Government NSW Board Elections be considered.
5. Council submit a motion regarding concerns about the escalating costs of Local Government Elections.
6. Council consider the submission of additional motions to the 2023 Local Government NSW Annual Conference.
7. After participating in the Conference, delegates provide a written report to the General Manager detailing the proceedings and findings, as well as any other aspects of the Conference relevant to Council business and/or the local community.

For the Motion: Councillors McMahon, Djuric, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Councillor Dogramaci.

Absent: Councillors Calvert and Conolly.

ORDINARY MEETING
4. REPORTS FOR DETERMINATION

Meeting Date: 8 August 2023

MOTION:

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

Refer to RESOLUTION

135 RESOLUTION:

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

That:

1. Councillors McMahon, Kotlash, Lyons-Buckett, Sheather, Wheeler and Zamprogno attend the 2023 Local Government NSW Annual Conference as Council's delegates.
2. Councillors Kotlash, Lyons-Buckett, Sheather, Wheeler and Zamprogno be Council's voting delegates for Conference Motions at the 2023 Local Government NSW Annual Conference and the 2023 Local Government NSW Board Elections.

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4. REPORTS FOR DETERMINATION

Meeting Date: 8 August 2023

4.3. CITY PLANNING

4.3.1. CP - Draft Urban Greening Strategy - (124414, 95498)

Previous Item: 4.3.3, Ordinary (20 June 2023)

Directorate: City Planning

Mr William Sneddon addressed Council, speaking for the recommendation in the business paper.

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

That Council:

1. Adopt the Urban Greening Strategy attached as Attachment 1 to this report.
2. Dedicate funding to urban greening in the 2024/2025 Budget.

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

That Council adopt the Urban Greening Strategy attached as Attachment 1 to this report.

For the Amendment: Councillors McMahon, Sheather and Veigel.

Against the Amendment: Councillors Conolly, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Wheeler and Zamprogno.

Absent: Councillor Calvert.

MOTION:

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

Refer to RESOLUTION

136 RESOLUTION:

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

That Council:

1. Adopt the Urban Greening Strategy attached as Attachment 1 to this report.
2. Dedicate funding to urban greening in the 2024/2025 Budget.

For the Motion: Councillors McMahon, Conolly, Djuric, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Councillor Dogramaci.

Absent: Councillor Calvert.

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4. REPORTS FOR DETERMINATION

Meeting Date: 8 August 2023

4.3.2. CP - Macquarie Park Draft Plan of Management - (124414, 95498)

Previous Item: 203, Ordinary (22 November 2022)

Directorate: City Planning

Mr David Crabb and Mr Paul Rogers addressed Council, speaking for the recommendation in the business paper.

MOTION:

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

Refer to RESOLUTION

137 RESOLUTION:

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

That Council:

1. Adopt the Macquarie Park Plan of Management attached as Attachment 1 to this report.
2. Assist the grant applicants in the re-lodgement of a new DA should it be deemed to have lapsed, by providing financial assistance by waiver of application fees where appropriate.
3. Assist the grant applicants to petition the State Government for a further extension of the grant to permit the project to complete.

For the Motion: Councillors McMahon, Conolly, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillor Calvert.

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4. REPORTS FOR DETERMINATION

Meeting Date: 8 August 2023

4.4. CORPORATE SERVICES

4.4.1. CS - Investment Report - June 2023 - (95496, 96332)

Previous Item: 4.4.2, Ordinary (20 June 2023)

Directorate: City Planning

MOTION:

RESOLVED on the motion of Councillor Veigel, seconded by Councillor Sheather.

Refer to RESOLUTION

138 RESOLUTION:

RESOLVED on the motion of Councillor Veigel, seconded by Councillor Sheather.

That the Monthly Investment Report for June 2023 be received and noted.

For the Motion: Councillors McMahon, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillors Calvert and Conolly.

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5. REPORTS OF COMMITTEES
Meeting Date: 8 August 2023

5. REPORTS OF COMMITTEES

5.1.1. ROC - Audit, Risk and Improvement Committee - 30 June 2023 - (158054, 95496)

Directorate: Corporate Services

MOTION:

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

Refer to RESOLUTION

139 RESOLUTION:

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

That Council receive and note the Minutes of the Audit, Risk and Improvement Committee Meeting held on the 30 June 2023.

For the Motion: Councillors McMahon, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillors Calvert and Conolly.

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5. REPORTS OF COMMITTEES

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5.1.2. ROC - Local Traffic Committee - 10 July 2023 - (95495, 80245)

Directorate: Infrastructure Services

Councillor McMahon declared a less than significant non-pecuniary conflict of interest in this matter as her children attend Bede Polding College which is discussed in this item and no further action is required.

MOTION:

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

Refer to RESOLUTION

140 RESOLUTION:

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

That the Council adopt the recommendations contained in the minutes of the Hawkesbury City Council Local Traffic Committee meeting held on 10 July 2023.

For the Motion: Councillors McMahon, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillors Calvert and Conolly.

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6. NOTICES OF MOTION

Meeting Date: 8 August 2023

6. NOTICES OF MOTION

6.1.1. NM1 - Mobile Tourist Kiosks - (125612)

MOTION:

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

Refer to RESOLUTION

141 RESOLUTION:

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

That Council investigate options and costs to fund, or seek funding, for the following:

1. A mobile tourism kiosk which could be utilised across the Hawkesbury Local Government Area at popular locations and events to deliver information around tourism facilities and opportunities within the Hawkesbury, and
2. A program such as 'Tourism Ambassadors' to develop a base of volunteers to assist with operating the kiosk and other tourism-related activities.

For the Motion: Councillors McMahon, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillors Calvert and Conolly.

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6. NOTICES OF MOTION

Meeting Date: 8 August 2023

6.1.2. NM2 - Habitat Pods - (125612)

MOTION:

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

Refer to RESOLUTION

142 RESOLUTION:

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

That Council:

1. Enquire as to whether there are any current plans for 'Habitat Pods' to be available to public and private landowners within the Hawkesbury LGA for the coming summer; and if not,
2. Investigate options and costs to fund; seek funding, or partner with interested emergency services organisations, universities, environmental groups or conservation agencies, for the following:
 - a) 'Habitat Pods', biodegradable emergency shelters that can be deployed after bushfires or other natural disasters to protect wildlife from predators or exposure.

For the Motion: Councillors McMahon, Djuric, Dogramaci, Kotlash, Lyons-Buckett, Reardon, Sheather, Veigel, Wheeler and Zamprogno.

Against the Motion: Nil.

Absent: Councillors Calvert and Conolly.

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7. QUESTIONS FOR NEXT MEETING

Meeting Date: 8 August 2023

7. QUESTIONS FOR NEXT MEETING

7.1.1. Responses to Councillor Questions Taken on Notice at the Council Meeting - 11 July 2023

There was no comment to the response to Questions Taken on Notice at the Council Meeting on 11 July 2023.

The meeting terminated at 8:46pm.

Submitted to and confirmed at the Ordinary meeting held on 12 September 2023.

.....

Mayor

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3. MAYORAL MINUTES

Meeting Date: 12 September 2023

3. MAYORAL MINUTES

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

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

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

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

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

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 12 September 2023

4. REPORTS FOR DETERMINATION

4.2. GENERAL MANAGER

4.2.1. GM - Election of the Mayor - (79351, 95496)

Previous Item: 148 (Ordinary, 23 August 2022)
001 (Ordinary, 11 January 2022)
002 (Ordinary, 11 January 2022)

Directorate: General Manager

PURPOSE OF THE REPORT

The purpose of this report is to outline the procedures for the election of the Mayor of Hawkesbury City Council.

EXECUTIVE SUMMARY

At its meeting on 11 January 2022, Council elected Councillor Patrick Conolly as the Mayor for the two year Mayoral Term. At its meeting on 9 August 2022, Council elected Councillor Sarah McMahon as the Mayor for the balance of the Mayoral Term, following the resignation of Councillor Conolly.

Section 290(1) of the Local Government Act 1993 has the effect that an election of a Mayor by Councillors that is not the first election following an ordinary election must take place during the month of September. The Office of Local Government has issued a Circular which advises Councils that elections of mayors for the balance of the Council Term until September 2024 must take place in September 2023.

If more than one Councillor is nominated for Mayor, Council must resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting. Ballot means a secret ballot and open voting means voting by show of hands or similar means.

This report sets out the procedures for the election of the Mayor in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021.

RECOMMENDATION

That an election for the position of Mayor of Hawkesbury City Council for the September 2023 to September 2024 Mayoral Term be carried out.

BACKGROUND

Ordinary Council elections were held on 4 December 2021, having been postponed from September 2020.

Section 230(1) of the Local Government Act 1993 (the Act) says:

“A mayor elected by the councillors holds the office of mayor for 2 years, subject to this Act.”

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4. REPORTS FOR DETERMINATION

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Section 290(1)(a) and (b) of the Act says:

“(1) The election of the mayor by the councillors is to be held—

(a) if it is the first election after an ordinary election of councillors—within 3 weeks after the ordinary election, or

(b) if it is not that first election or an election to fill a casual vacancy—during the month of September”.

In accordance with Section 290(1)(a) of the Act, at its meeting on 11 January 2022, Council elected Councillor Patrick Conolly as its Mayor for the term from January 2022 to January 2024.

Following the resignation of the Mayor, Councillor Conolly in August 2022 and in accordance with Section 230(4) of the Act, at its meeting on 23 August 2022, Council conducted an election to fill the vacancy for the balance of the Mayoral Term, being August 2022 to January 2024. Councillor Sarah McMahan was elected as the Mayor.

However, councils that elect their mayors are required under Section 290(1)(b) of the Act to hold mid-term mayoral elections in the month of September. Due to the postponement of the 2020 elections, the mid-term mayoral elections are required to be held in September 2023. The Office of Local Government has issued Circular No.23-09 which advises councils that elections of mayors for the balance of the Council Term until September 2024 must take place in September 2023.

The Mayor elected at the mid-term mayoral election will hold their office until the day of Council's next ordinary election in September 2024 when their civic office as a Councillor and Mayor will expire.

Relevant Legislation

Local Government Act 1993
Local Government (General) Regulation 2021

Procedures

Schedule 7 of the Local Government (General) Regulation 2021 (the Regulation), as specified by Section 394 of the Regulation and Section 230(1) of the Act, applies to the process of election of a Mayor by Councillors.

The following provisions of the Regulation apply to the election of a Mayor:

"Part 1 - Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

(1) A councillor may be nominated without notice for election as mayor or deputy mayor.

(2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

(3) The nomination is to be delivered or sent to the returning officer.

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4. REPORTS FOR DETERMINATION

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(4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 Election

(1) If only one councillor is nominated, that councillor is elected.

(2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.

(3) The election is to be held at the council meeting at which the council resolves on the method of voting.

(4) In this clause:

ballot has its normal meaning of secret ballot.

open voting means voting by a show of hands or similar means.

Part 2 - Ordinary ballot or open voting

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

(1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.

(2) The formality of a ballot-paper under this Part must be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.

(3) An informal ballot-paper must be rejected at the count.

6 Count - 2 candidates

(1) If there are only 2 candidates, the candidate with the higher number of votes is elected.

(2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count - 3 or more candidates

(1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.

(2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.

(3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.

(4) A further vote is to be taken of the 2 remaining candidates.

(5) Section 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.

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(6) If at any stage during a count under subsection (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 - Preferential ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

(1) The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.

(2) The formality of a ballot-paper under this Part is to be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.

(3) An informal ballot-paper must be rejected at the count.

10 Count

(1) If a candidate has an absolute majority of first preference votes, that candidate is elected.

(2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.

(3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.

*(4) In this section, **absolute majority**, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.*

11 Tied candidates

(1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

(2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 - General

12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning

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4. REPORTS FOR DETERMINATION

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officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

(a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and

(b) to be delivered or sent to the Secretary and the Chief Executive Officer of Local Government NSW"

DISCUSSION

The election of the Mayor of the Council for the September 2023 to September 2024 Mayoral Term is now required to be undertaken in accordance with the procedures outlined in this report.

Appropriate nomination forms for this purpose were previously distributed to Councillors under separate cover.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Reliable Council

4.1 Provide representative, responsive and accountable governance.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

ATTACHMENTS

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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4. REPORTS FOR DETERMINATION

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4.2.2. GM – Election of the Deputy Mayor – (79351, 95496)

Previous Item: 148 (Ordinary, 23 August 2022)
001 (Ordinary, 11 January 2022)
002 (Ordinary, 11 January 2022)

Directorate: General Manager

PURPOSE OF THE REPORT

The purpose of this report is to outline the procedures for the election of the Deputy Mayor of Hawkesbury City Council.

EXECUTIVE SUMMARY

Schedule 7 as specified by Section 394 of the Local Government (General) Regulation 2021 relates to the process of election of a mayor by councillors. These provisions also apply to the election of a deputy mayor by councillors.

The process that applies to the election of a Mayor and Deputy Mayor is set out in a separate report in the business paper.

If more than one Councillor is nominated for Deputy Mayor, Council must resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting. Ballot means a secret ballot and open voting means voting by show of hands or similar means.

The Deputy Mayor's current term in office will expire in September 2023, when the Mayoral term ends.

The election of Deputy Mayor of Hawkesbury City Council for the September 2023 to September 2024 Mayoral Term is now required.

RECOMMENDATION

That an election for the position of Deputy Mayor of Hawkesbury City Council for the September 2023 to September 2024 Mayoral Term be carried out.

BACKGROUND

Elections were held on 4 December 2021, having been postponed from September 2020.

Section 230(1) of the Local Government Act 1993 (the Act) says:

“A mayor elected by the councillors holds the office of mayor for 2 years, subject to this Act.”

Section 231 of the Act says:

“(1) The councillors may elect a person from among their number to be the deputy mayor.

(2) The person may be elected for the mayoral term or a shorter term.”

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At its meeting on 11 January 2022, Council elected a Mayor for the Mayoral Term between January 2022 and January 2024 and resolved to elect a Deputy Mayor for the duration of the Mayoral Term. Councillor Barry Calvert was elected as the Deputy Mayor.

Following the resignation of the Mayor, Councillor Patrick Conolly in August 2022 and in accordance with Section 230(4) of the Act, at its meeting on 23 August 2022, Council conducted an election to fill the vacancy for the balance of the Mayoral Term, being August 2022 to January 2024. Councillor Sarah McMahon was elected as the Mayor. No changes were made to term of the Deputy Mayor.

However, councils that elect their mayors are required under Section 290(1)(b) of the Act to hold mid-term mayoral elections in the month of September. Due to the postponement of the 2020 elections, the mid-term mayoral elections are required to be held in September 2023. The Office of Local Government has issued Circular No.23-09 which advises councils that elections of mayors for the balance of the Council Term until September 2024 must take place in September 2023. As the Mayoral term will expire in September 2023, the Deputy Mayor's term will also expire in September 2023.

Relevant Legislation

Local Government Act 1993
Local Government (General) Regulation 2021

Procedures

The procedure that applies to the election of a Mayor by Councillors that is outlined in the report 'Election of the Mayor' in this business paper also applies to the election of a Deputy Mayor by Councillors.

DISCUSSION

In accordance with Section 231(2) of the Act, a Deputy Mayor may be elected for the Mayoral Term or a shorter term. The Deputy Mayor's term will end in September 2023 at the end of the current Mayoral Term.

It is recommended that the election of the Deputy Mayor be for a period that aligns with the Mayoral Term. Therefore, the election of the Deputy Mayor for the September 2023 to September 2024 Mayoral Term is now required to be undertaken in accordance with the procedures outlined in this report.

Appropriate nomination forms for this purpose were previously distributed to Councillors under separate cover.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Reliable Council

4.1 Provide representative, responsive and accountable governance.

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FINANCIAL IMPACT

There are no financial implications applicable to this report.

ATTACHMENTS

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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4. REPORTS FOR DETERMINATION

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4.2.3. GM - Appointment of Committees, Delegates and Representatives - (79351, 95496)

Previous Item: 149 (Ordinary, 23 August 2022)
003 (Ordinary, 11 January 2022)

Directorate: General Manager

PURPOSE OF THE REPORT

The purpose of this report is to outline the procedures for Council to appoint its delegates and representatives to various Committees.

EXECUTIVE SUMMARY

Council's Committee structure contains four broad Committee types, being: Committees of Council, Statutory Committees, Committees in which Council has a Financial Interest, and Other Committees. For each of the current Committees that fall into one of the four types, the name of each Committee, together with a brief indication of their purpose and the required Councillor representation are outlined in this report.

At the first Council Meeting of the current Council Term on 11 January 2022, Council appointed delegates and representatives to various committees for the period from January 2022 to January 2024, which was the two year Mayoral Term.

For reasons outlined in separate reports in this Business Paper concerning the election of the Mayor and the election of a Deputy Mayor, the Office of Local Government has advised Councils that the Mayoral election is required to take place in September 2023, for the Mayoral Term from September 2023 to September 2024.

It is recommended that Council appoint delegates and representatives for the Mayoral Term from September 2023 to September 2024.

RECOMMENDATION

That:

1. Council nominate and appoint its delegates and representatives to the various Committees as outlined in Table 1 in this report for the period from September 2023 to September 2024.
 2. Council note that delegates have previously been appointed or elected to the Audit, Risk and Improvement Committee and the Hawkesbury River County Council until the end of the Council Term in September 2024.
 3. The current Councillor representation on CivicRisk Mutual Limited, the Hawkesbury Western Sydney University Selection Panel for the Hawkesbury Western Sydney University Scholarship, Peppercorn Services Inc and Western Sydney Regional Organisation of Councils (WSROC) continue for the period from September 2023 to September 2024.
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4. REPORTS FOR DETERMINATION

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BACKGROUND

Council's Committee structure contains Committees generally described as follows:

- a) *Committees of Council* - Committees established under the provisions of Section 377 of the Local Government Act 1993. These Committees perform functions as identified the Council Committee Constitution.
- b) *Statutory Committees* - Committees, which are required to be established by legislation, or to meet obligations set down by Government departments and/or funding agencies. These Committees have set functions and terms of reference. They differ from Section 377 Council Committees, in that they are issue-specific and may meet irregularly on a 'as needs' basis and in practical terms cannot operate under Council's Committee Constitution.
- c) *Committees in which Council has a Financial Interest* - these Committees may manage Council owned facilities or funded services auspiced by Council. They generally operate as autonomous entities (incorporated associations) in accordance with their own constitutions. These Committees have a financial relationship with Council in that Council either provides a direct (financial) or an in-kind contribution (land or facilities) to support their operations, or Council has delegated responsibility for the management of a Council funded or Council auspiced services to them.
- d) *Other Committees* - Committees, which operate as autonomous entities and generally perform non-Council related functions. Councillor representation on these Committees is on an invitation basis.

Council's usual practice for the appointment of delegates and representatives of Committees is for a report to be provided to a Council Meeting in September of each year following a new term of Council, and for Council to resolve to appoint delegates and representatives for each Mayoral Term. This report addresses the need to make appointments to Committees for the next Mayoral Term from September 2023 to September 2024, notes those Committees where appointments have already been made until the end of the Council term in September 2024, and makes recommendations about continuing representation on certain Committees. Recommendations about continuing representation on certain Committees are made having regard to the nature and structure of those Committees, some of which maintain detailed qualification and induction processes for members.

Relevant Legislation

Local Government Act 1993

Local Government (General) Regulation 2021

DISCUSSION

Each of the current Committees that fall into the Committee types, outlined in (a)(b)(c) and (d) above, together with a brief indication of their purpose are detailed in the following Table 1. In each case, for information purposes, the incumbent representatives are noted.

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Table 1: Committee and Current Councillor Representation

Committee	Function	Councillor Representation
a) Committees of Council		
Heritage Committee (See note 1 below)	To provide advice to Council.	Four Councillors (Councillors Djuric, Lyons-Buckett, Reardon and Wheeler)
Disaster and Emergency Committee	To provide advice to Council.	All Councillors.
General Manager's Performance Review Panel	To review the performance of the General Manager.	Mayor, two Councillors and one Councillor nominated by the General Manager, if they so choose. (Councillors McMahon, Calvert and Conolly, in consultation with all Councillors)
b) Statutory Committees		
Local Traffic Committee	Committee responsible for considering and recommending requests for alterations to traffic facilities and other traffic related matters.	One Councillor (Councillor Lyons-Buckett)
clubGrants Local Committee	To consider and rank applications received under the clubGrants Scheme.	Mayor (Councillor McMahon)
Greater Sydney Local Land Services Local Government Advisory Group	Committee established by NSW Government to co-ordinate catchment management.	One Councillor. (Councillor Lyons-Buckett)
Bush Fire Management Committee (See Note 2 below)	Committee established under Rural Fires Act to provide advice and knowledge on bushfire management for the fire district.	Director Infrastructure Services Parks Officer - Land Management
c) Committees in which Council has a Financial Interest		
McMahon Park Management Committee	Incorporated body with delegated responsibility for management and operation of McMahon Park.	One Councillor (Councillor Reardon) One alternate Councillor (Councillor Veigel)
Hawkesbury Sports Council	Incorporated body with delegated responsibility for management and operation of Council facilities.	One Councillor (Councillor Sheather) One alternate Councillor (Councillor Zamprogno)

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Committee	Function	Councillor Representation
Western Parkland Councils	A regional body comprising representatives of Commonwealth, State and Local Government established to implement the GSC Western District Plan and associated elements of the Western Sydney Deal.	Mayor (Councillor McMahon)
Hawkesbury Sister City Association	Incorporated Body responsible for coordinating Sister City activities.	Two Councillors (Councillors Lyons-Buckett, Sheather and Wheeler)
d) Other Committees		
Forum on Western Sydney Airport (FOWSA)	To attend meetings and raise community concerns during the planning and construction of the Western Sydney Airport and inform Council of any issues relating to the airport development.	One Councillor (Councillor Veigel)
NSW Public Libraries	Established to represent and support the interests of NSW public libraries.	One Councillor (Councillor Conolly)
Western Sydney Academy of Sport	Regional Body established to co-ordinate lobbying for sports development in Western Sydney.	One Councillor (not compulsory) (Councillor McMahon)
Greater Blue Mountains Area World Heritage Advisory Committee	To advise on matters relating to the protection, conservation, presentation and management of the Greater Blue Mountains Area including strategic policies about Australia's obligations under the World Heritage Convention.	One Councillor (Councillor Lyons-Buckett)

Notes:

1. The Heritage Committee membership includes community representatives. Councillor members of the Heritage Committee were appointed for the Mayoral Term. However, at its meeting on 14 June 2022, Council appointed community representatives until the end of the Council Term in September 2024.
2. Pursuant to Section 15(2)(a) of the Rural Fires Regulation 2022, Council may nominate a senior representative of Council and a person with responsibilities for the performance of the local authority's functions in relation to the environment or bush fire management to be members of the Committee. The General Manager has nominated the Director Infrastructure Services and Parks Officer - Land Management to be Council's representatives on the Bush Fire Management Committee.

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Committees where Councillors have been appointed or elected for the Council Term

Hawkesbury River County Council

The Hawkesbury River County Council is statutory body responsible for the management of noxious weeds in the Local Government Areas of the four constituent Councils - Blacktown City Council, Hawkesbury City Council, The Hills Shire Council and Penrith City Council. Each constituent Council has two Councillor representatives on the Board of the Hawkesbury River County Council.

Under the Local Government (General) Regulation 2021, Schedule 9 of the Regulation applies in relation to the election of the members of a county council.

Clause 1 of Part 1 of Schedule 9 states:

"1 When elections to be held

(1) The first ordinary election of members of a county council is to be held within 2 months of its establishment.

(2) Subsequent ordinary elections are to be held within 2 months after each ordinary election of councillors under Part 4 of Chapter 10 of the Act."

Council at its meeting on 11 January 2022 held an election for Council's representation on the Hawkesbury River County Council. Councillor Amanda Kotlash and Councillor Danielle Wheeler were elected as members on the Hawkesbury River County Council for the term of Council being January 2022 to September 2024.

Audit, Risk and Improvement Committee

Council's Audit, Risk and Improvement Committee provide independent assurance and assistance to Council on risk management, control, governance, internal audit and external accountability requirements.

In December 2022 the Office of Local Government released revised Draft Guidelines for the Risk Management and Internal Audit Framework for Local Councils in NSW.

The new Framework includes a number of core requirements for Councils, contained in the Draft Guidelines. One is the establishment of an Audit, Risk and Improvement Committee, with three to five voting members, comprising one independent chair, a minimum of two independent members. The Draft Guidelines include provision for one non-voting Councillor representative.

On 8 March 2022, Council resolved to establish an Audit, Risk and Improvement Committee and adopted terms of reference for the Committee. On 10 May 2022, Council appointed independent members, and Councillor Mary Lyons-Buckett as a non-voting Councillor member, until the end of the Council term in September 2024.

Recommendations for continuing Councillor representation on certain Committees

CivicRisk Mutual Limited

Council is a member of CivicRisk Mutual Ltd, an insurance mutual established via a joint partnership of councils to manage first party losses like property and motor vehicle cover, and losses in other areas such as public liability, cyber security and management liability.

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The mutual attempts to maintain stable insurance costs in an otherwise cyclical and sometimes volatile insurance market. It also supports the member councils through providing risk management training and professional development.

Further details are available on the following website: www.civicroiskmutual.com.au

Council's member representatives are the General Manager or alternate, and one Councillor. The current Councillor representative is Councillor Paul Veigel.

There are usually two CivicRisk Mutual Ltd meetings per year. It would be desirable if this appointment continued for the remaining term of the Council being September 2023 to September 2024.

Peppercorn Services Inc

Peppercorn Services Inc is an incorporated body with delegated responsibility for management and operation of Council auspiced community services (externally funded). The Councillor representative on the Board is Councillor Danielle Wheeler, who is also the Deputy Chairperson.

It would be desirable if this appointment continued for the remaining term of the Council being September 2023 to September 2024.

Western Sydney Regional Organisation of Councils (WSROC)

Western Sydney Regional Organisation of Councils is a regional organisation of Councils established to coordinate lobbying for Western Sydney. Council's representatives WSROC are appointed as "Board Members".

At its meeting on 11 January 2022, Councillor Barry Calvert and Councillor Amanda Kotlash, with Councillor Nathan Zamprogno as an alternate, were elected as Council representatives for WSROC. Councillor Calvert is the President of WSROC.

It would be desirable if these appointments continued for the remaining term of the Council being September 2023 to September 2024.

Hawkesbury Western Sydney University Scholarship Program

At its meeting on 28 September 2021, Council endorsed the renewal of the Hawkesbury Western Sydney University Scholarship Program. This included resolving to nominate a Councillor as a Council representative on the Western Sydney University Selection Panel.

The Program will operate for three calendar years, between 2022 and 2024.

At its meeting on 11 January 2022, Councillor Mary Lyons-Buckett was elected as the representative on the Scholarship Program committee.

It would be desirable if the appointment was for the remaining term of the Council being September 2023 to September 2024.

COMMUNITY ENGAGEMENT

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

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CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Reliable Council

4.1 Provide representative, responsive and accountable governance.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

ATTACHMENTS

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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4.1. PLANNING DECISIONS

4.1.1. CP – LEP002/22 – 4 Hall Street, Pitt Town – (124414, 82413)

Previous Item: 153, Ordinary (13 September 2022)

Directorate: City Planning

PLANNING PROPOSAL INFORMATION

File Number:	LEP002/22
Property Address:	4 Hall Street, Pitt Town
Applicant:	Planning Direction Pty Ltd
Owner:	Sydney Water
Date Received:	1 June 2022
Current Minimum Lot Size:	Nil
Proposed Minimum Lot Size:	4,000 m2
Current Zone:	SP2 Infrastructure
Proposed Zone:	R5 Large Lot Residential
Site Area:	3,598 m2

Key Issues:	Flood Evacuation
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PURPOSE OF THE REPORT

The purpose of this report is to present the outcome of public agency consultation, and public exhibition of the Planning Proposal for 4 Hall Street, Pitt Town. The report recommends that Council supports the Planning Proposal to be forwarded to the Department of Planning and Environment for a final determination.

EXECUTIVE SUMMARY

Council is in receipt of a Planning Proposal which aims to make the following amendments to the Hawkesbury Local Environmental Plan 2012:

- Rezone 4 Hall Street, Pitt Town from SP2 Infrastructure to R5 Large Lot Residential
- Introduce a minimum lot size control of 4,000m2
- Introduce a height of building control of 10 metres.

This Planning Proposal has been assessed against relevant requirements and with respect to responses received from the state agencies that the Planning Proposal was referred to and submissions from the community. The report recommends that Council proceed with the proposed amendments to the Hawkesbury Local Environmental Plan 2012 and be forwarded to the Department of Planning and Environment for a final determination.

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The Planning Proposal aims to make the following amendments to the Hawkesbury Local Environmental Plan 2012:

- Rezone the subject site from SP2 Infrastructure (Water Supply Infrastructure) to R5 Large Lot Residential;
- Introduce a minimum lot size of 4,000m2, and;
- Introduce a building height limit of 10m.

The proposed amendments are consistent with the planning controls of the adjacent lots, allowing for a single residential allotment with no potential for subdivision as the proposed minimum lot size of 4,000m2 is greater than the current lot size.

After receiving support from the Hawkesbury Local Planning Panel, the Planning Proposal was considered by Council, at the Ordinary Meeting on 13 September 2022, where the following was resolved:

"That:

1. *Based on assessment of the planning proposal, and the advice of the Hawkesbury Local Planning Panel, Council Supports this planning proposal with the requirement that connection to a sewer system is provided prior to granting the provisions to amend the Hawkesbury Local Environmental Plan 2012.*
2. *Council forward the Planning Proposal to the Department of Planning and Environment for a Gateway Determination."*

The timeline below outlines the process and key steps associated with the Planning Proposal.



Figure 2: Planning Proposal Timeline

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DISCUSSION

On 1 March 2023, Council received the Gateway Determination for the Planning Proposal attached as Attachment 2 to this report. The Gateway Determination included conditions and noted that the Gateway Determination did not authorise Council to be the Plan-making Authority for this Planning Proposal. As such, Council is asked to only consider whether to support the Planning Proposal which if favourable, would then be forwarded to the Department of Planning and Environment for a final determination.

The outcomes and assessment of responses and submissions received during the public exhibition and public agency consultation are provided in Part 8 of this report.

Prior to proceeding with the consultation, several amendments to the Planning Proposal were made including addressing Ministerial Directions and the assessment of flood risk and evacuation for the subject site and its relationship to the regional flood evacuation network.

Additionally, the Gateway Determination required that the Planning Proposal be amended prior to finalisation to confirm that Council is satisfied that suitable site servicing arrangements can be made. As part of satisfying this requirement, consultation with Endeavour Energy was undertaken, as outlined in Part 8 of this report. Additionally to satisfy this requirement and the previous Council resolution on this matter, the applicant is in the process of finalising a deed of allocation for the sewerage connection of the subject site. The Planning Proposal will not be forwarded to the Department of Planning and Environment for the final determination, should Council resolve to do so, until the signed deed of allocation is provided to Council.

COMMUNITY ENGAGEMENT

As detailed in the Gateway Determination and relevant statutory requirements, consultation on the Planning Proposal was undertaken with relevant government agencies and the community as outlined below:

Government Agency Consultation

In accordance with Section 3.34(2)(d) of the Environmental Planning and Assessment Act 1979 and the Gateway Determination, consultation was undertaken with Endeavour Energy, NSW Rural Fire Service and NSW SES. The outcomes of this government agency consultation are included in Attachment 3 of this report. These agencies are not concurrence authorities for the Planning Proposal, and as such their responses are for advice only in relation to their agency's specific remit and interest.

Endeavour Energy

Endeavour Energy provided a response to Council for this Planning Proposal on 14 April 2023. In the response, Endeavour Energy raised no objections to the Planning Proposal and acknowledged the capacity to service residential development of the site. Additionally, in their response, Endeavour Energy raised several matters that are not relevant to consideration of this Planning Proposal, but are relevant to a future development application, and includes considering the location of deep rooted tree planting.

NSW Rural Fire Service

NSW Rural Fire Service provided their response on 28 April 2023, raising no concerns or issues regarding bushfire threat to the subject site.

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NSW State Emergency Service

NSW State Emergency Service provided their response on 3 May 2023 which raised objection to the Planning Proposal on the basis of:

- Flood risk
- Evacuation capacity
- Setting precedent for future development.

These objections are considered below, and discussed in the Planning Proposal.

Regarding the flood risk of the subject site, the lot is entirely above the 1 -100 ARI flood level (Figure 3), the legislated Flood Planning Level, and over 2,000m² of the subject site is above the Probable Maximum Flood (PMF) level (Figure 4), demonstrating the capacity of the site to provide for development above the current Flood Planning Level (1:100). Despite this, it is still acknowledged that the subject site is part of a low-lying flood island and will require evacuation in larger flood events. The NSW SES maintains in their response that development that increases the evacuation requirements is not supported. Key to this, the NSW SES conducted an evacuation assessment of the Pitt Town area in 2007. This assessment found that an additional 1,100 lots could be added to the Pitt Town area before the Evacuation Factor of Safety reached zero. The SES suggests that this spare capacity should not be used because of its availability. A recent audit of new development since the 2007 advice conducted by Council identifies that spare capacity of 142 lots remain from the initial 1,100 capacity advised by the SES.

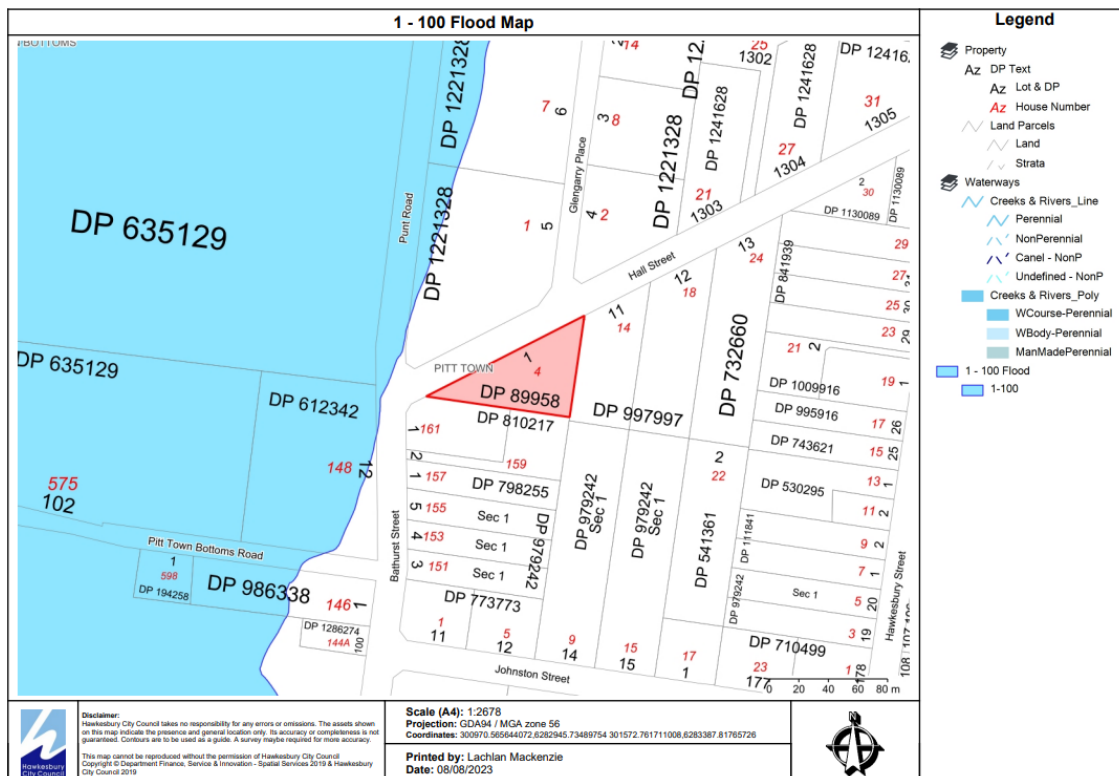


Figure 3: 1 - 100 Flood Map

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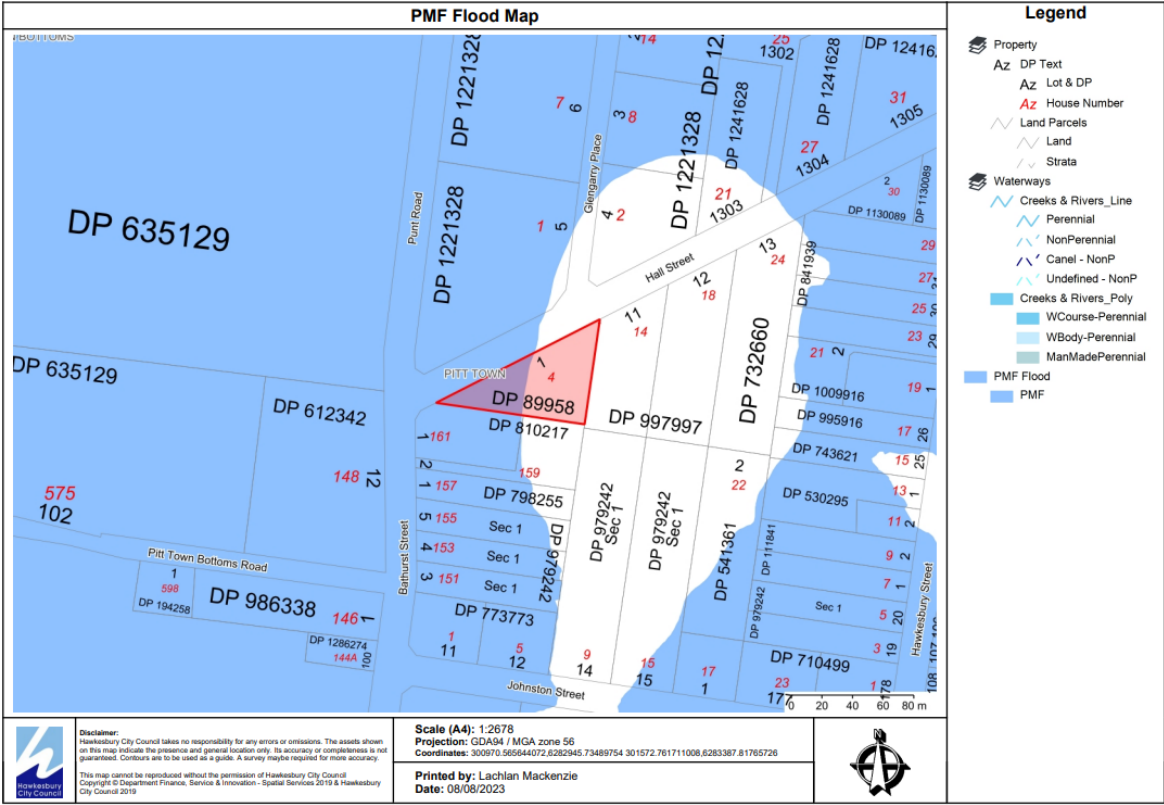


Figure 4: PMF Flood Map

Further to this, it is noted that at the time that this evacuation capacity assessment was undertaken, the subject site under the then in-force Hawkesbury Local Environmental Plan 1989 was zoned RH Rural Housing (Figure 5), despite being used for water supply purposes. This previous residential zoning meant that the subject site was an existing residential allotment at the time of the SES assessment in 2007. Accordingly, it is considered that the NSW SES evacuation assessment had accounted for the residential zoning of the subject site, and as such this proposed rezoning of the subject site has no impact to the study's calculated Evacuation Factor of Safety. It is acknowledged that under the Hawkesbury Local Environmental Plan 2012, more intensive land uses than detached dwellings including centre based childcare facilities and community facilities are permitted with consent in a R5 Large Lot Residential zoning. The suitability of these land uses in consideration of the site specific merits will be assessed should a development application be lodged for such developments.

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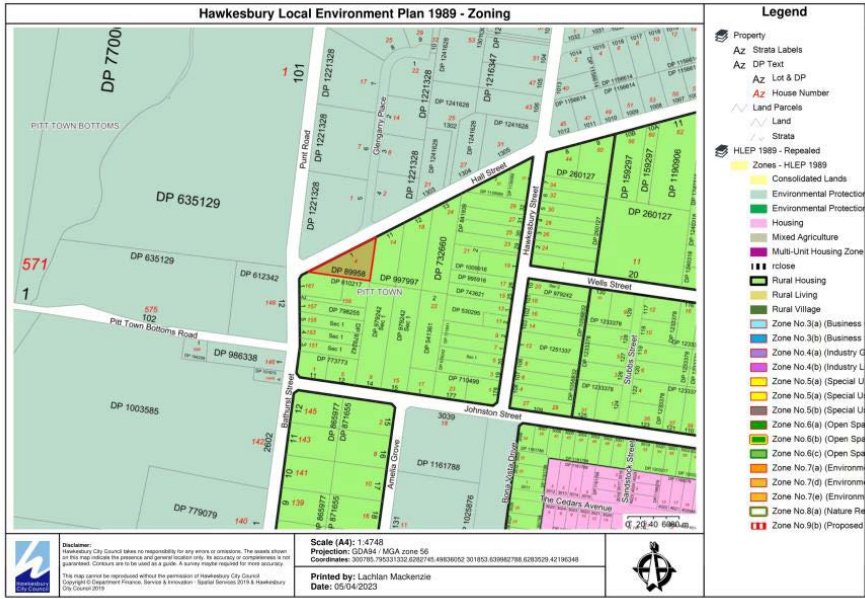


Figure 5: Hawkesbury Local Environmental Plan 1989 (Repealed) - Zoning Map

In addition to this, under the current SP2 Infrastructure zoning, the use of the subject site for the purpose of an office or depot building associated with the specified *water supply* purpose of the subject site is permissible. This permissible use can be considered to be comparable or greater than the potential land use intensity of the proposed R5 Large Lot Residential zone. Following this the comparable land use intensity of the proposed zone to the current zone results in similar potential or greater impacts on the regional flood evacuation route during a flood event.

The concern regarding setting a precedent for allowing additional development in Pitt Town is acknowledged however, it is suggested that a precedent is not set by the Planning Proposal as a precedent requires similar circumstances and factors. This subject site has unique circumstances due to the current and previous zoning, and in consideration with the proposed planning controls for the site limiting the scale of potential development.

Community Consultation

The Planning Proposal and other supporting documentation was publicly exhibited as per 3.34(2)(b) of the Environmental Planning and Assessment Act, and the Gateway Determination. Throughout the exhibition period, the Planning Proposal and other supporting documentation was made available to view on Council’s online community engagement site www.yourhawkesbury-yoursay.com.au, and between 9am to 4pm Monday to Friday at Council’s Administration Office. Public notices were placed in the ‘Hawkesbury Gazette’ local newspaper and letters were sent to the adjoining and surrounding property owners (51 in total) advising of the public exhibition of the Planning Proposal.

Through this period, Council received one written submission which is included along with the applicants response in Attachment 4.

The submitter was opposed to the Planning Proposal, with the key reasons for objection, and Officer comment in response included in the following table

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Reason for Objection	Officer Comment
Land should remain open space	The subject site whilst vacant is not zoned or used as open space. The subject site has been owned and operated by Sydney Water for the purpose of water supply infrastructure since at least 1975 (Then the Metropolitan Water, Sewerage and Drainage Board) and was only recently cleared to facilitate this Planning Proposal. Accordingly the need to consider the significance of the subject site as open space is not applicable to this matter. Additionally, as the subject site is privately owned land, it does not require reclassification to facilitate the Planning Proposal.
Need to preserve the large lot residential character of the area	The Planning Proposal is for the rezoning to R5 Large Lot Residential zoning, consistent with this character and the associated proposed minimum lot size planning controls ensures that subdivision is not possible as the current lot size of approximately 3,600 m ² is smaller than the proposed minimum lot size, thereby precluding subdivision.
Need to protect the visual curtilage of the adjacent heritage item and landscape	Addressing the visual curtilage of the adjacent heritage item is a matter for assessment following the lodgement of a Development Application. There is no proposed development with this Planning Proposal to make an assessment of. Considering the heritage impacts more broadly, the proposed R5 Large Lot Residential zone of the subject site, and the proposed minimum lot size are consistent with Section 4.11 Heritage Conservation of the Pitt Town Development Control Plan. The controls of this section also requires that a heritage conservation plan is to be submitted alongside any future Development Application. Additionally, as the subject site is located within the Pitt Town Heritage Conservation Area, any future development is to comply with section 5.10 <i>Heritage Conservation</i> of the <i>Hawkesbury Local Environmental Plan 2012</i> .

Outcomes of Assessment and Exhibition of Planning Proposal

Previous assessment of the Planning Proposal by Council and the Department of Planning and Environment identified strategic and site specific merit to the Planning Proposal to rezone the subject site to R5 Large Lot Residential. The subject site is currently vacant land capable of servicing residential use, and the proposed zoning and associated planning controls are consistent with adjacent lots. Due to the small scale of the proposed rezoning in an existing large lot residential area, the Planning Proposal is not considered to be detrimental to the character of the area.

As identified by the Department of Planning and Environment in the Gateway Determination, the NSW SES and in consideration of recent events, there are concerns regarding flood risk and evacuation. As previously discussed, these concerns are limited as the subject site was considered a residential lot at the time of the SES evacuation assessment in 2007 and has been subsequently been accounted for,

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and the potential land use intensity of the site at its current SP2 Infrastructure zone is comparable to the proposed R5 Large Lot Residential zone.

Following assessment of the public agency consultation and public exhibition, and considering previous advice from the Hawkesbury Local Planning Panel, the rezoning of 4 Hall Street, Pitt Town to R5 Large Lot Residential is still considered to have strategic and site specific merit. As such, it is recommended that Council supports this Planning Proposal, and that it be forwarded to the Department of Planning and Environment for a final determination.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The Planning Proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Reliable Council

4.7 Encourage informed planning, balanced growth and community engagement.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

Planning Decision

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

ATTACHMENTS

- AT - 1** Planning Proposal LEP002/22, 4 Hall Street, Pitt Town - *(Distributed under separate cover)*.
- AT - 2** Gateway Determination.
- AT - 3** Public Agency Responses - *(Distributed under separate cover)*.
- AT - 4** Public Exhibition Submission with Applicant's Responses.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 12 September 2023

AT - 2 Gateway Determination



Department of Planning and Environment

Gateway Determination

Planning proposal (Department Ref: PP-2022-1673): to rezone 4 Hall Street, Pitt Town from SP2 Infrastructure (Water Supply Infrastructure) to R5 Large Lot Residential and apply associated planning controls.

I, the Acting Director, Central (Western) at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Hawkesbury Local Environmental Plan 2012 to rezone 4 Hall Street, Pitt Town from SP2 Infrastructure (Water Supply Infrastructure) to R5 Large Lot Residential and apply associated planning controls should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated to:
 - (a) Ensure that the site is clearly identified on all maps and figures.
 - (b) Include a map showing the areas of affected by the 1% AEP flood event and areas of the site affected by the PMF flood event overlaid with the proposed development area.
 - (c) Address evacuation requirements and proposed evacuation routes during flood events, including council's assessment of the capacity of the regional flood evacuation network.
 - (d) Address the *Resilient Valley, Resilient Communities – Hawkesbury-Nepean Valley Flood Risk Management Strategy*.
 - (e) Address Direction 4.3 Planning for Bushfire Protection and to include a map showing the areas of the site affected by the bushfire vegetation buffer zone.
 - (f) Address Direction 5.2 Reserving Land for Public Purposes.
2. Prior to finalisation, the planning proposal is to be updated to confirm that Council is satisfied that suitable site servicing arrangements can be made.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (g) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working days; and
 - (h) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

PP-2022-1673 (IRF23/458)

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4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

- NSW Rural Fire Service
- Relevant utility providers, including Endeavour Energy
- NSW State Emergency Service (SES).

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The LEP should be completed on or before 15 December 2023. Public exhibition of the proposal is to commence by May 2023 and the proposal is to be reported to Council by October 2023.

Dated 1 March 2023.



Robert Hodgkins
Acting Director
Central (Western)
Department of Planning and Environment

Delegate of the Minister for Planning and Homes

PP-2022-1673 (IRF23/458)

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AT - 4 Public Exhibition Submission with Applicant's Responses

Submissions	Applicant's Comment
<p>The land should be retained as open space to contribute to the large lot rural residential character of the area and provide visual separation to the adjoining houses. A heritage assessment should also be undertaken to consider the visual curtilage and setting to the adjacent heritage item known as 'Cleary's House' in Hall Street. This view point is also significant as the adjacent signage promotes it as a location of historic paintings and vistas of the Hawkesbury and of Pitt Town. The significance of this space as open space must be assessed and protected, changing the zoning will also require changing the classification from operational to non-operational land and this will create the expectation that the land will be developed which is not supported.</p>	<p>The subject lot is not in public ownership or subject to operational considerations, is not heritage listed and is perfectly suitable for residential accommodation.</p> <p>The land is not currently zoned open space.</p>

oooO END OF REPORT Oooo

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4. REPORTS FOR DETERMINATION

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4.1.2. CP - LEP004/23 - 172 Commercial Road, Vineyard Amendment to Schedule 1 Additional Permitted Uses of Hawkesbury Local Environmental Plan 2012 - (95498, 124414)

Directorate: City Planning

PLANNING PROPOSAL INFORMATION

File Number:	LEP004/23
Property Address:	172 Commercial Road, Vineyard
Applicant:	Mecone Group Pty Ltd
Owner:	EG Capital Finance Pty Limited
Date Received:	28/06/2023
Current Zone:	RU4 Primary Production Small Lots
Site Area:	4.8Ha

Key Issues:	Depot, light industry and warehouse or distribution centre
	Vineyard Stage 2
	Proposed additional permitted use clause

PURPOSE OF THE REPORT

The purpose of this report is to present to Council a Planning Proposal for 172 Commercial Road, Vineyard (subject site). The Planning Proposal seeks to amend the Hawkesbury Local Environmental Plan (LEP) 2012 to enable a depot, light industry and warehouse or distribution centre as additional permitted uses with consent on the subject site. The report includes the advice regarding the Planning Proposal that has been provided by the Hawkesbury Local Planning Panel and recommends that Council submit the Planning Proposal to the Department of Planning and Environment for a Gateway Determination.

EXECUTIVE SUMMARY

Council is in receipt of a Planning Proposal from Mecone Group Pty Ltd for land legally described as Lots 2 and 3 DP 229135 at 172 Commercial Road, Vineyard (subject site). The Planning Proposal seeks to amend the Hawkesbury Local Environmental Plan (LEP) 2012 to enable a depot, light industry and warehouse or distribution centre as additional permitted uses with consent on the subject site.

The Planning Proposal seeks to achieve the above intended outcome by inserting a new local clause in Schedule 1 'Additional permitted uses' of the Hawkesbury LEP 2012 to include a depot, light industry and warehouse or distribution centre on the subject site.

At its Meeting on 17 August 2023, the Hawkesbury Local Planning Panel considered a report on the Planning Proposal, and advised that the Planning Proposal has potential strategic and site-specific merit. The Panel advised that Council request the applicant to update the Planning Proposal as per the Panel's advice prior to Council endorsing the Planning Proposal to the Gateway phase.

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An assessment of the updated Planning Proposal as outlined in this report identifies that the Planning Proposal is considered to be generally consistent with the relevant NSW State and local planning framework and the Hawkesbury Local Planning Panel's advice. Based on an assessment of the Planning Proposal for 172 Commercial Road, Vineyard, and the advice of the Hawkesbury Local Planning Panel, it is recommended that Council support the Planning Proposal and submit the Proposal to the Department of Planning and Environment for a Gateway Determination.

RECOMMENDATION

That Council:

1. Support the Planning Proposal LEP004/23 for 172 Commercial Road, Vineyard.
2. Forward the Planning Proposal LEP004/23 to the Department of Planning and Environment for a Gateway Determination.

BACKGROUND

Background

Subject Site and Surround

The subject is located within the Vineyard Precinct Stage 2 Area in the North West Growth Area, and directly opposite the Vineyard Precinct Development - Stage 1 and approximately 800m from the Riverstone West Residential Precinct which forms part of the North-West Growth Centre within the Blacktown Local Government Area as shown in Figures 1 and 2 respectively:



Figure 1: Location of Subject Site within the Vineyard Release Area - Stage 2

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Figure 2: Subject Site in Relation to Vineyard

The subject site is located within the future 'Urban Employment' area within the Vineyard Release Area Stage 2 as shown in Figure 3.

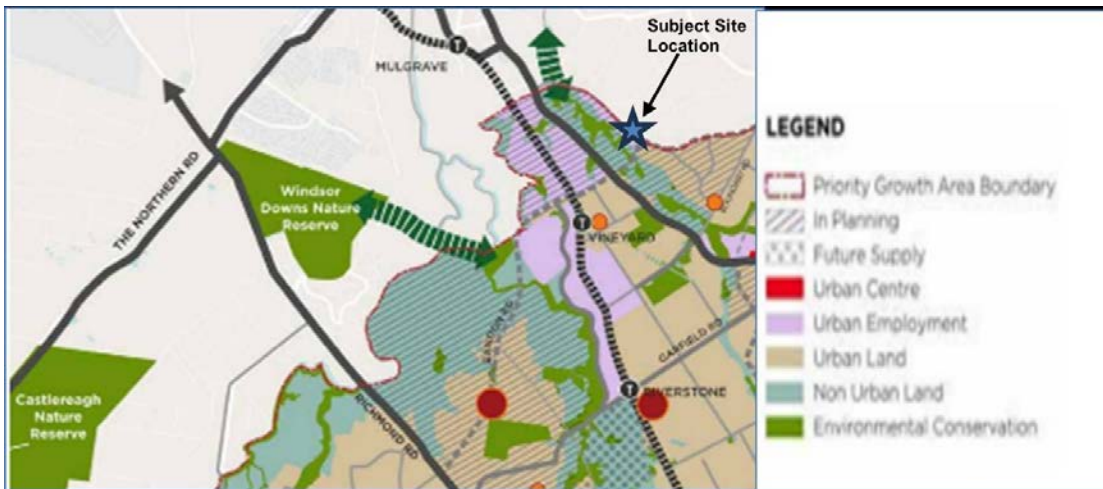


Figure 3: Subject Site Shown as Employment Land within Vineyard Release Area - Stage 2

The subject site comprising of the two properties shown in Table 1 is irregular on shape, and has a total area of 4.80Ha.

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Table 1: Subject Properties

Legal Description	Property Address	Land Area
Lot 2 DP 229135	172 Commercial Road, Vineyard	2.21 Ha
Lot 3 DP 229135	178 Commercial Road, Vineyard	2.59 Ha
	Total	4.80Ha

For Council's rating purposes, the subject site comprising of the above two properties is identified as 172 Commercial, Road Vineyard. The subject site is located at the intersection of Commercial Road and Chapman Road, north-east of Windsor Road, Vineyard. The subject is bounded by Commercial Road to the northeast, Chapman Road to the southeast and large rural residential properties to the southwest and northwest as shown in Figure 4.

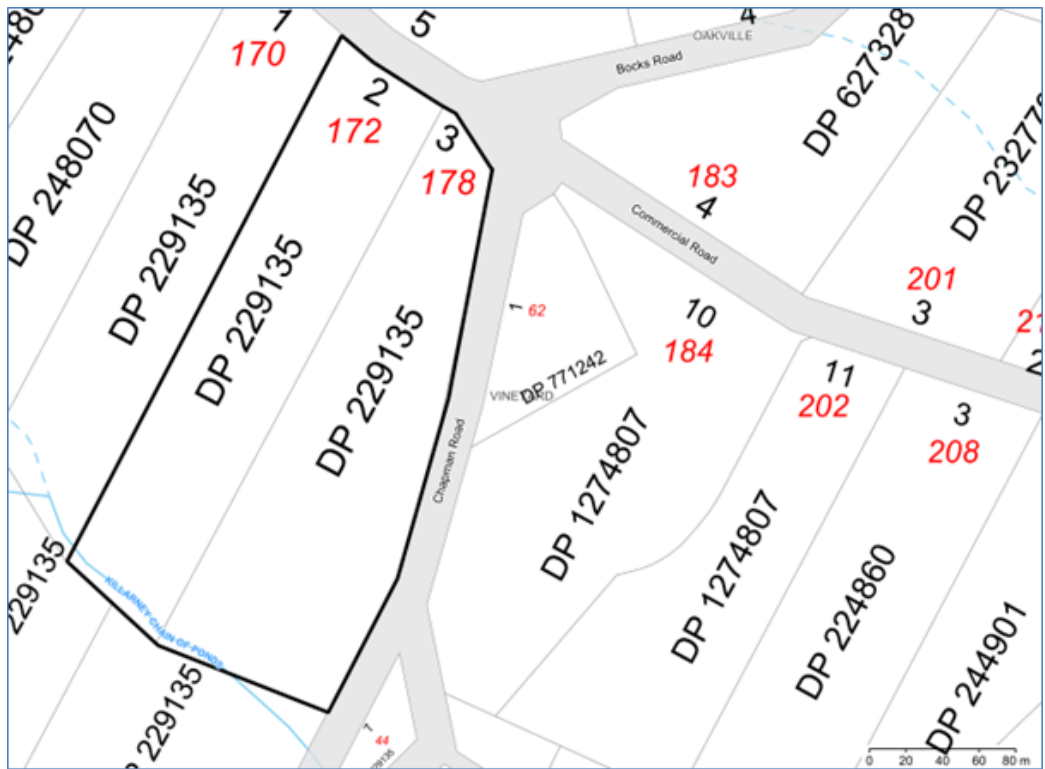


Figure 4: Subject Site

The Planning Proposal states that the subject site is currently used by various tenants, with a key tenant specialising in the supply of geotechnical equipment. The subject site contains an office and three warehouse buildings, several outbuildings and open storage areas with gravel and concrete hardstand as shown in Figure 5 below:

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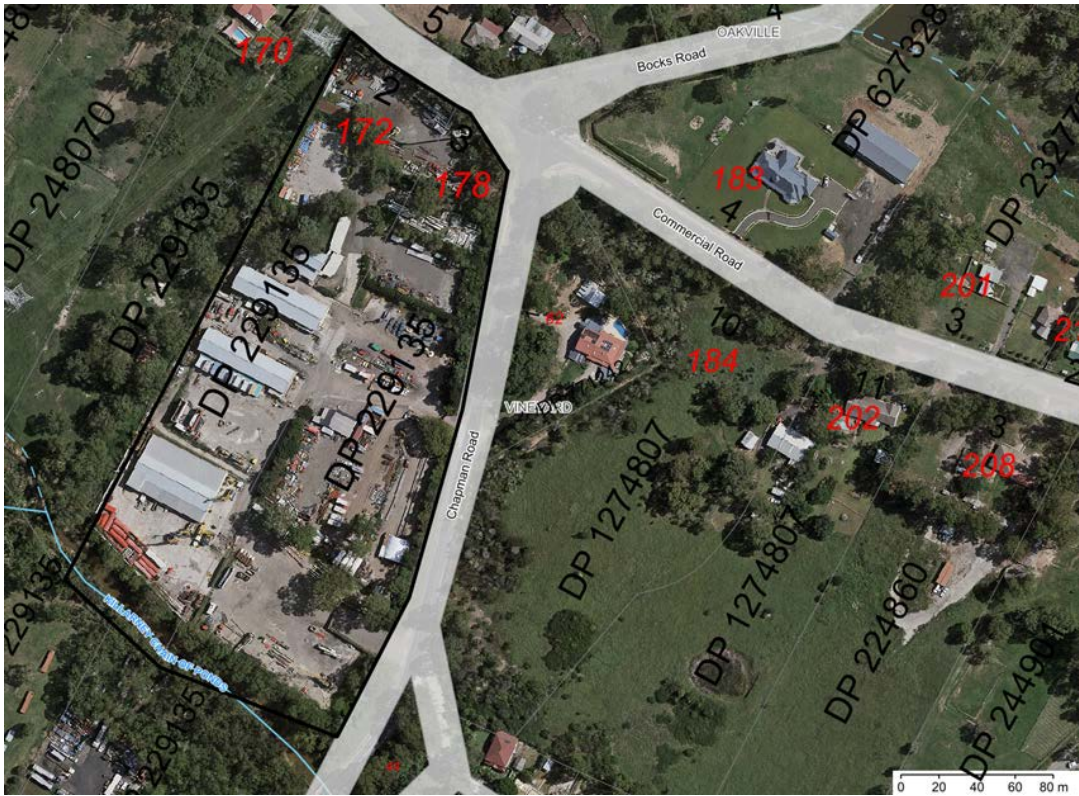


Figure 5: Aerial View of the Subject Site

Past Approvals and Existing Use Rights

The subject site has a history of development approvals over the past few years including the following key developments shown in Table 2.

Table 2: Past Development Approvals

Approved Development/Work	Development Application (DA)	Date of Approval
Establishment and operation of a sawmill	DA2/1966	10/02/1966
Continuation of the operation of a sawmill and timberyard and erection of additional buildings	DA 1/1972	11/01/1972
Resiting existing buildings and construct new building	38/1972	10/10/1972
Establishment of a timber yard building	30/1974	15/10/1974
Extensions to sawmill and timber yard	10/1975	18/03/1975
Use of the existing premises as a road transport terminal	DA38/1976	10/08/1976
Extension of the existing road transport terminal	DA0593/85	14/02/1986

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Approved Development/Work	Development Application (DA)	Date of Approval
Extension to the existing road transport terminal to allow for the erection of two grain storage buildings	DA59/1986	11/04/1986
Conversion of the lower floor existing office building to provide additional office space associated with the existing road transport terminal	DA365/89	20/12/1989
Landfill Works	MA0595/01	20/05/2002

The Planning Proposal includes the following information to establish the existing use rights on the subject site:

Council's assessment report for DA365/89 seeking approval for conversion of the lower floor existing office building to provide additional office space associated with the existing road transport terminal mentioned that the subject site is benefiting from existing use rights for the purposes of a depot storage and the like.

There has been continual use and no evidence or even suggestion of abandonment. Accordingly, the current depot/road transport terminal use on the Site would constitute an 'existing use' as the subject site was being used lawfully for this purpose before the use became prohibited. The Planning Proposal seeking to list the existing depot as an additional permitted use via an amendment to Schedule 1 Additional permitted uses of the Hawkesbury LEP 2012 is to recognise that the subject site benefits from this existing use rights.

Planning Proposal

The intended outcome of the Planning Proposal is to allow a 'depot', 'light industry' and 'warehouse or distribution centre as additional permitted uses on the middle section of the subject site which has no significant vegetation as shown in Figure 6 – Development Concept Plan.

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Figure 6: Development Concept Plan

The Planning Proposal states that the Development Concept Plan identifies and has regard to:

- The electrical easements in the northwestern corner of the subject site.
- Areas of significant vegetation along the Chapman Road and Commercial Road frontage, within a 15 m building setback.
- A 30 m wide riparian zone from the Killarney Chain of Ponds riparian corridor at the rear of the subject site.
- Access to the subject site from Chapman Road and Commercial Road, connected by an internal driveway.
- An indicative building footprint of 5,500m² to accommodate the additional permitted uses, located above the 1 in 100 flood planning level at 17.3 AHD.

The Planning Proposal also states that the Development Concept Plan demonstrates that the subject site is capable of being developed for the proposed additional permitted uses. It is indicative only and the detailed site layout, footprint/s and design of future buildings will be subject to future development applications.

The Planning Proposal seeks to achieve this intended outcome as follows:

- Insert a new local clause in Schedule 1 'Additional permitted uses' of the Hawkesbury LEP 2012 to include a 'depot', 'light industry' and 'warehouse or distribution centre as additional permitted uses on the subject site; and
- Amend Additional Permitted Use Map of the Hawkesbury Local Environmental Plan 2012 to identify the subject site to which the proposed additional permitted use clause applies as item "8".

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The subject site with an approximate frontage to Commercial Road of 133m, and approximately 313m frontage to Chapman Road, and is currently accessed via a loop access road with two separate entry and access points from Chapman Road. The Planning Proposal states that the subject site was accessed via Commercial Road in the past, however this access is now closed. A 132KV electricity transmission line traverses the north-western corner of the subject site and therefore it is affected by an electricity 30m wide transmission easement.

A telecommunications tower and associated kiosk is located at the north-eastern corner of the Site.

The Planning Proposal states that the subject site is currently used for the storage of large equipment by a number of tenants, which is confirmed by machinery and other objects stored in several sheds and open yard storage within the subject site.

The subject site is surrounded by large residential and primary production/rural agricultural land uses such as market farms, poultry industries, mushroom growing businesses, rural industries and associated commercial uses, and east of the subject site is predominantly urban residential uses within the Vineyard Residential Precinct Stage 1. Further south of the subject site, there are industrial uses fronting Windsor Road and Chapman Road.

Current Planning Controls

The subject site is currently zoned RU4 Primary Production Small Lots under the Hawkesbury Local Environmental Plan 2012. A 2Ha minimum Lot Size and 10M maximum height of building provisions are applying to the subject site.

The subject site is identified as being a flood prone land, and Killarney Chain of Ponds and associated riparian corridor traverses the southern boundary.

The subject site is identified as being Bushfire Prone land and is mapped as containing Agriculture Land Classification 3 in the maps prepared by the former NSW Department of Agriculture.

The subject site is affected by Class 5 Acid Sulfate Soils on the Acid Sulphate Soils Planning Maps contained within the Hawkesbury Local Environmental Plan 2012.

The Terrestrial Biodiversity Map of the Hawkesbury Local Environmental Plan 2012 identifies some areas/patches of land along the boundaries of the subject site as 'endangered ecological community' and a land area closer the southern boundary of the subject site as 'connectivity between remnant vegetation'.

The subject site falls within the Hawkesbury-Nepean conservation area sub-catchment of Part 6.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Justification for the Planning Proposal

The applicant has provided the following justification for the Planning Proposal:

The Planning Proposal has site-specific and strategic merit to enable the proposed amendment to the Hawkesbury Local Environmental Plan 2012 as:

- The subject site already benefits from existing use rights as a depot storage and related industrial uses are lawfully operating on the subject site since their approval by Council.
- Past planning studies designate the site and surrounding RU4 lands as future 'urban employment land'.
- There is an unknown timeframe for rezoning of Vineyard Precinct Stage 2.

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- The subject site is close to other employment activities, commercial uses and the Vineyard Residential Precinct - Stage 1.
- The proposed approach is consistent with many other Additional Permitted Uses listed in Schedule 1 of the Hawkesbury Local Environmental Plan 2012.
- The Planning Proposal will enable improved visual amenity and environmental management operations on the subject site.

A copy of the Planning Proposal is attached as Attachment 1 to this report.

Hawkesbury Local Planning Panel Advice

At its Meeting on 17 August 2023, the Hawkesbury Local Planning Panel considered the Planning Proposal and the supporting documentation received from the applicant. The Panel advised Council that the Planning Proposal has potential strategic and site-specific merit, and the applicant needs to be advised to update the Planning Proposal reflecting the Panel's advice prior to Council endorsing the Planning Proposal to the Gateway phase. The minutes of the Hawkesbury Local Planning Panel Meeting on 17 August 2023, included:

"The Panel unanimously provided the following advice:

1. *The panel notes the long history of various landuses on the site operating under existing consents, potentially with existing use rights, and the intention of the Planning Proposal to regularise the existing uses and enable external storage of machinery, equipment, and materials to occur within future warehouse structures. The Panel also notes that the Planning Proposal would enable a development application to be lodged over the site for the operations currently being undertaken, and that process would enable contemporary environmental standards to be conditioned as part of a consent process. The Panel also notes that the site is located within the Vineyard Precinct Stage 2 of the North West Growth Area, and that the site is part of an area identified for future employment uses. On that basis the Panel considers that the Planning Proposal has potential strategic and site-specific merit.*
2. *Prior to Council endorsing the Planning Proposal to the Gateway phase, the proponent should be requested to address the following items in a revised Planning Proposal:*
 - a) *The Planning Proposal has been considered in the context of additional permitted uses rather than a rezoning and currently proposes to enable 'depot, light industry and warehouse or distribution centre' on the site. This would facilitate a broad range of landuses and needs further refining to restrict the additional permitted uses to those specifically required to regularise the existing uses.*
 - b) *The Planning Proposal be amended to include a specific maximum GFA for the site so the quantum of the site's future development potential is clearly understood.*
 - c) *The Planning Proposal be updated to address the findings of the 2022 NSW Flood Inquiry which highlights the importance of taking a proactive, risk-based approach to flooding and planning decisions about land use.*
 - d) *The Planning Proposal be amended to include reference to the relevant development controls relating to the site and development, and whether Chapter 2 Part D of the Hawkesbury DCP applies to the site. If it does not, a mechanism for those provisions to apply to any future development application enabled by the Planning Proposal should be outlined.*

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- e) *The Planning Proposal be amended to ensure the protection of the landscaped setback / buffer around the perimeter of the site to protect the visual setting, amenity and transition to the adjoining low density residential areas to the east and semi-rural to the north and west of the site.*
 - f) *The Planning Proposal be updated to include commentary on the applicability of State Environmental Planning Policy (Precincts—Central River City) 2021 to the site and commentary of the consistency of the Planning Proposal with this State Environment Planning Policy.*
3. *Council give consideration as to whether they should enter into a VPA with the proponent."*

Updated Planning Proposal

An updated Planning Proposal addressing the Panel's advice was received from the applicant. The issues raised by the Panel and how these issues are addressed in the updated Planning Proposal are shown in Table 3 below:

Table 3: How Updated Planning Proposal Addresses the Panel Advice

Issue Raised by the Panel	Updated Planning Proposal
<p>The Planning Proposal seeks to enable 'depot, light industry and warehouse or distribution centre' as additional permitted uses on the subject site rather than a rezoning of the subject site. This would facilitate a broad range of land uses and therefore needs further refinement of the proposed uses to restrict uses that regularise the existing uses.</p>	<p>The updated Planning Proposal provides the following information in response this issue raised by the Panel :</p> <p><i>"The intent of the proposed 'light industry' land use is to provide flexibility in enabling a non-offensive light industrial activity, but associated with the existing depot and warehouse type uses on-site. it is believed that light industry is an appropriate associated use to the existing uses on the site and the future intended employment use of the land.</i></p> <p><i>The definition of light industry requires the carrying out of an 'industrial activity', with an important requirement that it does not interfere with the amenity of the neighbourhood. The definition of light industry is reproduced below:</i></p> <p><i>a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—</i></p> <ul style="list-style-type: none"> <i>(a) high technology industry,</i> <i>(b) home industry,</i> <i>(c) artisan food and drink industry,</i> <i>(d) creative industry.</i> <p><i>It is difficult to single-out a specific use/s for the site under the 'light industry' definition as this will depend on the nature of the industrial activity</i></p>

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Issue Raised by the Panel	Updated Planning Proposal
	<p><i>being conducted. Industrial activity is broadly defined as:</i></p> <p><i>the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.</i></p> <p><i>The associated light industrial use on the site could entail for example the assembly, dismantling, and repairing of existing machinery and/or related stored goods and products on the site or the cleaning, washing and servicing of that machinery. The industrial activity is intended to be conducted within the confines of a new building to eliminate amenity impacts.</i></p> <p>However in line with the Panel advice, the updated Planning Proposal includes the following additional subclause to clarify the intent of the proposed light industry use:</p> <p><i>"(5) Development consent for the purposes of a light industry must not be granted unless the consent authority is satisfied that the use is associated with a depot or warehouse or distribution centre".</i></p>
<p>The Planning Proposal needs to be amended to include a specific maximum gross floor area (GFA) for the site so the quantum of the site's future development potential is clearly understood.</p>	<p>The updated Planning Proposal includes the following statement in response to the Panel advice:</p> <p><i>"The Planning Proposal includes an indicative future concept plan that demonstrates how existing uses and proposed additional permitted uses could be developed on the site. The concept plan shows existing buildings and a potential future building of 5,500-6000 sqm, equating to a total GFA on the site of approximately 8,000 sqm of GFA.</i></p> <p><i>A new 5,500-6,000 sqm building is needed for warehousing including the accommodation of existing items that are currently stored outdoors across the site and for any future light industrial activity to also be internalised. The intent is to improve the visual amenity, environmental management of the site and mitigate potential impacts with sufficient internal floorspace. A</i></p>

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Issue Raised by the Panel	Updated Planning Proposal
	<p><i>smaller floorspace could potentially result in continued outdoor storage.</i></p> <p><i>A maximum GFA of 8,000 sqm would represent a floor space ratio (FSR) of 0.17:1, which is significantly less than the common 1:1 floor space ratio that is generally associated with industrial zones/ development. The maximum floorspace reflects both the existing natural constraints on the site due to flooding and electricity easements, whilst ensuring that site access and on-site parking and manoeuvring is maintained and improved. This floorspace has been assessed as acceptable as part of the traffic impact study as acceptable."</i></p>
<p>Address the findings of the 2022 NSW Flood Inquiry which highlights the importance of taking a proactive, risk-based approach to flooding and planning decisions about land use.</p>	<p>The updated Planning Proposal includes the following information regarding the findings of the 2022 NSW Flood Inquiry:</p> <p><i>"The 2022 NSW Flood Inquiry was established to examine and report on the causes of, planning and preparedness for, response to and recovery from the 2022 catastrophic flood events. The Inquiry made 28 recommendations for change. The recommendations are intended to provide practical, proactive and sustained mechanisms to ensure readiness for and resilience to flood (and by extension, other disasters).</i></p> <p><i>These mechanisms include enabling governance structures, administrative tools, new or enhanced systems, and better technology and processes to improve the ways in which decision-makers at all levels (state and local government, community and within families and households), plan and prepare for, respond to and recover from flood. There were no findings in the Inquiry that would prevent the industrial use on the site.</i></p> <p><i>For planning purposes, the 1:100 year ARI flood extent has been used as the flood planning level, particularly across the North West Growth Area precincts, including the planning of the adjoining residential zoned land to the east in the Vineyard Precinct. The site is impacted by the 1:100 year ARI flood extent at its western end. The indicative concept plan demonstrates how future buildings on the site could be developed above the 1:100 year flood extent.</i></p> <p><i>Further, the proposed industrial use does not have the same land use sensitivity as the adjoining residential use. It is a low risk land use</i></p>

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Issue Raised by the Panel	Updated Planning Proposal
	<p><i>in terms of flood affection on individuals. The flood evacuation route for individuals on the site will follow the same flood evacuation as the higher risk, more sensitive adjoining residential uses. It is noted a detailed site-specific flood management and evacuation plan would be prepared and submitted for assessment at the Development Application stage".</i></p>
<p>Outline the relevant Hawkesbury Development Control Plan 2002 provisions applying to the proposed development, and if not such provisions applies, discuss a mechanism to apply those provisions for any future development facilitated by the Planning Proposal.</p>	<p>The updated Planning Proposal states that Chapter 2 Part D of the Hawkesbury Development Control Plan states that it applies to all land zoned for industrial purposes. The site at 172 Commercial Road, Vineyard is zoned RU4 Primary Production Small Lots under Hawkesbury LEP 2012. As such, this part of the DCP does not apply to the subject site. Notwithstanding, it is not opposed to the DCP being amended to ensure that it applies to the subject site.</p> <p>Council is currently developing a new performance based development control plan to replace the Hawkesbury Development Control Plan 2002, and a new Industrial Development Chapter covering any future development for industrial purposes within the Hawkesbury Local Government Area will be developed as part of this new development control plan. However, any future development applications for the subject site are received prior to the adoption of the new Industrial DCP Chapter by Council, the proposed development will be assessed on its merit.</p>
<p>Amend the Planning Proposal to ensure the protection of the landscaped setback/buffer around the perimeter of the site to protect the visual setting, amenity and transition to the adjoining low density residential areas to the east and semi-rural to the north and west of the site.</p>	<p>The updated Planning Proposal provides the following information in response to the Panel advice:</p> <p><i>"The Planning Proposal includes an indicative future concept plan that demonstrates how existing uses and proposed additional permitted uses could be developed on the site. The concept plan shows an indicative 15 m landscaped setback from Commercial Road and Chapman Road in recognition of existing vegetation around the perimeter of the site. it is not opposed to a development control that requires a 15 m landscaped building setback to Commercial Road and Chapman Road frontages."</i></p> <p>The current Chapter 2 Industrial Development, Part D of the Hawkesbury Development Control</p>

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Issue Raised by the Panel	Updated Planning Proposal
	<p>Plan 2002 specifies that any building fronting an arterial or sub-arterial road needs to be setback 15m from the property boundary. According to future Vineyard Vineyard Stage 1 road upgrades programs, both Chapman Road and Commercial Road will be upgraded as sub-arterial roads. However, as outlined above, the current Chapter 2 - Industrial Development does not apply to the subject site, and therefore any future development applications for the subject site are received prior to the adoption of the new Industrial DCP Chapter by Council, the proposed development will be assessed on its merit.</p>
<p>Include information to demonstrate how the Planning Proposal is consistent with the State Environmental Planning Policy (Precincts— Central River City) 2021.</p>	<p>The updated Planning Proposal states that State Environmental Planning Policy (Precincts – Central River City) 2021 (SEPP) is not applicable, as it does not apply to the site.</p> <p>Clause 1.3 of Appendix 12 Hawkesbury Growth Centres Precinct Plan of the SEPP outlines the land to which the Precinct Plan applies. Clause 1.3 states:</p> <p><i>"This Precinct Plan applies to land within the Vineyard Precinct as shown on the Land Application Map. However, the Land Application Map differs from the Vineyard Precinct Boundary Map. It shows that the Hawkesbury Growth Centres Precinct Plan does not apply to all the land within the Vineyard Precinct (as shown on the Vineyard Precinct Boundary Map). This confirms that the Central River City SEPP does not apply to the site. The Planning Proposal will be updated to confirm that it does not apply".</i></p>
<p>Give consideration as to whether Council should enter into a VPA with the proponent.</p>	<p>Generally, Council enters into a voluntary planning agreement with a developer who seeks a development approval for increased housing density or additional residential lots on a land which is located outside the Pitt Town Residential Precinct and no Council's developer contribution plan applies to that land. The current Section 7.12 (previously 94A) Contributions Plan applies to all land within the Hawkesbury Local Government Area which enables Council to levy a monetary contribution for an approved development based on the estimated cost of the development. Therefore, Council will be able to levy a monetary contribution for any approval of future development which is in industrial nature on the subject site. Also the given nature and scale of the proposed development it is not considered to be necessary to enter into a voluntary planning agreement with the developer of the subject site.</p>

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As outlined in Table 3 above, the updated Planning Proposal includes appropriate and adequate information in line with the Panel advice.

DISCUSSION

Relationship to State and Local Strategic Planning Framework

The following section discusses the consistency of the Planning Proposal with the relevant State and Local planning framework, strategic merits, and site-specific merits and subject site's suitability and capability to achieve the intended outcomes of the Planning Proposal.

Greater Sydney Region Plan

On 18 March 2018, the NSW Government released A 'Metropolis of Three Cities' – the Greater Sydney Region Plan. The Greater Sydney Region Plan, along with Transport for NSW's Future Transport 2056, and Infrastructure NSW's State Infrastructure Strategy 2018-36 provide a vision for Greater Sydney as a Metropolis of Three Cities- the Western Parkland City, the Central River City and the Eastern Harbour City where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. The strategy outlines 38 objectives, 10 directions, and 42 objectives guiding the future of Sydney.

The Planning Proposal states:

"The Site is located within the Western Parkland City, which is expected to grow from 740,000 in 2016 to 1.1 million residents by 2036 and 1.5 million in 2056. The vision for the Western Parkland City is a polycentric city harnessing the potential of the Western Sydney International

Airport and Aerotropolis, Liverpool, Greater Penrith and Campbelltown-Macarthur. These centres will establish the Western Economic Corridor, complemented by city shaping transport links such as the North South Rail Link, airport, east-west mass transit corridor and a potential Outer Sydney Orbital in the long term.

Hawkesbury LGA is in the Western City District. Directions for productivity include developing a well-connected city that supports shorter, localised connections to jobs, schools and services through integrated land use, transport and infrastructure planning, and enhancing productivity through strategic planning that enables jobs and skills growth and investment for LGAs. The Region Plan contains a number of objectives that will impact employment in Hawkesbury LGA.

The key objectives are outlined below:

The Planning Proposal provides the information in Table 4 to demonstrate that it is consistent with relevant Objectives and Strategies of the Greater Sydney Region Plan, 'A Metropolis of Three Cities':

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Table 4: Consistency with Greater Sydney Region Plan

Objective and Strategy	How the Planning Proposal is consistent with
<p>Objective 16: <i>Freight and logistics network is competitive and efficient.</i></p>	<p>The Objective seeks to manage the interface of industrial areas by providing buffers to nearby activities such as residential uses and optimise the efficiency and effectiveness of the freight and logistics network.</p>
<p>Strategy 16.1: Manage the interfaces of industrial area, trade gateways and intermodal facilities.</p> <p>Strategy 16.2: Optimise the efficiency and effectiveness of the freight handling and logistics network.</p>	<p>The Planning Proposal seeks to support the Objective by providing opportunities for warehouse or distributions centres to be located on the subject site, which is in close proximity to Windsor Road that connects to the future Sydney Orbital Road network.</p> <p>Chapman Road forms the eastern boundary of the subject site. It is planned as a sub-arterial road that provides direct access to Windsor Road and provides adequate separation to future residential uses in the Vineyard Precinct - Stage 1.</p> <p>Future redevelopment of the subject site as facilitated by this Planning Proposal is capable of being adequately managed, given the nature of the uses, to ensure the residential interface is protected.</p> <p>The subject site also forms part of a future larger employment area as part of the Vineyard Precinct – Stage 2.</p>
	<p>Objective 23: <i>Industrial and urban services land is planned retained and managed.</i></p> <p>The Objective identifies principles to ‘retain and manage’ industrial and urban services lands. In particular, it states that in land release areas, there is a need for additional industrial and urban services land in response to long term projected population and development growth.</p> <p>This objective recognises the value of industrial lands, where it is not necessarily the number of jobs provided, but the operational role and function industrial lands play that is of importance. Industrial lands in the Hawkesbury can support the economy of the Local Government Area and the wider region, including a range of activities from major freight and logistics, heavy manufacturing, light industry, to urban services and creative uses.</p>

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Objective and Strategy	How the Planning Proposal is consistent with
<p>Strategy 23.1: Retain, review and plan industrial and urban services land in accordance with the principles for managing industrial and urban services land.</p>	<p>A key principle for managing industrial and urban services land is to ‘retain and manage’ industrial and urban services (including future employment lands). This directly relates to the subject site as it benefits from existing use rights as a depot and as a land release area identified for employment uses in the Vineyard Precinct – Stage 2 of the North West Growth Area. The subject site is mapped in the Region Plan as ‘retain and manage’ in its approach to managing industrial and urban services lands. Its principle is to safeguard it from competing pressures such as mixed use or residential. The Planning Proposal is consistent with this principle by expanding the range of permissible employment uses on the subject site.”</p>

The Planning Proposal is considered to be generally consistent with the Greater Sydney Region Plan.

Western City District Plan

The Western City District Plan sets out planning priorities and actions for improving the quality of life for residents of the Western City District as the District grows and changes.

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

The Planning Proposal provides the information in Table 4 to demonstrate that it is consistent with Planning Priority W10 of the Western City District Plan:

Table 5: Consistency with Western City District Plan

Planning Priority W10	How the Planning Proposal is consistent with
<p>Planning Priority W10: <i>Maximise freight and logistics Opportunities and planning and managing industrial and urban services land.</i></p> <p>The Planning Priority identifies that urban services require access to industrial land across the District.</p> <ul style="list-style-type: none"> • Demand for this land increases with population growth. • Local access to these services also reduces travel times and minimises traffic congestion. • Future employment growth across all industries and urban services will require 	<p>Similar to the Region Plan, the Planning Priority in the District Plan outlines principles to ‘retain and manage’ industrial and urban services land.</p> <p>The subject site is identified for future employment lands in the North West Growth Area structure plan. The District Plan maps the Site as ‘retain and manage’ in its approach to managing industrial and urban services lands. Its principle is it safeguard it from competing pressures such as mixed use or residential.</p> <p>Further, the District Plan states that in land release areas, there is a need for additional industrial and urban services land in response to long-term projected population and development growth.</p> <p>The Planning Proposal seeks to support this</p>

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Planning Priority W10	How the Planning Proposal is consistent with
<p>additional floor space, additional land or both.</p> <ul style="list-style-type: none">Owing to the substantial long-term population growth and development in land release areas, there may be a need for additional industrial and urban services land.	<p>priority and principle by expanding the range of permissible employment uses on the Site through an amendment to Schedule 1. This would enable the subject site to be developed in accordance with its intended future use as employment lands.</p>

The Planning Proposal is considered to be generally consistent with the Western City District Plan.

Metropolitan Rural Area

The Greater Sydney Region Plan and the Western City District Plan identify the whole Hawkesbury Local Government Area (except the Vineyard Precinct in the North West Growth Area) as a Metropolitan Rural Area. Objective 29 of The Greater Sydney Region Plan is to protect and enhance the environmental, social and economic values in rural areas.

The Planning Proposal provides the following information to demonstrate how it is consistent with the objectives of the Metropolitan Rural Area.

“Further, the District Plan includes the following planning priority and action relating to the Metropolitan Rural Area, which is relevant due to the current rural zoning on the subject site.

- Planning Priority W17 Better managing rural lands.*

Action 78 Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes.

The District Plan states that urban development in the Metropolitan Rural Area will only be considered in the urban investigation areas identified in the Region Plan. The Region Plan identifies the Site as a land release area, as part of the Vineyard Precinct in the North West Growth Area. The proposed additional permitted uses are consistent with the future intentions of the Site as an employment area and as such does not need to be maintained as valuable rural land.”

The Planning Proposal is considered to be generally consistent with the planning priorities identified in the Western City District Plan relevant to Metropolitan Rural Area.

State Environmental Planning Policies (SEPPs)

The Planning Proposal’s consistency with the relevant SEPPs is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6: Water Catchment (6.13 Hawkesbury-Nepean conservation area sub-catchments)

Chapter 6 requires Council to consider the following matters when determining a development application for a land within the Hawkesbury-Nepean conservation area sub-catchments:

- (a) Whether the development will minimise human interference with the condition of the sub-catchment,
- (b) Whether the development will maintain and enhance the structure and floristics of native vegetation in the sub-catchment,
- (c) Whether the development will maintain or enhance the scenic quality of the locality,

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(d) Whether development has previously been carried out on the development site.

It is considered that the future use of the subject site for the purposes of a depot, light industry and warehouse or distribution centre would be able to satisfy the above development provisions or be able to appropriately minimise any impacts. Should the plan be made to give effect to the Planning Proposal, the above matters can be further considered at the development application stage.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of land

Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021 requires the consent authority to consider whether land is contaminated prior to granting consent to carrying out any development on that land and, if the land is contaminated, be satisfied that the land is suitable in its current state or will be after remediation for the purpose for which the development is proposed to be carried out.

According to Council's records, the subject site has not been used for agriculture purposes or any other purpose referred to in Table 1 to the contaminated land planning guidelines. Therefore, development of the subject site is considered to be suitable for the proposed uses. The Planning Proposal is not accompanied by a Preliminary Site Investigation Report confirming that the subject site is not contaminated and is suitable for the proposed uses. Should Council resolve to proceed with the Planning Proposal, this is a matter for consideration by the Department of Planning and Environment at the Gateway Determination stage.

State Environmental Planning Policy (Resources and Energy) 2021

Chapter 3: Extractive Industries in Sydney

The subject site is not within the vicinity of land described in Schedules 1, 2 and 5 of the State Environmental Planning Policy (Resources and Energy) 2021. The Planning Proposal is therefore consistent with this SEPP. Regardless of the above comments, should the Planning Proposal proceed and receive a Gateway Determination, the NSW Department of Industry will be consulted in accordance with Direction 8.1, during the relevant government agency consultation period.

Local Planning Directions (Ministerial Directions)

Relevant to the Planning Proposal are the following ministerial directions:

Direction 1.1 Implementation of Regional Plans

As outlined in the early part of this report, the Planning Proposal is considered to be generally consistent with the relevant regional plans.

Direction 1.3 Approval and Referral Requirements

The Planning Proposal does not require concurrence, consultation or referral of development application to a minister or public authority therefore the Planning Proposal is consistent with this direction.

Direction 1.4 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls. The Planning Proposal is consistent with Direction 1.4 as the proposal seeks an amendment to Schedule 1 Additional Permitted Uses of the Hawkesbury Local Environmental Plan 2012 only and does not propose any site-specific development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

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Direction 4.1 Flooding

This Direction applies to flood prone land, which means “land susceptible to flooding by the Probable Maximum Flood (PMF) event. Clause 6.3 – Flood Planning of the Hawkesbury Local Environmental Plan 2012 and Council’s Flood Policy 2020 will apply to future development of the subject site.

This Direction requires that a Planning Proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones. Also, a Planning Proposal must include provisions that give effect to and are consistent with the NSW Flood prone Land Policy and the principles of the Floodplain Development Manual 2023, and ensure that the provisions of a Local Environmental Plan on flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject site.

The Planning Proposal is accompanied by a Flood Analysis & Report prepared by Infrastructure & Development Consulting. This report states that existing buildings are retained on the subject site and the proposed additional hardstand areas between the 1 in 20-year and 1 in 100-year flood levels and building areas above the 1 in 100-year flood level.

The report concludes that:

“The site is affected by mainstream flooding from both the upstream catchment and regional backwater flooding from the Hawkesbury-Nepean floodplain. The regional backwater flooding is more severe than the localised flooding and exhibits high depths, with little to no velocity.

The proposed site design has taken Council’s flooding requirements for other commercial and industrial land into account including:

- *Citing new buildings above the 100-year flood level.*
- *Avoiding earthworks, structures, etc. within the 100-year flood extents to eliminate affectation to any neighbouring properties.*
- *Providing a continuously rising driveway to Commercial Road and access to PMF flood free regional evacuation routes.*

The above analysis is sufficient to demonstrate that compliance is readily achievable to support the proposed LEP amendments, while future Development Applications for the built form will need to be supported with additional detail including a Site-Specific Flood Management and Evacuation Plan.”

The Planning Proposal does not seek to rezone the subject site other than seeking an amendment to Schedule 1 Additional permitted uses of the Hawkesbury Local Environmental Plan 2012 to include the proposed uses as additional permitted uses on the land.

In accordance with this Direction, the Planning Proposal will not change the existing flooding provisions of the Hawkesbury Local Environmental Plan 2012, which give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2023. In addition, no new provisions are proposed which would permit or intensify development in floodway or high hazard areas, increase flood impacts on other properties or result in increased demand for government spending on flood mitigation measures infrastructure or services.

Table 2 – Compatibility of Land Uses with Hazard Categories of the Council’s Development of Flood Liable Land Policy 2020 incorporates six hazard vulnerability categories (H1 – H6) consistent with Australian Disaster Resilience Handbook Collection, Guideline 7-3 Flood Hazards. The hazard categories used in Table 2 relate to the 1:100 ARI flood event. This Table includes different land use

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categories (eg. Critical Uses Facilities, Sensitive Uses and Facilities) and identifies the compatibility and incompatibility of land uses within those six hazard categories.

The proposed land uses a depot, light industry and warehouse or distribution centre on the subject site are compatible within the H1, H2, H3 and H4 hazard vulnerability categories. Given the proposed additional hardstand areas located between the 1 in 20-year and 1 in 100-year flood levels and building areas above the 1 in 100-year flood level, the proposed uses can be accommodated subject to relevant development controls specified in the Council's Development of Flood Policy 2020. Should the Plan be made to give effect to the Planning Proposal, any flood impacts of the proposed development can be taken into consideration at the development application stage.

Should Council resolve to proceed with the Planning Proposal, and a Gateway Determination advising to proceed is received from the Department of Planning and Environment, the Hawkesbury-Nepean Valley Flood Risk Management Directorate which includes Infrastructure NSW, Transport for NSW and the NSW State Emergency Service will be consulted on the Planning Proposal.

Direction 4.3 Planning for Bushfire Protection

The subject site is identified as being bushfire prone containing Category 1 Vegetation on the NSW Rural Fire Service's Bushfire Prone Land Map.

The Planning Proposal is accompanied by a Bushfire Assessment Report prepared by Peterson Bushfire Expert Consulting Services. The report concludes that the Planning Proposal together with the recommended bushfire protection measures satisfies the specifications and requirements of Ministerial Direction No. 4.3 and Planning for Bush Fire Protection.

Irrespective of the recommendations of the Bushfire Assessment Report, consultation will be undertaken with the NSW Rural Fire Service following receipt of a Gateway Determination and take into account any comments made on the Planning Proposal prior to commencement of community consultation in accordance with this Direction.

Direction 4.4 Remediation of Contaminated Land

The subject site is not within an investigation area within the meaning of the Contaminated Land Management Act 1997. According to Council's records, the subject site has not been used for agricultural purposes or any other purpose referred to in Table 1 to the contaminated land planning guidelines.

The Planning Proposal is not accompanied by a preliminary Site Investigation Assessment. However, should the Planning Proposal proceed, the Department of Planning and Environment will consider this as part of the Gateway Determination, and if required will request further information/consideration of this matter. The Planning Proposal is considered to be generally consistent with this Direction.

Direction 4.5 Acid Sulfate Soils

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.

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

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Direction 8.1 Mining, Petroleum production and Extractive Industries

The objective of this direction is to ensure that future extraction of State or Regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

The Planning Proposal is consistent with this direction as the subject site is not located within an Identified Resource Area, Potential Resource Area or the Transition Area which is adjacent to Identified Resource Areas as identified by mineral resource maps provided by the NSW Resource & Energy Division of NSW Trade & Investment.

Additionally, the subject site is not located within or in the vicinity of land described in Schedule 1, 2 and 5 of the State Environmental Planning Policy (Resources and Energy) 2021.

Direction 9.1 Rural Zones

The objective of this direction is to protect the agricultural production value of rural land. This Direction requires that planning proposals must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

The Planning Proposal seeks to amend Schedule 1 Additional Permitted Uses of the Hawkesbury Local Environmental Plan 2012, and does not propose to rezone the subject site to a different zone to permit the proposed development on the subject site.

As the Planning Proposal does not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and does not contain provisions that will increase the permissible density of land within a rural zone, it is considered to be consistent with this Direction.

Direction 9.2 Rural Lands

This direction applies when a relevant planning authority prepares a planning proposal that:

- (a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or
- (b) changes the existing minimum lot size on land within a rural or environment protection zone.

The Planning Proposal is only to amend Schedule 1 Additional Permitted Uses of the Hawkesbury Local Environmental Plan 2012, and does not propose to amend the minimum lot size provision applying to the subject site.

The land has not previously been used for agricultural purposes other than for warehouse or distribution purposes. However, should the Planning Proposal proceed and receive a Gateway Determination to proceed, the NSW Department of Industry – Agriculture will be consulted on the Planning Proposal.

Local Planning Framework

The following section describes the Planning Proposal's consistency with the relevant Local Planning framework:

Hawkesbury Community Strategic Plan 2022-2042

The Hawkesbury Community Strategic Plan 2022-2042 is the core document underpinning Council's future planning, and determines its strategies. The Plan reflects the Hawkesbury community's

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priorities and aspirations for the future and focuses on four key Outcome areas - Great Place to Live, Protected Environment and Valued History, Strong Economy and Reliable Council. Under each Outcome area, Long-term Objectives and Success Indicators are identified in order to meet the Community's expectations and aspirations.

The Planning Proposal provides the following information to demonstrate that it is consistent with the Plan:

"The Hawkesbury Community Strategic Plan is a high-level plan that outlines the key aspirations for the Hawkesbury Local Government Area and sets the essential direction for future Council activities and decision making."

The Plan is divided into four Community Outcomes:

- Great place to live
- Protected environment and valued history
- Strong economy
- Reliable Council.

The planning proposal is consistent with the Community Outcome of a strong economy by satisfying the following long-term objectives of the Plan:

- 3.2 Increase the range of local industry opportunities and provide effective support to continue growth
- 3.3 Promote our community as the place to visit, work and invest.

The Plan states that the success of these objectives relates to the employment opportunities in the city through increased businesses and industries. Whilst the planning proposal seeks to regularise the existing use, the additional permitted uses provides opportunities for industry to invest and enable employment opportunities locally, which is consistent with the Community Strategic Plan.

The Planning Proposal is considered to be generally consistent with the Hawkesbury Community Strategic Plan 2022-2042.

Hawkesbury Local Strategic Planning Statement 2040

Council adopted the Hawkesbury Local Strategic Planning Statement 2040 in January 2021 which identifies the Hawkesbury Community's economic, social and environmental land use needs over the next 20 years and sets out clear planning priorities about what will be needed in terms of jobs, homes, services and recreational needs. The Hawkesbury Local Strategic Planning Statement identifies short medium, and long-term actions to deliver the priorities for the Hawkesbury Community's future vision, and is a key document to guide Local Strategic Planning in the Hawkesbury Local Government Area.

The Planning Proposal includes the following statement to demonstrate that it is consistent with the Hawkesbury Local Strategic Planning Statement 2040:

"The Hawkesbury Local Strategic Planning Statement 2040 (LSPS) sets out a 20-year land use vision for the Hawkesbury Local Government Area. The LSPS aims to promote sustainable growth and development in the Hawkesbury by guiding decision-making around land use and development. The LSPS is structured around six themes: Liveability, Employment, Environment, Infrastructure, Housing, and Character. These themes are underpinned by a range of objectives and strategies aimed at achieving sustainable outcomes for the Hawkesbury community. The LSPS structure plan identifies the Site in the North West Growth Area, which will be subject to future rezonings for urban development. The relevant Planning Priorities applying to the Planning Proposal request are:

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- *Planning Priority 7 – Promote and support all sectors of industry and businesses in the Hawkesbury to meet current and future demands and trends*

The proposed additional permitted uses on the Site is consistent with the priorities of the LSPS, particularly in relation to promoting employment growth and supporting the development of diverse industries within employment lands.”

The Planning Proposal is considered to be generally consistent with the Hawkesbury Local Strategic Planning Statement 2040.

Hawkesbury Rural Lands Strategy

The Planning Proposal provides the following information to justify that it is consistent with the Hawkesbury Rural Lands Strategy:

“The Hawkesbury Rural Lands Strategy analyses the quantity and quality of rural lands and identifies the needs of the local community and their aspirations for the future of rural lands. It includes an objective relating to the future planning, development and management of rural lands.

Whilst the Site is zoned rural, the Planning Proposal request seeks to align with the current and future planning and development of the Site for employment uses as identified in the Northwest Growth Area Structure Plan. It is no inconsistent with the objectives of the Rural Lands Strategy”.

Council adopted the Hawkesbury Rural Lands Strategy in March 2021 which identified five broad land use units - Agriculture Production, Rural Landscape, Native Vegetation, Rural Residential and Towns and Villages within the Hawkesbury Local Government Area as shown in Figure 8 of the Strategy. These broad land use units have been designated using a sieve methodology which is generally a soil and land capability assessment, and findings of a recent land use survey undertaken as part of the Hawkesbury Rural Lands Strategy. The Strategy states that these land units can be translated into land use designations, and recommends two broad designations of Agriculture Production and Rural Landscape for rural land within the Hawkesbury Local Government Area.

The Strategy designates lands that are zoned RU4 Primary Production Small Lots within Vineyard, Oakville, Maraylya, Pitt Town, Cattai, and McGraths Hill as Rural Landscape. The Strategy states that RU4 Primary Production Small Lots zoning was not considered necessary because its objectives are not as robust as the RU1 Primary Production zone. However, the Strategy is a guiding document for better management and protection of Hawkesbury’s rural land, and does not rezone or transform RU4 Primary Production Small Lots zoned lands to RU2 Rural Landscape zone which is a matter for Council’s consideration during a major review of the Hawkesbury Local Environmental Plan 2012.

Given all agricultural land uses are permitted with consent within the RU4 Primary Production Small Lots zone, should Council resolve to proceed with the Planning Proposal and receive a Gateway Determination advising to proceed with the Planning Proposal from the Department of Planning and Environment, the Department of Primary Industries - Agriculture will be consulted seeking feedback on the Planning Proposal irrespective of the identification of the subject site as ‘Future Urban Employment Land’ and its location within the Future Employment Land Area within the Vineyard Precinct Stage 2 Release Area as shown in Figure 3 above.

Hawkesbury Employment Lands Strategy

The Planning Proposal includes the following information to demonstrate that it is consistent with the Hawkesbury Employment Lands Strategy:

“The Hawkesbury Employment Lands Strategy analyses the quality and quantity of employment lands within the Hawkesbury LGA and provides guidance for land use planning

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that focuses economic development in the right locations. The Strategy identifies changes in freight transportation. It states that:

'with the growth in online retailing and raised expectations for speedy delivery, 'last mile' logistics has become a priority. This places greater value on logistics, industrial services and dispatch land uses that are in the right areas on the transport network with respect to access to suppliers and customers.'

The proposed additional permitted uses on the Site specifically addresses this demand and related objectives within Council's endorsed Employment Lands Strategy by providing opportunities for a modest expansion of employment uses on the Site, but with greater environmental control and management."

The Western City District Plan identifies a base line target of 12,000 Jobs and a higher target of 16,500 jobs within the Richmond-Windsor Strategic Centre Catchment by 2036. There are no such set targets identified for other rural towns, neighbourhoods or villages within the Hawkesbury Local Government Area. The subject site is currently zoned RU4 Primary Production could not be classified as employment land. However, given the subject site is identified as 'Future Urban Employment' land and located within the Future Employment Land Area within the Vineyard Precinct Stage 2 Release Area as shown in Figure 3 and would be able to provide a few local jobs closer to homes, the Planning Proposal is considered to be generally consistent with the Hawkesbury Employment Lands Strategy.

Hawkesbury Local Environmental Plan 2012

The subject site is currently zoned as RU4 Primary Production Small Lots under the provisions of the Hawkesbury Local Environmental Plan 2012 as shown in Figure 7.

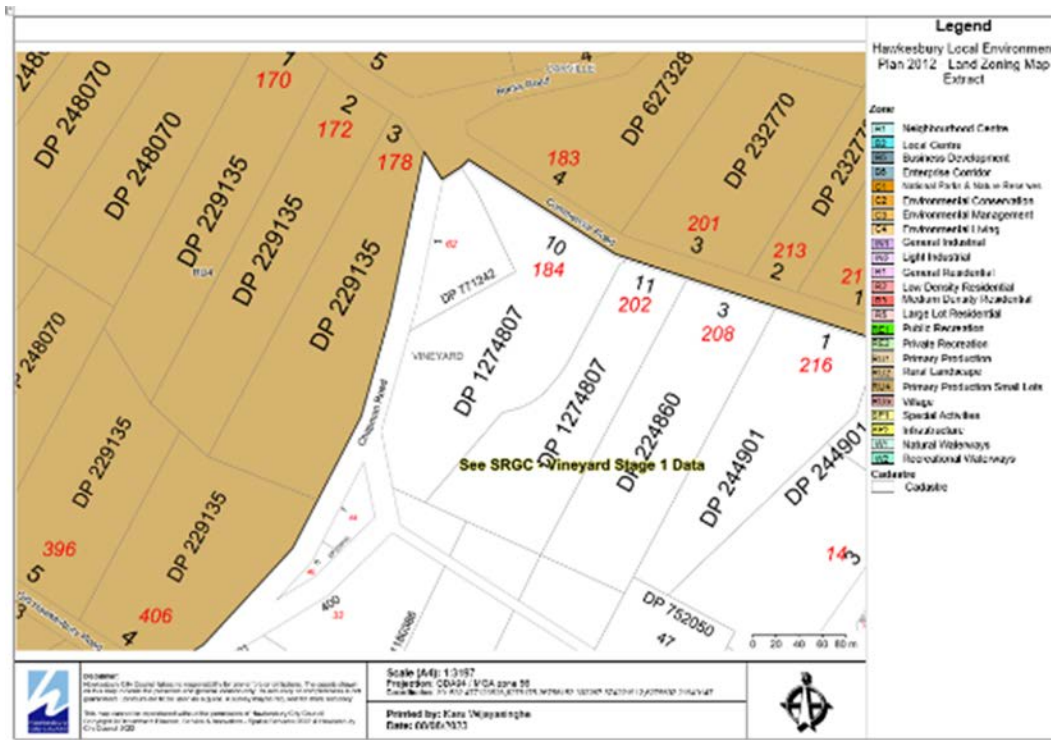


Figure 7: Extract of Land Zoning Map

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Proposed Amendments

A depot, light industry and warehouse or distribution centre are prohibited land uses within the RU4 Primary Production Small Lots.

Rezoning of the subject site to a business or an industrial zone to allow the proposed development on the subject site is not considered to be an appropriate alternative as the immediate vicinity is predominantly zoned RU4 Primary Production Small Lots and would create a zoning anomaly at the locality. Also, a business or an industrial zone allows a range of land uses that are not considered to be appropriate at this location.

There are no other appropriate alternatives available under the provisions of the Hawkesbury Local Environmental Plan 2012 to allow the proposed development on the subject site. Therefore, the proposed amendment to Schedule 1 Additional Permitted Uses of the Hawkesbury Local Environmental Plan 2012 is considered to be the most appropriate option available to allow development of the subject site for the proposed purposes.

Therefore, the Planning Proposal seeks to amend the Hawkesbury Local Environmental Plan 2012 to allow a depot, light industry and warehouse or distribution centre as additional permitted uses on the subject site as follows:

(a) Amendment to Schedule 1 Additional Permitted Uses

The Planning Proposal proposes to amend Schedule 1 Additional permitted uses as follows:

Insert the following clause after Clause 20 of Schedule 1:

"Use of certain land at 172 Commercial Road, Vineyard

- (1) This clause applies to land at 172 Commercial Road, Vineyard, being Lot 2 and 3 DP 229135 identified as "X" on the Additional Permitted Uses Map.*
- (2) Development for the purposes of a depot, light industry or warehouse or distribution centre is permitted with consent.*
- (3) Subclause (2) does not apply to a development application lodged more than 2 years after the commencement of the Hawkesbury Local Environmental Plan 2012 (Amendment No X)."*
- (4) Development consent under sub-clause (2) must not be granted if the total gross floor area of a depot, light industry or warehouse or distribution centre within the site is greater than X,XXXm².'*

A Planning Proposal seeking amendments to local environmental plans to allow certain land uses as additional permitted uses on land are not generally supported by the Department of Planning and Environment unless otherwise the Planning Proposal has clear merits, and the subject site has environmental capability to accommodate the proposed development on land. Therefore, it is suggested to include sub-clause specifying a maximum gross floor area cap for the proposed development on the subject site. This approach will enable the Department of Planning and Environment to determine the appropriateness of the extent of the development on the subject site as additional permitted uses and whether the sufficient setbacks or buffers are there to ensure that the residential interface is not adversely impacted. It will also avoid any ambiguity or speculations among the adjoining neighbours and the local community.

The Hawkesbury Local Planning Panel advice is in line with the above approach and stated that the Planning Proposal needs to be amended to include a specific maximum GFA for the site so the quantum of the subject site's future development potential is clearly understood. In response.

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The updated Planning Proposal includes the following information:

"The Planning Proposal includes an indicative future concept plan that demonstrates how existing uses and proposed additional permitted uses could be developed on the site. The concept plan shows existing buildings and a potential future building of 5,500-6000 sqm, equating to a total GFA on the site of approximately 8,000 sqm of GFA.

A new 5,500-6,000 sqm building is needed for warehousing including the accommodation of existing items that are currently stored outdoors across the site and for any future light industrial activity to also be internalised. The intent is to improve the visual amenity, environmental management of the site and mitigate potential impacts with sufficient internal floorspace. A smaller floorspace could potentially result in continued outdoor storage.

A maximum GFA of 8,000 sqm would represent a floor space ratio (FSR) of 0.17:1, which is significantly less than the common 1:1 floor space ratio that is generally associated with industrial zones/development. The maximum floorspace reflects both the existing natural constraints on the site due to flooding and electricity easements, whilst ensuring that site access and on-site parking and manoeuvring is maintained and improved. This floorspace has been assessed as acceptable as part of the traffic impact study as acceptable."

As shown in Figure 6 - Concept Development Plan, the above proposed 5,500-6,000 additional gross floor area can be accommodated within the subject site with sufficient setbacks to maintain the amenity of the locality. In order to improve the visual amenity and environmental management of the site the proposed additional area is considered to be warranted.

Further, the Panel advised that the Planning Proposal would facilitate a broad range of land uses and therefore needs further refining to restrict the additional permitted uses to those specifically required to regularise the existing uses. The Planning Proposal provides the following information in response the Panel advice:

"The intent of the proposed 'light industry' land use is to provide flexibility in enabling a non-offensive light industrial activity, but associated with the existing depot and warehouse type uses on-site. We believe light industry is an appropriate associated use to the existing uses on the site and the future intended employment use of the land.

The definition of light industry requires the carrying out of an 'industrial activity', with an important requirement that it does not interfere with the amenity of the neighbourhood. The definition of light industry is reproduced below:

a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,*
- (b) home industry,*
- (c) artisan food and drink industry,*
- (d) creative industry.*

It is difficult to single-out a specific use/s for the site under the 'light industry' definition as this will depend on the nature of the industrial activity being conducted. Industrial activity is broadly defined as:

the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food,

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products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

The associated light industrial use on the site could entail for example the assembly, dismantling, and repairing of existing machinery and/or related stored goods and products on the site or the cleaning, washing and servicing of that machinery. The industrial activity is intended to be conducted within the confines of a new building to eliminate amenity impacts.

However in line with the Panel advice, the updated Planning Proposal includes the following additional subclause to clarify the intent of the proposed light industry use:

"(5) Development consent for the purposes of a light industry must not be granted unless the consent authority is satisfied that the use is associated with a depot or warehouse or distribution centre".

The inclusion of the above information and the proposed sub-clause in the proposed additional permitted use clause is considered to be appropriate as it provides a sufficient justification and clear intent to refine the nature of the light industrial activity to being associated with depot or warehouse type uses that exist on-site.

Should the Plan be made to give effect to the Planning Proposal, the above matters can be further considered at the development application stage.

Given the above proposed additional sub-clause, it is proposed to include an amended additional permitted use clause amalgamating sub-clauses 3, 4 and 5 as follows:

Use of certain land at 172 Commercial Road, Vineyard

(1) This clause applies to land at 172 Commercial Road, Vineyard, being Lot 2 and 3 DP 229135 identified as "X" on the Additional Permitted Uses Map.

(2) Development for the purposes of a depot, light industry or warehouse or distribution centre is permitted with consent.

(3) Development consent under subclause (2) must not be granted unless:

(a) a development application is lodged within 2 years after the commencement of the Hawkesbury Local Environmental Plan 2012 (Amendment No X).

(b) the total gross floor area of a buildings used for the purposes of a depot, light industry or warehouse or distribution centre within the site is less than 8,000 sqm.

(c) the light industry use is associated with a depot or warehouse or distribution centre on the site.

(b) Proposed Amendment to Additional permitted use Map

The Planning Proposal seeks to make an amendment to the Additional Permitted Use Map of the Hawkesbury Local Environmental Plan 2012 to identify the south-eastern part of the subject site to which the proposed additional permitted use clause 21 applies as item "8" on the Additional permitted uses Map.

In addition to the above proposed amendments, the current Clause 2.5 of the Hawkesbury Local Environmental Plan 2012 will apply to the subject site:

2.5 Additional permitted uses for particular land

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(1) *Development on particular land that is described or referred to in Schedule 1 may be carried out—*

(a) with development consent, or

(b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.”

(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

Suitability of the Subject Site

The following section discusses the suitability of the subject site for the proposed development.

Topography

The subject site varies in elevation from approximately 34.5m AHD at Commercial Road to 13m AHD at the rear. The subject site is relatively flat with a gentle slope towards the Killarney Chain of Ponds at rear. This means, the topography of the subject site is not unfavourable to the proposed development.

Public Infrastructure and Services

The subject site has access to all the required infrastructure services including electricity, telephone and reticulated water other than access to a reticulated sewerage system. Should the Plan be made, the capability of any existing onsite sewerage system on the subject site to accommodate the proposed development could be considered at the development application stage.

However, if the Planning Proposal is to proceed and receive a Gateway Determination, relevant public agencies such as Sydney Water, Energy Australia, AGL and Telstra Corporation would need to be consulted about the Planning Proposal. This will be to receive advice on the adequacy and any need for augmentation of the existing infrastructure to support future development on the subject site.

Flora and Fauna

The Terrestrial Biodiversity Map of the Hawkesbury Local Environmental Plan 2012 identifies some areas of land mainly along the boundaries of the subject site as ‘endangered ecological community’ and an area of land closer to the southern boundary of the subject site as ‘connectivity between remnant vegetation’ as illustrated in Figure 8 below.

Council vegetation mapping shows the subject site as containing Shale Plains Woodland mainly along the site boundaries and free of any vegetation at the middle of the subject site as shown in Figure 8. Shale/ Plains Woodland is listed as a Critically Endangered Ecological Community (CEEC) under the NSW Threatened Species Conservation Act 1995 and under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The proposed development area is mainly located within the area free of any vegetation and the ‘connectivity between remnant vegetation’ area.

However, Figure 5 - Aerial view of the subject site above shows otherwise. According to the aerial view, existing vegetation is mainly accommodated within the riparian corridor of the Killarney Chain of Ponds along the southwestern boundary, southeastern boundary along Chapman Road and northeastern boundary along Commercial Road. In addition, some patches of vegetation is closer to the northeastern boundary and closer to the rear of the subject site.

The Planning Proposal states that:

“The Terrestrial Biodiversity Map in the Hawkesbury LEP 2012 identifies that parts of the Site are mapped as ‘Significant Vegetation’ and ‘Connectivity Between Significant Vegetation’. This

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is mainly at the western end of the Site, in the riparian corridor below the 1:100 year flood extent. Vegetation on this portion of the Site will be protected from future development as the land is not developable.”

It further states that the northeastern corner of the subject site towards Commercial Road is also mapped as containing vegetation. However, this portion of the subject site is highly disturbed as it is currently used by various tenants, with a key tenant specialising in the supply of geotechnical equipment. It contains an office and three warehouse buildings, with gravel and concrete hardstand. Given the nature of the current uses, it is unlikely that any critical habitat or threatened species, populations or ecological communities or habitat present on the subject site would be affected by future development. Nevertheless, the proposed additional permitted uses will not increase the level of impact that already occurs based on historic and current development. Further the majority of the existing vegetation on the southeastern boundary can be protected as a setback to Chapman Road.

The Planning Proposal is not accompanied by a Flora and Fauna Assessment to demonstrate that the proposed development can be accommodated on the subject site with no adverse impacts on the existing vegetation. However, should the Planning Proposal proceed, the Department of Planning and Environment will consider the necessity of a flora and fauna assessment as part of the Gateway Determination.

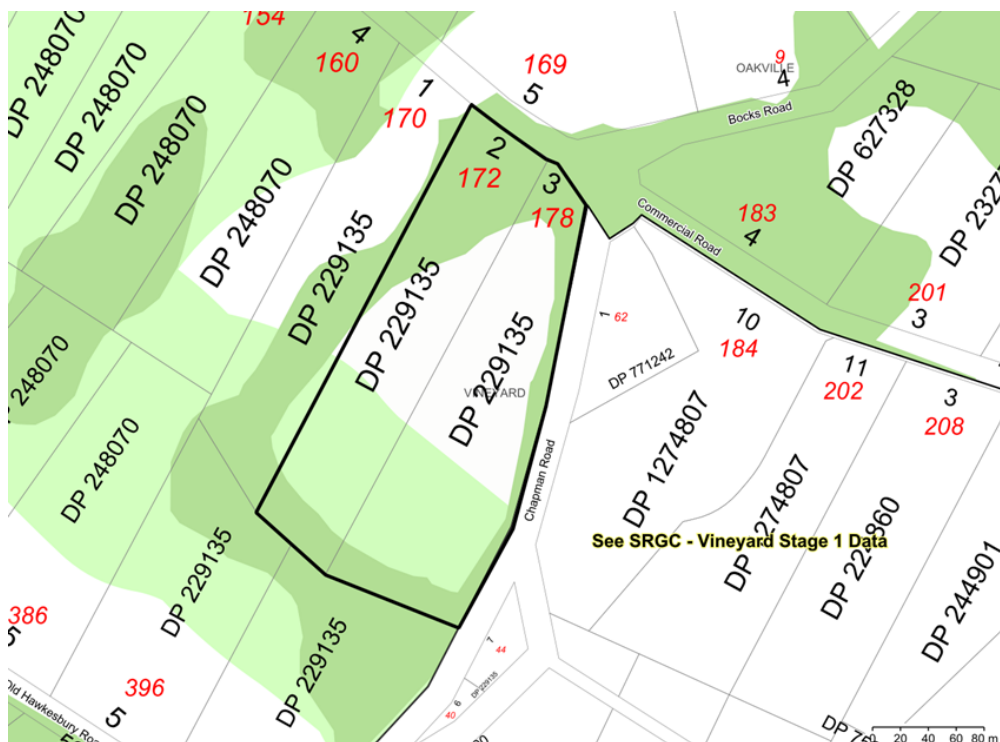


Figure 8: Extract of Terrestrial Biodiversity Map

Site Access and Traffic Generation

Whilst the subject site is a corner block with frontages to Chapman Road and Commercial Road, the current vehicular access to the subject site is from Chapman Road. The Planning Proposal states that the subject site was accessed via Commercial Road in the past, however this access is now closed.

The subject site is currently accessed via a loop access road with two access points from Chapman Road, with no direct vehicular access currently available from Commercial Road. The Planning Proposal states that heavy vehicles enter the subject site via the southern access point and exit the via the northern access point back onto Chapman Road.

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A Transport Assessment prepared by JMT Consulting in support of the Planning Proposal introduces a revised access arrangement to the subject site by re-establishing the access point from Commercial Road and connecting this through to the existing southern access point from Chapman Road through an internal loop road as shown in Figure 6 above. The existing Chapman Road northern access point would be closed off under this concept. The Traffic Assessment states that the final access arrangements, including details of new/modified driveway crossovers, will be detailed as part of a future Development Application for the subject site.

The Traffic Assessment has used the Transport for NSW Guide to Traffic Generating Developments (TDT 2013/04a) for business parks and industrial estates to forecast traffic generation and revealed that the proposed development accommodating an additional 5,000m² floor space generate 29 vehicles generated in the morning peak hour and 31 vehicles in the afternoon peak hour as summarised in Table 5 below. Further it states that this level of traffic generation is equivalent to approximately one vehicle every two minutes and would not have a significant impact on the surrounding road network.

Table 5: Forecasted traffic generation

Peak Hour	Additional Gross Floor Area	Traffic Generation Rate	Vehicles into Site	Vehicles out of Site	Total Vehicles
AM peak hour	5,500m ²	0.52 trips /100m ²	20	9	29
PM peak hour	5,500m ²	0.56 trips /100m ²	9	22	31

The Traffic Assessment states that Traffic modelling has been undertaken using the Transport for NSW approved SIDRA modelling software package to consider the impacts of a potential redevelopment of the subject site at the intersections Windsor Road/Chapman Road and Chapman Road/Commercial Road. The Assessment states that:

“The traffic modelling demonstrates that the relatively small increase in traffic flows associated with a potential redevelopment of the site will not result in adverse impacts on the surrounding road network. The two key intersections in the vicinity of the site retain their Level of Service when compared to a ‘future base’ scenario. This demonstrates that the proposal can be supported by the existing road network with no additional measures required to accommodate future traffic demands.”

Further, the Assessment states that:

“Traffic modelling undertaken in accordance with Transport for NSW guidelines demonstrates that the operation of key intersections in the vicinity of the site will not be impacted by the small number of additional vehicle movements associated with a future DA for the site. A sensitivity assessment was conducted which considered both a low and high case development scenario. This sensitivity assessment showed the level of service of key intersections remained unchanged under the scenarios modelled - confirming that any future development arising from the Planning Proposal will not unduly impact the performance of the surrounding road network. In the above context the traffic and transport impacts of the Planning Proposal are considered acceptable”.

Irrespective of the above findings, if the Planning Proposal is to proceed and receive a Gateway Determination, Transport for NSW will be consulted about the Planning Proposal to receive any feedback on the proposed development on the subject site.

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Character of the Area

The immediate locality of the subject site is predominantly characterised by rural residential development and the approximate lot size within the immediate vicinity is 2ha. As shown in Figure 9, the properties immediately north, south and west are rural residential development, and the Vineyard Precinct Stage 1 development to the east. In summary, the area immediately surrounding the subject site has two distinct visual characteristics. One area having a rural-residential character, and the other area having an urban low to medium density residential developments.



Figure 9: Subject Site and Surround

The Planning Proposal enabling a depot, light industry and warehouse or distribution centre on the subject site is generally a single-storey development and therefore is consistent with the immediate vicinity which is predominantly characterised by a low to medium rise development. The scale of development is not considered to be a key factor determining a Planning Proposal. However, a maximum gross floor for the development is included in order to ensure that the proposed development will not adversely impact the visual character of the locality.

Agricultural Land Classification

The subject site is shown as being Agriculture Land Classification 3 on maps prepared by the former NSW Department of Agriculture. This land is described by the classification system as being:

"3. Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with pasture. The overall production level is moderate because of edaphic or environmental constraints. Erosion hazard, soil structural breakdown and other factors including climate may limit the capacity for cultivation; and soil conservation or drainage works may be required."

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The Planning Proposal states that:

“Notwithstanding this classification, the Site has been highly disturbed. It is currently used by various tenants, with a key tenant specialising in the supply of geotechnical equipment. It contains an office and three warehouse buildings, with gravel and concrete hardstand. The existing use is in accordance with historical approvals on the Site for a ‘road transport terminal’ now defined as a ‘depot’ under Hawkesbury LEP 2012.

The Agricultural Land Classification does not align with the nature of the current uses on the Site. Current and historical development on the Site suggest that it has very low agricultural value. The Planning Proposal does not change the permissibility of agriculture on the Site.”

Agricultural land classification and development history showing a rural residential use and not showing as prime agricultural land as well as the subject site's proximity to the Vineyard Residential Precinct Stage 1 and the immediate surrounding is predominantly rural residential site, it is considered that it is unlikely the subject site could sustain a commercially sustainable agricultural business.

However, should Council resolve to proceed with the Planning Proposal and receive a Gateway Determination advising to proceed with the Planning Proposal from the Department of Planning and Environment, the NSW Department of Industry – Agriculture will be consulted on the Planning Proposal as part of the relevant government agency consultation.

Heritage

The subject site is not listed as a heritage item under Schedule 5 Environmental Heritage of the Hawkesbury Local Environmental Plan 2012 and not located within the vicinity of any heritage listed items where future development of part of the subject site may have an impact on the significance of these items. In addition, the subject site is not within or adjoining a heritage conservation area and not identified as an archaeological site.

Conclusion

The Hawkesbury Local Planning Panel advised Council that the Planning Proposal has potential strategic and site-specific merit. Further, an assessment of the updated Planning Proposal contained in this report reveals that the subject site has strategic and site-specific merits, and potential to accommodate the planned development with no adverse impacts on amenity of the locality and the road network.

The Planning Proposal is consistent with the State and Local Planning frameworks. It will enable an orderly development, and improved amenity of the subject site and potential increase of the percentage of people who live and work within the Hawkesbury Local Government Area.

Therefore, It is recommended that Council proceed with the Planning Proposal by submitting the proposal to the department of Planning and Environment for a Gateway Determination.

COMMUNITY ENGAGEMENT

Should Council resolve to proceed the Planning Proposal to the Department of Planning and Environment for a Gateway Determination and the proposal proceeds, consultation with the community and relevant government agencies will be undertaken in accordance with relevant Gateway Determination and statutory requirements.

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CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The Planning Proposal is consistent with the Community Outcome of a strong economy by satisfying the following long-term objectives set out within the CSP.

Strong Economy

- 3.2 Increase the range of local industry opportunities and provide effective support to continue growth
- 3.3 Promote our community as the place to visit, work and invest.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

Planning Decision

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

ATTACHMENTS

- AT - 1** Planning Proposal - 172 Commercial Road, Vineyard - *(Distributed under separate cover).*

oooO END OF REPORT Oooo

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4.2. GENERAL MANAGER

4.2.4. GM – Local Government NSW Annual Conference 2023 – (79351, 79633)

Previous Item: 4.2.1, Ordinary (8 August 2023)

Directorate: General Manager

PURPOSE OF THE REPORT

The purpose of this report is to consider any additional motions proposed to be submitted by Council to the 2023 Local Government NSW Annual Conference.

EXECUTIVE SUMMARY

The 2023 Local Government NSW Annual Conference is to be held from Sunday, 12 to Tuesday, 14 November 2023.

The Conference will consider motions proposed by councils. Local Government NSW Board Elections will also take place at the Conference.

At its meeting on 8 August 2023, Council resolved for six Councillors to attend and to nominate five Councillors as its voting delegates for motions and for voting in Local Government NSW Board elections.

Local Government NSW has called for motions to be considered at the Conference. Motions have been requested to be submitted by 15 September 2023. However the formal closing date for the submission of motions, and the nomination of Voting Delegates is 15 October 2023.

The report received by Council in relation to this matter on 8 August 2023 recommended that proposed Conference motions together with related general rationale, be submitted by Tuesday, 29 August 2023 to the General Manager to enable motions to be considered at the Ordinary Meeting on Tuesday, 12 September 2023. A proposed motion has been received from Councillor Lyons-Buckett concerning the use of grant funding. That proposed motion is included in this report.

At its meeting on 14 February 2023, Council resolved to prepare a motion for the 2023 Local Government NSW Conference raising concerns about the escalating costs of Local Government Elections.

Council may wish to submit additional motions for consideration at the Conference.

RECOMMENDATION

That Council:

1. Consider the submission of a motion to the 2023 Local Government NSW Annual Conference concerning the use of grant funding for future operating costs, maintenance and renewal of grant funded facilities.
 2. Consider the submission of additional motions to the 2023 Local Government NSW Annual Conference.
-

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BACKGROUND

Local Government NSW has called for motions to be considered at the Conference. Local Government NSW have requested that councils submit any motions by Friday, 15 September 2023.

Local Government NSW has advised that proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions.

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

1. Are consistent with the objects of Local Government NSW (see Rule 4 of the Association's rules)
2. Relate to or concern local government as a sector in NSW and/or across Australia
3. Seek to establish or change policy positions of Local Government NSW and/or improve governance of the Association (noting that the Local Government NSW Board is responsible for decisions around resourcing any campaigns or operational activities, and any necessary resource allocations will be subject to the Local Government NSW budgetary process)
4. Have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws)
5. Are clearly worded and unambiguous in nature, and
6. Do not express preference for one or several members over one or several other members.

The format of motions, as much as possible, should call on a specific body (e.g., Local Government NSW, State Government, Federal Government, a specific Department or Minister) and have a specific outcome that the motion is aiming to achieve. The wording should be unambiguous.

Attached as Attachment 1 to this report is the Local Government NSW 2023 Annual Conference Motion Submission Guide.

In 2022, Council submitted a motion concerning the inclusion of *"heatwaves as Natural Disasters and revision of the National Building Code and Basix to include heat resilience"*.

At its meeting on 14 February 2023, Council resolved to prepare a motion for the Local Government NSW Conference raising concerns about the escalating costs of Local Government Elections. An additional motion concerning the use of grant funding has been received.

DISCUSSION

At Council's meeting on 8 August 2023 it was proposed that motions conforming with the Local Government NSW criteria, together with related general rationale, be submitted by Tuesday, 29 August 2023 to the General Manager to enable motions to be considered at the Ordinary Meeting on Tuesday, 12 September 2023.

A proposed motion has been received from Councillor Lyons-Buckett concerning the use of grant funding. The proposed motion and background is as follows:

Motion:

That the NSW Local Government Association lobbies the State and Federal Governments to enact changes to relevant legislation around grant funding, to allow councils to quarantine and

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utilise a percentage of funds received, to be used for future operating costs, maintenance and renewal of facilities provided for by that grant funding.

Background:

Capital investment via grant funding (for example, WestInvest funding in the Western Sydney area) enables new and improved assets to be built. However, there is generally no provision for the costs of operating, maintaining and renewing these assets in the future. Even if an amount for contingencies is included in original costing this is allocated to the phase of construction or upgrade, not for future use.

If a council does not have sufficient funds in general revenue to fund the operating costs, or any maintenance, repairs or upgrades required, the burden will fall on ratepayers either via special rate variations, or borrowings which will have to be paid back, potentially by future generations. Principles of local government decision-making include ensuring best outcomes for the local community including future generations.

The existence of rate capping, particularly in NSW where it currently sits below inflation rates, restricts the amount of own source revenue generated by councils. In smaller councils with limited scope to grow, this can be an issue. If provision was made for a percentage of grant funding for capital expenditure to be quarantined and invested for future use, the risk of burdening ratepayers to fund operational and maintenance costs would be minimised.

It is recommended that consideration be given to submission of this Conference motion.

Councillors have the option of proposing additional motions during the Council Meeting.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Reliable Council

- 4.1 Provide representative, responsive and accountable governance.
- 4.2 Encourage an informed community.
- 4.3 Build strong financial sustainability for now and future generations.
- 4.4 Build strong relationships and shared responsibilities.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

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ATTACHMENTS

AT - 1 Local Government NSW 2023 Annual Conference Motion Submission Guide - (*Distributed under separate cover*).

oooO END OF REPORT Oooo

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4.3. CITY PLANNING

4.3.1. CP – Draft Climate Change Risk Assessment and Adaptation Action Plan – (95498, 124414)

Directorate: City Planning

PURPOSE OF THE REPORT

The purpose of this report is to present the Draft Climate Change Risk Assessment and Adaptation Action Plan (Draft Plan) to Council for endorsement to place on public exhibition. This report provides an overview of the Draft Plan, and an outline of the consultation and engagement undertaken to develop the draft Plan.

EXECUTIVE SUMMARY

Council's current Planning for Climate and Natural Hazards Risk Assessment Report (Risk Assessment Report 2012) and Planning for Climate and Natural Hazards Adaptation Action Plan (Adaptation Action Plan 2016) were prepared in 2012 and 2016 respectively. Since these documents were developed, climate change modelling has been updated, and the Hawkesbury Local Government Area (LGA) has experienced numerous extreme weather events including floods, bushfire, drought, and extreme heat.

Council engaged consultants to update Council's current Risk Assessment Report 2012 and Adaptation Action Plan 2016, and to consolidate these into an updated Draft Climate Change Risk Assessment and Adaptation Action Plan.

The Draft Plan focuses on the adaptation of Council's service delivery in response to climate risk and provides Council with a list of short, medium, and long-term measures. This Draft Plan considers risks to Council services holistically and identifies a new suite of actions that address the overall capacity of Council's systems to manage climate risks. The Draft Plan provides a foundation and reference point for Council to discuss, negotiate and continuously review its approach to responding to climate risks.

The Draft Plan will sit alongside other key Council Strategies and Plans, including but not limited to, the adopted Environmental Sustainability Strategy and the Resilient Hawkesbury Plan (in drafting) ensuring that the environmental, economic, and social implications of Council's activities is considered across the business. The Draft Plan also provides high-level outcomes that will assist Council to apply for future grant programs focussed on the impact of climate change.

If adopted, implementation of the Draft Plan supports action 10.1 of the Hawkesbury Local Strategic Planning Statement 2040; "*Continue on-going community preparedness, awareness and resilience against natural hazards of flood, bushfires, and climate change.*"

A copy of the Draft Climate Change Risk Assessment and Adaptation Action Plan, attached as Attachment 1 to this report.

RECOMMENDATION

That:

1. The Draft Climate Change Risk Assessment and Adaptation Action Plan, attached as Attachment 1 to this report, be placed on public exhibition for a period of 28 days.
2. At the expiration of the public notification exhibition process outlined in Part 1 above, the following action be taken:

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- a) Should any submissions be received regarding the Draft Climate Change Risk Assessment and Adaption Action Plan, a further report be submitted to Council, or
- b) Should no submissions be received, Council adopt the Climate Change Risk Assessment and Adaption Action Plan, as attached as Attachment 1 to this report.

BACKGROUND

Council plays a fundamental role in helping to address the economic and social impacts of climate risks. Council also plays an important role in coordinating preparedness, response, and recovery initiatives through bringing stakeholders together to facilitate disaster response planning.

At its Ordinary Meeting on 12 March 2019, it was resolved that Council:

“Recognises that we are in a state of climate emergency that requires urgent action by all levels of government, that human induced climate change represents one of the greatest threats to humanity, civilisation, and other species and that it is still possible to prevent the most catastrophic outcomes if, and only if, societies take emergency action.”

As stipulated within the former Department of Planning, Industry and Environment’s (now the Department of Planning and Environment) Guide to Climate Change Risk Assessment for NSW Local Government, Climate Change Risk Assessments should be reviewed every five years; Council had a Risk Assessment Report adopted in 2012 and an Adaptation Action Plan adopted in 2016 at the time of Council’s 2019 ‘climate state of emergency’ resolution.

To better reflect range of adaptation measures needed to respond to the impacts and increased frequency and of extreme weather events such as those experienced in the Hawkesbury from 2019 to 2022, it was critical that Council develop an updated Climate Change Risk Adaptation Plan. While the draft Plan follows on from and incorporates elements of Council’s Risk Assessment Report 2012 and Adaptation Action Plan 2016, it presents a new way of dealing with the increasing and complex impacts of climate change on Council’s service delivery. The aim of this Draft Plan is to enhance Council’s adaptive capacity, rather than respond to or “treat” risks individually. Consistent with the Climate Change Risk Ready NSW Guide, included as Attachment 2, the Draft Plan emphasises on strengthening Council’s ability to manage complex risks that interact in different ways over time and under uncertain circumstances as well as a focus aspects of climate risk that are in Council’s direct control.

The Draft Plan adopts a systems-based approach that considers how assets, activities and people interact in a coordinated and integrated manner to produce valued services for the community, and the consequences of a changing climate for these valued services.

The steps undertaken to develop the Draft Plan, following a systems-based approach, are outlined below:

- **Step 1: Hazards:**
Understanding climate hazard projections in the Hawkesbury context.
- **Step 2: Compounding Risk Scenarios:**
Based on climate projections, development of scenarios, illustrating compounding events that may plausibly occur in the region.
- **Step 3: Spatial Tool:**
Development of interactive mapping tool.

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- **Step 4: Engagement:**
Based on risk scenarios and spatial tool, engagement with internal and external stakeholders to identify vulnerabilities and exposures.
- **Step 5: Risk Analysis and Evaluation:**
Based on stakeholder input and research, qualitative evaluation of intermediate consequences to identify priority risks to Council's service delivery.
- **Step 6: Adaptation Measures:**
Defining adaptation measures for Council to address the complex and compounding climate risks in a systemic way, focusing on addressing vulnerabilities and exposures.

Figure 1 below outlines the process undertaken to develop the Draft Plan:

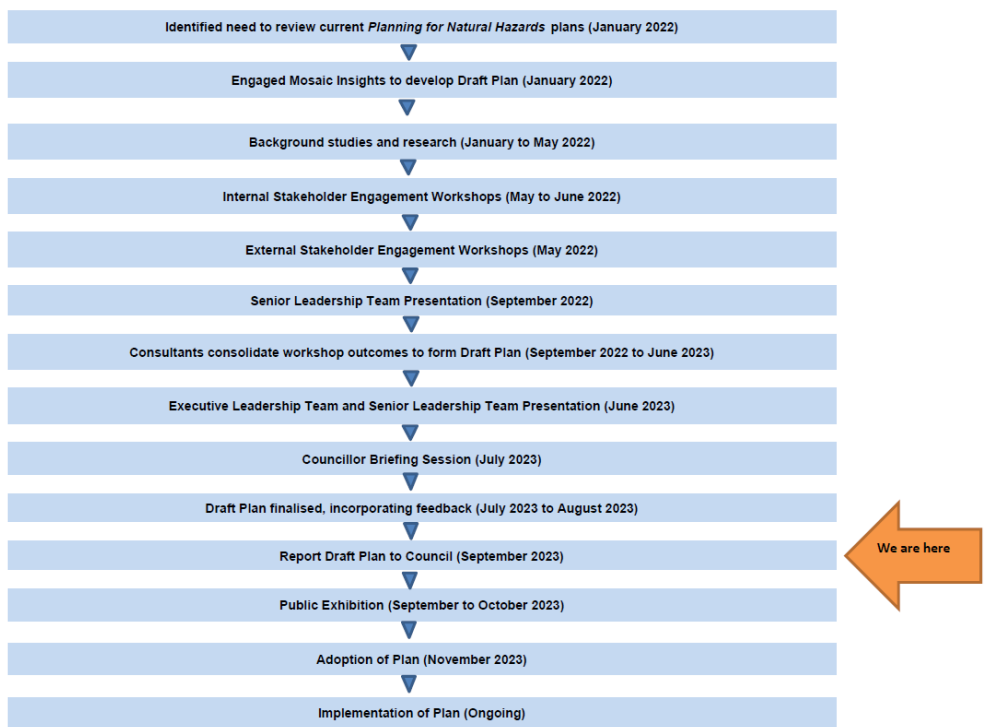


Figure 1: Process to Develop Draft Plan

Policy Context:

Climate change adaptation and mitigation requires a collaborative approach across each levels of government, and between different stakeholders and the community. Each level of government (international, national, state and local levels) have developed their own response to climate change; the related key policy and strategy documents for each level of government are shown below.

- **Global:**
 - The Paris Agreement, United Nations Framework Convention on Climate Change
 - Sixth Assessment Report, The Intergovernmental Panel on Climate Change
 - Goal 13, Sustainable Development Goals, United Nations.

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- **Federal:**
 - National Climate Resilience and Adaptation Strategy 2021-2025, Australian Government
 - Climate Change Act 2022.
- **State:**
 - NSW Climate Change Adaptation Strategy, NSW Government
 - NSW Climate Change Policy Framework, NSW Government
 - Climate Risk Ready NSW Guide, NSW Government.
- **Regional:**
 - Resilient Valley, Resilient Communities, Hawkesbury-Nepean Valley Flood Risk Management Strategy, Infrastructure NSW
 - The Greater Sydney Regional Plan, Greater Cities Commission
 - Western City District Plan, Greater Cities Commission.
- **Local:**
 - Operational Plans, Community Strategic Plan 2022-2024, Delivery Program 2022-2026
 - Planning for Climate and Natural Hazards, Risk Assessment Report 2012
 - Planning for Climate and Natural Hazards, Adaptation Action Plan 2016
 - Flood Policy 2020
 - Net Zero Emissions and Water Efficiency Strategy 2021
 - Local Emergency Management Plan 2021
 - Environmental Sustainability Strategy 2023
 - Urban Greening Strategy 2023
 - Resilient Hawkesbury Plan (in drafting)
 - Enterprise Risk Management Framework (in drafting).

The Intergovernmental Panel on Climate Change released a report '*IPCC Synthesis Report - Summary for Policymakers*' on 20 March 2023. The Synthesis Report, provided as Attachment 3 to this report, shows that effective climate action is enabled by political commitment, well-aligned multilevel governance, institutional frameworks, laws, policies and strategies and enhanced access to finance and technology, as highlighted below:

"C.6 Effective climate action is enabled by political commitment, well-aligned multilevel governance, institutional frameworks, laws, policies and strategies and enhanced access to finance and technology. Clear goals, coordination across multiple policy domains, and inclusive governance processes facilitate effective climate action. Regulatory and economic instruments can support deep emissions reductions and climate resilience if scaled up and applied widely. Climate resilient development benefits from drawing on diverse knowledge. (high confidence) {2.2, 4.4, 4.5, 4.7}"

Adoption and implementation of this Draft Plan is aligned to Global, National and State Climate Change Adaptation Strategies, a key enabler of effective climate action.

Sustainability Advantage:

Sustainability Advantage is the NSW Governments business support program partnering with committed organisations to raise ambition, accelerate action and drive operational improvements and innovation across four interrelated areas - Net Zero Emissions, Circular Economy, Nature Positive and the Sustainable Development Goals. Council has been a member of Sustainability Advantage

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since 2018 and as part of this membership, Council receives tailored support to develop and implement a range of sustainability projects.

Sustainability Advantage are currently working with staff to integrate all of Council's strategies to optimise environmental, sustainability and resilience outcomes. Should Council adopt this Draft Plan, staff will work with Sustainability Advantage to integrate actions from the Draft Plan within business systems and processes.

Location Plan

The Draft Climate Change Risk Assessment and Adaptation Action Plan relates to the whole Hawkesbury Local Government Area.

Relevant Legislation

Local Government Act 1993

The Guiding Principles for councils within the Local Government Act 1993, Chapter 3, Section 8A, states that councils are obliged to consider the long term and cumulative effects of actions on future generations:

(c) Councils should consider the long term and cumulative effects of actions on future generations.

DISCUSSION

Scope:

This Draft Plan considers risks to Council services holistically and identifies a suite of adaptation measures that address the overall capacity of the Council's systems to respond to and manage climate risks.

'Climate risk' is a result of interaction of climate hazards, vulnerability, and exposure, as shown in Figure 2 below.

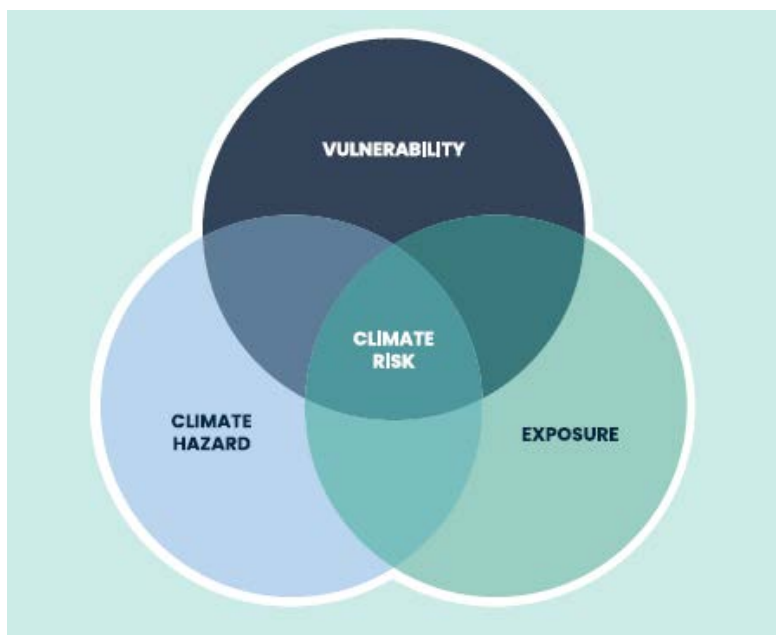


Figure 2: Climate Risks

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When climate hazard, vulnerability, and exposure overlap, this creates a 'climate risk'. Definitions of climate hazard, exposure and vulnerability are outlined below:

- **Climate hazard:** Event or natural disaster (e.g. drought, heat, storms, floods, or bushfires);
- **Exposure:** What 'gets in the way' of the hazard (e.g. assets or infrastructure), and;
- **Vulnerability:** What makes the impacts from the events worse (e.g. social impacts, system failure, service isolation).

As climate hazards are difficult to control, this Draft Plan focusses on those aspects of climate risk that are within Council's control, which is exposure and vulnerability. Focussing on what Council can control (service delivery), as opposed to what Council can influence (community), and what Council has concern for (environment), is a critical part of climate risk assessment. This approach is consistent with the Climate Risk Ready NSW Guide which understands climate risk as '*the effect of uncertainty on organisational objectives from acute and chronic climate change*'.

Engagement:

The development of the Draft Plan was informed by the knowledge and experiences of Council Officers from across the organisation, and relevant external stakeholder input.

An external stakeholder facilitated two workshops during which Council Officers from across the organisation identified Council's exposure and vulnerability to climate risks, drawing on the recent experiences of extreme weather events within the Hawkesbury Local Government Area.

Relevant external stakeholders including NSW Rural Fire Service, NSW State Emergency Service, NSW Health, Resilience NSW, Transport for NSW, Infrastructure NSW, Police and Department of Planning and Environment, along with representatives from Sydney Water, Endeavour Energy, telecommunications companies, and relevant community organisations were invited to a workshop, facilitated by an external stakeholder. Using a spatial mapping tool, workshop participants explored and assessed Hawkesbury's risks and preparedness, identifying potential gaps and opportunities for better collaboration in disaster response.

An external stakeholder presented the findings from consultations to the Senior Leadership Team and facilitated discussion on how these findings would be framed within the Draft Plan. Feedback from the Executive Leadership Team, the Senior Leadership Team, and Councillors from a Briefing Session that was held has also been incorporated into the Draft Plan.

Risk Assessment:

The risk assessment for this Draft Plan considers the high-level potential consequences of climate hazards for Council services. The abovementioned engagement with internal and external stakeholders was conducted in several sessions and risk identification was facilitated using climate hazard event scenarios and an interactive spatial mapping tool. The climate risks that were identified are based on the interplay between climate hazards and major vulnerabilities and exposures, and the impact on key service delivery functions of Council.

Adaptation Action Plan:

The development of the Draft Plan was based on the risk assessment that was conducted and the identified adaptation measures was driven reducing the causes of climate risks to Council services. This involved selecting measures that address the exposures and vulnerabilities identified as significant risk drivers for Council specifically.

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Six key adaptation measures have been identified to reduce Council's key climate risks through a reduction of exposure and vulnerability. The overarching measures are listed below:

- M1 Relocate critical Council services
- M2 Improve organisational governance, planning and processes for climate risk management
- M3 Assess and accelerate progress on implementation of selected adaptation measures identified in Hawkesbury City Council's prior plan (Climate Change Adaptation Action Plan – Planning for Climate and Natural Hazards, 2016)
- M4 Build partnerships and advocacy capacity
- M5 Strengthen 'supporter' and 'facilitator' activities
- M6 Improve green and blue infrastructure across the region.

The priority actions are outlined in the Adaptation Action Plan section of the Draft Plan (pages 57-62).

Governance and Implementation:

A whole of organisational approach with strong leadership from the executive is critical. The proposed governance structure and process for implementation can be viewed at page 64 in the Draft Plan. It is noted that the Draft Plan identifies that grant funding will need to be sought by the Project Lead for implementation of the Draft Plan actions.

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy.

Additional to the stakeholder engagement which has already been undertaken in the development of the Draft Plan, should Council resolve to publicly exhibit the Draft Plan, broader community and stakeholder engagement will be undertaken as part of the public exhibition. This engagement will be undertaken in the form of a Your-Hawkesbury-Your Say page and advertised through Council's communication channels for a period of at least 28 days.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Great Place to Live

- 1.1 Enable a shared responsibility for community resilience, community safety and disaster management.
- 1.3 Increase the range of local partnerships and plan for the future.
- 1.4 Facilitate the delivery of infrastructure through relevant agencies for Council's own works.
- 1.5 Provide the right places and spaces to serve our community.

Protected Environment and Valued History

- 2.1 Value, protect and enhance our historic built environment as well as our relationship to Aboriginal and non-Aboriginal history.
- 2.2 Value, protect and enhance our natural land-based environment with an emphasis on using local resources and key partnerships.

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- 2.5 Value, protect and enhance our waterways and wetlands with an emphasis on using local resources and key partnerships.
- 2.6 Achieve net zero emissions targets.

Reliable Council

- 4.1 Provide representative, responsive and accountable governance.
- 4.2 Encourage an informed community.
- 4.3 Build strong financial sustainability for now and future generations.
- 4.4 Build strong relationships and shared responsibilities.
- 4.5 Encourage a shared responsibility for effective compliance.
- 4.6 Support the operation of the organisation through effective staff engagement.
- 4.7 Encourage informed planning, balanced growth and community engagement.
- 4.8 Facilitate the delivery of infrastructure through relevant agencies and Council's own works.

FINANCIAL IMPACT

The development of the Draft Climate Change Risk Assessment and Adaptation Action Plan has been funded through Council's Adopted 2022/2023 and Adopted 2023/2024 Operational Plans.

Endorsement of the Draft Climate Change Risk Assessment and Adaptation Action Plan does not represent a formal commitment to funding. Works identified will be considered for inclusion in Council's Operational Plans in accordance with the Plan's priorities, the financial allocations identified in the Long-Term Financial Plan, and external funding opportunities as they arise.

ATTACHMENTS

- AT - 1** Draft Climate Change Risk Assessment and Adaptation Action Plan - *(Distributed under separate cover)*.
- AT - 2** Climate Change Risk Ready NSW Guide - *(Distributed under separate cover)*.
- AT - 3** IPCC Synthesis Report - Summary for Policymakers - *(Distributed under separate cover)*.

oooO END OF REPORT Oooo

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4.3.2. CP – Fire Safety Compliance Action – Various Properties – (95498, 96329)

Directorate: City Planning

PURPOSE OF THE REPORT

The purpose of this report is to provide Council with copies of Inspection Reports that have been issued from Fire and Rescue NSW following inspections that were undertaken at four premises in the Hawkesbury Local Government Area.

In accordance with Schedule 5, Part 8, Section 17(2) of the Environmental Planning and Assessment Act 1979 (the Act), any report or recommendation that Council receives from the Commissioner of Fire and Rescue NSW such as Inspection Reports, is to be tabled at a Council Meeting.

As Council Officers have the delegation under Schedule 5, Part 8, Section 17(4) of the Act to determine an appropriate course of action in response to the issues identified in the Inspection Reports, this report is provided to meet Council's legislated reporting responsibilities as prescribed under the Act, as well as provide Council with details of the course of action that will be undertaken.

EXECUTIVE SUMMARY

Council is in receipt of written correspondence from Fire and Rescue NSW (FRNSW) that provides Council with copies of Inspection Reports that have arisen from inspections that were carried out by FRNSW in relation to the following four properties:

1. Lot A DP 42131, Lots 1 and 2 DP 1084189, No.54 George Street, Windsor - 'Windsor Motel'
2. Lot 201 DP 801553, No.36 Argyle Street, Windsor - 'Windsor RSL Club'
3. Lot 20 DP 1092348, No.413 George Street, Windsor - boarding house known as 'The Windsor';
4. Lot 1 DP 227268, Lot 8 DP 666448, No.47 George Street, Windsor - 'The Windsor Terrace Motel.'

Each inspection report received from FRNSW identified fire safety issues and includes a request that Council Officers investigate these premises and take action as appropriate.

Clause 17 of Schedule 5 of the Environmental Planning and Assessment Act 1979 notes (in part) as follows:

"(2) A council must—

(a) table any report and recommendations it receives under this clause at the next meeting of the council, and

(b) at any meeting of the council held within 28 days after receiving the report and recommendations or at the next meeting of the council held after the tabling of the report and recommendations, whichever is the later, determine whether it will exercise its powers to give a fire safety order."

As Council's Development Assessment staff have the delegation to inspect the premises and take an appropriate course of action to resolve all of the fire safety concerns that are identified, which may include to determine to exercise their powers to give a fire safety order, this report is provided to meet Council's legislated reporting responsibilities as prescribed under the Act.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

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RECOMMENDATION

That Council receive and note the Inspection Reports from the Commissioner of Fire and Rescue NSW provided as Attachment 1 to this report.

BACKGROUND

Fire and Rescue NSW (FRNSW) maintain functions which enable investigations in respect to fire safety complaints to a building or structure. FRNSW may refer the matter to a Council if it is deemed the appropriate course of action and is empowered to do so in accordance with Section 9.32 of the Environmental Planning and Assessment Act 1979.

Section 9.32 of the *Environmental Planning and Assessment Act 1979* (the Act) prescribes the applicable provisions in part as follows:

"9.32 Fire brigades inspection powers

(1) An authorised fire officer may exercise the powers of an investigation officer under this Division for the purpose of inspecting a building to determine whether or not—

(a) adequate provision for fire safety has been made in or in connection with the building, or

(b) the fire safety provisions prescribed for the purposes of this section by the regulations have been complied with."

.....

(4) The Commissioner of Fire and Rescue NSW must send a report of any inspection carried out under this section to the council concerned."

Clause 17 of Schedule 5 of the Act is noted in part as follows:

"(2) A council must—

(a) table any report and recommendations it receives under this clause at the next meeting of the council, and

(b) at any meeting of the council held within 28 days after receiving the report and recommendations or at the next meeting of the council held after the tabling of the report and recommendations, whichever is the later, determine whether it will exercise its powers to give a fire safety order."

FRNSW have carried out an inspection of four separate properties and have subsequently provided a copy of the Inspection Reports to Council for action. The Commissioner of FRNSW has recommended that Council Officers now inspect the premises and address the matters identified in the Inspection Reports as well address any other deficiencies that are identified by Council Officers during the course of investigations.

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DISCUSSION

A detailed discussion on each fire safety matter that had been initially investigated by FRNSW are provided as follows:

1. Lot A DP 42131, Lots 1 and 2 DP 1084189, No.54 George Street, Windsor – ‘Windsor Motel’

Background

On 23 May 2023, Fire and Rescue NSW (FRNSW) conducted an inspection of the premises. This was in response to concerns submitted by a member of the public.

During the inspection, FRNSW observed several other matters that required further investigation and clarification. The Inspection Report issued by FRNSW is provided as Attachment 1 to this report.

Action Taken

Council sent a written correspondence to the property owner on 4 August 2023 together with a copy of the Inspection Report from FRNSW. The written correspondence warns the property owner of Council's intention to investigate the concerns raised by FRNSW and serve a Notice of Intention to give a Fire Safety Order.

Correspondence was also sent from Council Officers on 4 August 2023 requesting the submission of an Annual Fire Safety Statement as required by the NSW Government.

Action Proposed

It is intended to issue a Notice of Intention to Serve a Fire Safety Order under Schedule 5 of the Environmental Planning and Assessment Act 1979.

Due to the age and use of the building, it is highly likely that Council Officers will require the owners to engage a Fire Safety Consultant to develop a course of action for the development addressing the concerns raised by FRNSW.

Council Officers will consider the recommendations of the Fire Safety Consultant and determine a timeframe and schedule of works for inclusion in the issue of a Fire Safety Order.

2. Lot 201 DP 801553, No.36 Argyle Street, Windsor – ‘Windsor RSL Club’

Background

On 2 May 2023 and 23 May 2023, Fire and Rescue NSW conducted an inspection of the premises in response to correspondence received from the business operator.

During the inspection, FRNSW observed several other matters that required further investigation and clarification. The Inspection Report issued by FRNSW is provided as Attachment 1 to this report.

Action Taken

Fire and Rescue NSW have resolved some of the issues first observed, however some remain outstanding and has been referred to Council as the Local Authority having jurisdiction in the matter.

Council Officers have conducted an initial review of the most recent building approvals relating to the building found that additions were approved recently by a Private Certifier and an Occupation Certificate had been issued.

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4. REPORTS FOR DETERMINATION

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Council Officers sent correspondence to the property owner on 4 August 2023 together with a copy of the Inspection Report from FRNSW. The written correspondence advised the property owner of Council's intention to investigate the concerns raised by FRNSW and requested a response from Windsor RSL by 25 August 2023 indicating their intentions to address the matters raised. A response has not been forthcoming at the time of writing of this report.

It has been noted that the Annual Fire Safety Statement for the premises has not been received from the property owner. A reminder written correspondence was sent separately on 4 August 2023 to the property owner requiring the submission of the required Annual Fire Safety Statement within 28 days of the issue of the written correspondence. This is a separate but related matter wherein the owner of a building (other than a normal domestic dwelling and associated ancillary development) must have the installed fire safety measures (such as fire extinguishers, emergency lighting, fire hose reels, on-site fire hydrants and the like) checked and certified by a competent professional and provide a statement to this effect both to Council and FRNSW each year.

Action Proposed

Council Officers intend to engage with the property owner and conduct an inspection of the entire premises. It will likely be recommended that they seek the assistance of a Fire Safety Consultant and provide a proposed course of action to address the concerns raised by FRNSW and any subsequent issue discovered during the inspection of the premises with Council Officers.

Council Officers will consider any recommendations from a Fire Safety Consultant and determine (in consultation with the owners) a schedule of works for inclusion in any Fire Safety Order and a suitable timeframe for the completion of works.

If required, a Notice of Intention to Serve a Fire Safety Order under Schedule 5 of the Environmental Planning and Assessment Act 1979 may be issued to facilitate any action required.

3. Lot 20 DP 1092348, No.413 George Street, Windsor - boarding house known as 'The Windsor'

Background

On 13 June 2023, Fire and Rescue NSW conducted an inspection of the premises. This was in response to concerns that *'the owners appear to have disabled the FIP and disconnected it from reporting back to base'*.

The abbreviation 'FIP' refers to a Fire Indicator Panel and is essential to ensure that Fire and Rescue NSW can respond to any alarm activation.

During the inspection, FRNSW observed several other matters that required further investigation and clarification. The Inspection Report issued by FRNSW is provided as Attachment 1 to this report.

It is important to note that the building is being used as a Boarding House and possible breaches under the Local Government (General) Regulation 2021 have occurred in relation to Standards for Places of Shared Accommodation. The further investigation in relation to this matter as identified in the inspection report from FRNSW will be undertaken, however, this is a matter separate from the subject of this report.

Action Taken

Council Officers had commenced an investigation into the matter and a preliminary inspection of the premises was undertaken on 28 July 2023.

An initial review of existing development approvals found that the building was approved recently by a Private Certifier and an Occupation Certificate had been issued.

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4. REPORTS FOR DETERMINATION

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Council Officers sent a written correspondence to the property owner on 28 July 2023 together with a copy of the inspection report from FRNSW. The written correspondence advised the property owner of Council's intention to investigate the concerns raised by FRNSW and serve a Notice of Intention to Serve a Fire Safety Order.

It has been found that the Annual Fire Safety Statement for the premises has not been received from the property owner. A reminder letter was sent on 31 July 2023 to the property owner requiring the submission of the required Annual Fire Safety Statement within 28 days of the issue of the written correspondence. A response has not been forthcoming at the time of writing of this report.

Action Proposed

It is intended to issue a Notice of Intention to Serve a Fire Safety Order under Schedule 5 of the Environmental Planning and Assessment Act 1979.

It is highly likely that Council Officers will require the owners to engage a Fire Safety Consultant to develop a course of action for the facility addressing the concerns raised by FRNSW.

Council Officers will consider the recommendations of the Fire Safety Consultant and determine a timeframe and schedule of works for inclusion in the issue of a Fire Safety Order.

4. Lot 1 DP 227268, Lot 8 DP 666448, No.47 George Street, Windsor - 'The Windsor Terrace Motel'

Background

On 23 May 2023, Fire and Rescue NSW conducted an inspection of the premises.

During the inspection, FRNSW observed several other matters that required further investigation and clarification. The Inspection Report issued by FRNSW is provided as Attachment 1 to this report.

Action Taken

Council Officers has sent written correspondence to the property owner on 4 August 2023 together with a copy of the inspection report from FRNSW. The written correspondence advised the property owner of Council's intention to investigate the concerns raised by FRNSW and serve a Notice of Intention to serve a Fire Safety Order.

Perusal of Council's records found that a Fire Safety Schedule inspection certificate for the premises was received dated 15 February 2023 but appears to be incorrect. An updated correct Annual Fire Safety Statement was requested on 10 August 2023, however a response has not been forthcoming at the time of writing of this report.

Action Proposed

It is intended to issue a Notice of Intention to Serve a Fire Safety Order under Schedule 5 of the Environmental Planning and Assessment Act 1979.

Due to the age and use of the building, it is highly likely that Council Officers will require the owners to engage a Fire Safety Consultant to develop a course of action for the facility addressing the concerns raised by FRNSW.

Council Officers will consider the recommendations of the Fire Safety consultant and determine a timeframe and schedule of works for inclusion in the issue of any Fire Safety Order.

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COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Reliable Council

4.5 Encourage a shared responsibility for effective compliance.

4.8 Facilitate the delivery of infrastructure through relevant agencies and Council's own works.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

ATTACHMENTS

AT - 1 Fire and Rescue NSW Inspection Reports - *(Distributed under separate cover)*.

oooO END OF REPORT Oooo

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4.4. CORPORATE SERVICES

4.4.1. CS – Investment Report July 2023 – (95496)

Previous Item: 4.4.2, Ordinary (20 June 2023)

Directorate: Corporate Services

PURPOSE OF THE REPORT

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

EXECUTIVE SUMMARY

This report indicates that Council held \$90.5 million in investments as at 31 July 2023 and outlines that all investments were made in accordance with the Act, the Regulation and Council's Investment Policy.

RECOMMENDATION

That the Monthly Investment Report for July 2023 be received and noted.

BACKGROUND

Council held \$90.5 million in investments as at 31 July 2023. Details on the composition of the Investment Portfolio, and its compliance with Council's Investment Policy are provided below. Details include the financial institutions with which the investments were made, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, the percentage of the total portfolio, exposure to credit ratings bands and the spread of maturities.

1. Composition of Investment portfolio

Tables 1 to 3 below provide details regarding the \$90.5 million in investments as at 31 July 2023.

Table 1: Summary of Council's Investment Portfolio as at 31 July 2023.

Product Type	Face Value	% of Total
At Call Deposits	\$12,500,000	14%
Term Deposits - Fixed Rate	\$77,000,000	85%
NSW TCorp Long Term Growth Fund	\$993,886	1%
Grand Total	\$90,493,886	

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

Long Term Credit Rating	Face Value	% of Total
AA-	\$74,500,000	82%
A+	\$6,000,000	7%
BBB+	\$9,000,000	10%
NSW TCorp Managed Funds	\$993,886	1%
Grand Total	\$90,493,886	

Table 3: Fixed Term Deposits

Financial Institution	Long Term Rating	Maturity Date	Interest Rate	Face Value
Bank of Queensland	BBB+	25-Oct-23	4.80%	\$2,000,000
		6-Dec-23	4.80%	\$3,000,000
		6-Dec-23	4.90%	\$1,000,000
		4-Mar-24	1.70%	\$2,000,000
		30-Mar-28	4.80%	\$1,000,000
Commonwealth Bank	AA-	20-Nov-23	0.65%	\$1,000,000
		13-Dec-23	4.96%	\$5,000,000
		25-Jan-24	5.46%	\$2,000,000
		31-Jan-24	5.47%	\$4,000,000
		12-Feb-24	4.95%	\$2,000,000
		10-Apr-24	3.01%	\$2,000,000
		21-Feb-24	4.99%	\$2,000,000
National Australia Bank	AA-	9-Aug-23	4.45%	\$3,000,000
		8-Sep-23	0.60%	\$1,000,000
		13-Sep-23	4.50%	\$5,000,000
		26-Sep-23	4.50%	\$3,000,000
		11-Oct-23	4.65%	\$4,000,000
		25-Oct-23	4.45%	\$1,000,000
		25-Oct-23	4.55%	\$2,000,000
		10-Nov-23	4.50%	\$3,000,000
		10-Nov-23	4.77%	\$1,000,000
		20-Nov-23	4.70%	\$2,000,000
		6-Dec-23	4.85%	\$2,000,000
		6-Mar-24	4.95%	\$2,000,000
		19-Aug-24	0.75%	\$3,000,000
		10-Sep-24	0.80%	\$1,000,000
		19-Nov-24	0.75%	\$1,000,000
		15-Jan-25	0.80%	\$ 500,000
5-Mar-25	1.05%	\$1,500,000		

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Financial Institution	Long Term Rating	Maturity Date	Interest Rate	Face Value
		3-Nov-25	0.95%	\$ 500,000
		19-Nov-25	0.90%	\$ 500,000
		13-Jan-26	1.00%	\$ 500,000
		4-Mar-26	1.30%	\$1,500,000
Suncorp	A+	10-Jan-24	5.35%	\$2,500,000
		10-Jan-24	5.45%	\$3,500,000
Westpac	AA-	10-Nov-23	1.11%	\$1,000,000
		25-Jan-24	4.36%	\$2,000,000
		20-Feb-25	4.97%	\$2,000,000
Grand Total				\$ 77,000,000

2. Environmental, Social and Governance (ESG) Investments

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

Table 4: ESG Investments

Institution	Maturity	Rate	Face Value
Westpac	10-Nov-23	1.11%	\$1,000,000
Westpac	25-Jan-24	4.36%	\$2,000,000
Grand Total			\$3,000,000

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

Product Type	Face Value	% of Total
Environmental, Social and Governance (ESG)	\$3,000,000	4%
Other	\$74,000,000	96%
Grand Total	\$77,000,000	100%

3. Compliance to Investment Policy

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

Table 6: Exposure Limits to credit ratings bands

Long-Term Credit Rating	% of Portfolio	Policy Maximum	Compliant with Policy
AA	82%	100%	Yes
A	7%	60%	Yes
BBB	10%	50%	Yes
NSW TCorp Funds	1%	20%	Yes

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Table 7: Term to Maturity

Term to Maturity	% of Portfolio	Policy Range	Compliant with Policy
Between 0 and 1 years	83%	40% - 100%	Yes
Between 1 and 5 years	17%	0% - 60%	Yes

4. Portfolio Return

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

Table 8 – Portfolio Return

30 June 2023	Monthly Return (Annualised)	Financial Year to Date (Annualised)
Hawkesbury City Council – Investment Portfolio	4.24%	2.83%
Benchmark – Bloomberg Ausbond Bank Bill Index	4.48%	3.15%
Performance Relative to Benchmark	-0.24%	-0.32%

Relevant Legislation

According to Clause 212 of the Local Government (General) Regulation 2021, the Responsible Accounting Officer must provide the Council with a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must include a certificate as to whether investments have been made in accordance with the Act, the Regulation, and the Council's Investment Policy.

Investment Certification

The Responsible Accounting Officer hereby certifies 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, 2021 and Council's Investment Policy.

DISCUSSION

Council's investments and returns achieved are driven and impacted by economic and market conditions. Council's Investment Advisor, Prudential Investment Services Corp has reviewed Council's investments as at 31 July 2023 and has advised of the following:

"Council's investment portfolio, excluding the transactional cash account, returned 4.24%pa for the month on a marked-to-market basis versus the bank bill index benchmark's 4.48%pa return. Over the past 12 months, the investment portfolio has returned 2.83% versus the bank bill index benchmark's 3.15%.

The NSW TCorpIM Long Term Growth Fund had another good month returning 1.76% (actual). Signs of easing inflation both here and abroad helped give a boost to bond and share market returns.

Without marked-to-market influences, Council's investment portfolio yielded 4.03%pa for the month, up from 3.91%pa in June. This is based on the actual interest rates being received on existing investments and excludes the underlying changes to the market value of the TCorp Growth Fund.

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During July, Council had \$11m among three 4-5 month term deposits mature which had an average rate of 4.42%pa. Council took advantage of the competitive rates in the 6 month area investing \$6m between two 6-7 month term deposits at an average rate of 5.47%pa.

Looking forward, the following is recommended for consideration over the coming month:

- Short term rates (1-12mos) are expected to be up to 50bps higher than current levels by the end of 2023/24 FY. Average six month terms deposits are showing good value with the advantage of receiving maturity proceeds shortly after when the market is pricing in a possible next RBA rate hike.*
- As for specials, CBA is currently offering term deposit rates well above its peers across the 6 -12 month range. Their 12 month rate in the 5.55% area represents 125 basis points above the 1 year swap rate, which is very attractive even if there is another cash rate hike during its term.*
- With the market signalling that long term rates have already priced in the expected RBA rate hikes for this cycle, 3-5yr Fixed Rate Bond offerings are showing good value. Note that Fixed Rate bonds can provide a known income level for budgeting purposes, but typically their mark-to-market valuations are more impacted by changes in market interest rates than Floating Rate Notes.*
- Recently issued 3yr and 5yr Fixed Rate Bonds and FRNs from highly rated banks have been good additions to long term portfolios with good margins over the bank bill swap being offered. When Council is ready to consider this asset class, safe custody alternatives will be considered.*

It is expected that Council's portfolio will achieve above benchmark returns over the medium/long term with prudent investment selection and holding the securities for the recommended time horizons of their asset classes."

Restriction of Funds

At the time of preparing the report, finalised Reserves balances were not available as year-end accounting adjustments were still in progress. This also applies to the funds restricted for the purposes of the Western Parkland City Liveability Program and State and Federal Government grants for fire and flood.

The Investment Report – August 2023 will provide an overview of restricted funds.

COMMUNITY ENGAGEMENT

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

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Reliable Council

4.3 Build strong financial sustainability for now and future generations.

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Meeting Date: 12 September 2023

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. The income applicable is provided for in the Adopted 2023/2024 Operational Plan.

ATTACHMENTS

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 12 September 2023

4.4.2. CS – Draft Property Policy and Draft Property Management Policy – (112106, 95496)

Directorate: Corporate Services

PURPOSE OF THE REPORT

The purpose of this report is to present Council's Draft Property Policy and Draft Property Management Policy for endorsement to place on public exhibition.

EXECUTIVE SUMMARY

As part of Council's Property Management Internal Audit, it was recommended that Policies be developed to set principles for the effective management of Council's property portfolio. A Draft Property Policy has been developed which provides a framework for the strategic management of Council's commercial and community property. A Draft Property Management Policy has been developed that provides guidelines for the day to day management of Council's properties and also incorporates four of Council's existing policies.

RECOMMENDATION

That:

1. The Draft Property Policy, attached as Attachment 1 to this report, and the Draft Property Management Policy, attached as Attachment 2 to this report, be placed on public exhibition for a period of 28 days.
 2. At the expiration of the public notification exhibition process outlined in Part 1 above, the following action be taken:
 - a) Should any submissions be received regarding the Draft Property Policy and the Draft Property Management Policy, a further report be submitted to Council, or
 - b) Should no submissions be received, Council adopt the Property Policy and Property Management Policy, as attached as Attachments 1 and 2 to this report.
 3. Council note that the property projects identified in the Property Strategy and Property Action Plan will be presented to Council as required.
-

BACKGROUND

Council's previous Property Strategy was developed in 2004. Council also has various Property Policies.

Further, Internal Audit Finding 1.1 of the Commercial Lease and Property Management Review Audit recommended (Audit Action 12):

"That Council develop a comprehensive policy framework including supporting OMSs and formal procedures for the management of the Council's property portfolio.... "

The Internal Audit and a review of Council's Policies were considered as part of the basis for the drafting of four Property documents.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 12 September 2023

DISCUSSION

Council's staff have drafted the following documents:

- Property Policy
- Property Management Policy
- Property Strategy
- Property Action Plan.

The Policies, Strategy and Action Plan can be used for the management of all Council's properties, not solely investment properties. The documents include principles that can be applied to the properties managed by the Community Planning and Partnerships Branch. Whilst the Property Policy and Property Management Policy will be Council Policies, the Property Strategy and Property Action Plan are internal documents, which have been endorsed by Council's Executive Leadership Team.

The hierarchy of the documents is provided below:



Property Policy

The Property Policy provides a 'whole-of-Council' framework for the strategic management of commercial and community property. It sets out a structure and guiding principles for the alignment of the Council's property asset portfolio.

This Policy drives efficiencies, ongoing reviews, core service delivery, enhanced probity and accountability, financial outcomes, and proactive management by Council.

The Property Policy covers the following subject areas:

- Holistic Management - All decisions will provide maximum benefit to the community.
- Fit for Purpose – No duplication of building functions (where not required) and buildings are made for fit for current and future potential uses.
- Asset Management – Whole of lifecycle management to ensure buildings are fit for purpose.
- Risk Management – Allow for consideration of all risk factors contained in Council's Risk Management Framework.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 12 September 2023

- Centralised Control of Income – Appropriate accounting methods will be used.
- Strategy Alignment – The Property Strategy will be reviewed in time for the four year Delivery Plan cycle.

A copy of the Draft Property Policy is attached as Attachment 1 to this Report.

Property Management Policy

The Property Management Policy provides a whole of Council approach to the 'business as usual' management of all Council properties. The Policy incorporates four existing policies, being:

- Sale of Council Owned Land Policy
- Sale of Council Land by Public Auction – Establishment of Reserve Price Policy
- Rose Cottage Policy
- Community Building, Provisions, Management and Use Policy

The Property Management Policy covers the following subject areas:

- Guidelines to making effective decisions in relation to property matters.
- Factors to be considered in regards to easements on Council land and Council acquiring easements.
- Considerations to be given to request to close public roads.
- Key principles for managing Leases and Licenses.
- Management of rental arrears.
- Guidelines to leasing community buildings.
- Method of sale of Council Land.
- Acquisition of Land by Council.

The objectives of the Property Management Policy are:

- Provide a clear link between Council's Community Strategic Plan and Council's ownership and operation of property assets;
- Define a strategic decision-making framework to guide property-related decisions;
- Facilitate effective management of Council's property assets;
- Establish the underpinning principles of equity and transparency in Council's property dealings;
- Ensure that all dealings in property matters relating to Council-owned property or property acquisitions by Council are handled within legislative requirements; and
- Support the objective of generating alternative/additional forms of income for the Council through property development/investments.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 12 September 2023

A copy of the Draft Property Management Policy is attached as Attachment 2 to this Report.

Property Strategy and Property Action Plan

Council's Property Strategy provides a framework to review Council's property investment portfolio and set strategic direction for the future. The Strategy aims to deliver the core elements of Council's Property Policy. The Property Action Plan sets out the individual and ongoing tasks identified in the Property Policy and Property Strategy. The Action Plan sets out the due dates for each of these tasks and assigns the responsibility Branch within Council. The property projects identified in the Property Strategy and Property Action Plan will be reported to Council as required.

COMMUNITY ENGAGEMENT

The Draft Policies were presented at the Councillor Workshop held on 15 August 2023.

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. The community engagement process proposed in this report meets the criteria for the minimum level of community engagement required under Council's Policy.

Accordingly, it is recommended that Council publicly exhibit the Draft Property Policy and Draft Property Management Policy for 28 days.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Great Place to Live

1.5 Provide the right places and spaces to serve our community.

Reliable Council

4.1 Provide representative, responsive and accountable governance.

4.3 Build strong financial sustainability for now and future generations.

4.8 Facilitate the delivery of infrastructure through relevant agencies and Council's own works.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

ATTACHMENTS

AT - 1 Draft Property Policy - *(Distributed under separate cover)*.

AT - 2 Draft Property Management Policy - *(Distributed under separate cover)*.

oooO END OF REPORT Oooo

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 12 September 2023

4.4.3. CS – Draft Councillor and Staff Interaction Policy – (95496, 96333)

Previous Item: 079, Ordinary (14 May 2019)

Directorate: Corporate Services

PURPOSE OF THE REPORT

The purpose of this report is to:

1. Outline the process for review and adoption of the Draft Councillor and Staff Interaction Policy
2. Seek Council's endorsement to place the Draft Councillor and Staff Interaction Policy on public exhibition.

EXECUTIVE SUMMARY

Council adopted a Provision of Information and Interaction between Councillors and Staff Policy (the current Policy) at its meeting on 14 May 2019.

In April 2022, the Office of Local Government released a Model Councillor and Staff Interaction Policy (Model Policy). The Model Policy contains more detailed provisions concerning roles and responsibilities of Councillors and staff they interact with, and Councillor requests for information.

The current Policy has been reviewed and amended to conform substantially with the Model Policy, and those amendments are detailed in this report.

A Draft Councillor and Staff Interaction Policy has been prepared incorporating these amendments and it is recommended that the Draft Policy be placed on public exhibition.

RECOMMENDATION

That:

1. The Draft Councillor and Staff Interaction Policy, attached as Attachment 1 to this report, be placed on public exhibition for 28 days.
 2. At the expiration of the public exhibition period, the following action be taken:
 - a) Should any submissions be received regarding the Draft Councillor and Staff Interaction Policy, a further report be submitted to Council, or
 - b) Should no submissions be received, Council adopt the Councillor and Staff Interaction Policy, attached as Attachment 1 to this report.
-

BACKGROUND

Council's Code of Conduct has provisions concerning Relationships between Council Officials and Access to Information and Council Resources. Under the Code of Conduct, Councillor contact with staff on Council-related business is required to take place in accordance with a policy (and any procedures) governing the interaction of Councillors and Council staff that have been authorised by the Council and the General Manager.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 12 September 2023

Council has reviewed the current Policy and the non-mandatory Model Policy from the Office of Local Government, and prepared a Draft Councillor and Staff Interaction Policy which is attached as Attachment 1 to this report.

The Draft Policy includes the following amendments to the current Policy:

- Changing the title of the Policy to 'Councillor and Staff Interaction Policy'
- Changing the structure of the Policy to make it more consistent with the Model Policy
- Using the content provided in the Model Policy to replace or improve existing provisions and to add new provisions, including:
 - Policy objectives
 - The principles, roles and responsibilities of Councillors and staff members who interact with Councillors
 - The Councillor Requests System
 - Refusing access to information
 - Access to Council staff (including an exclusive list of authorised staff contacts for Councillors) and access to Council buildings
 - Complaint management.

Relevant Legislation

Local Government Act 1993

DISCUSSION

The Draft Policy supports the provisions of the Code of Conduct, specifically, Clause 7 'Relationships between Council Officials' and Clause 8 'Access to Information and Council Resources'.

The Draft Policy:

- Provides a framework for Councillors to interact with, and receive advice from, authorised Council staff
- Provides direction on interactions between Councillors and staff to assist both parties in carrying out their day-to-day duties.

The Office of Local Government encourages councils to adopt the Model Policy and advises that councils can adapt it and can add their own supplementary provisions to suit their own operating environments.

In creating the Draft Policy, no essential content has been lost from the current Policy, but it exists in an amended form to conform with the Model Policy.

COMMUNITY ENGAGEMENT

The Draft Councillor and Staff Interaction Policy was presented to a Councillor Briefing Session on 29 August 2023.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 12 September 2023

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. It is proposed that Council place the Draft Councillor and Staff Interaction Policy on public exhibition for 28 days.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Reliable Council

- 4.1 Provide representative, responsive and accountable governance.
- 4.5 Encourage a shared responsibility for effective compliance.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

ATTACHMENTS

AT - 1 Draft Councillor and Staff Interaction Policy - (*Distributed under separate cover*).

oooO END OF REPORT Oooo

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 12 September 2023

4.5. INFRASTRUCTURE SERVICES

4.5.1. IS – Draft Memorial Policy – (95495, 159575)

Previous Item: 064, Ordinary (29 March 2022)

Directorate: Infrastructure Service

PURPOSE OF THE REPORT

The purpose of this report is to endorse the public exhibition of the Draft Memorial Policy by Council.

EXECUTIVE SUMMARY

Council, at its meeting on 29 March 2022, resolved, in part:

“That Council:

2. *Develop a Memorials Policy to guide future decision making on such requests.”*

Accordingly, Council Officers have now developed a Draft Memorial Policy. The Draft Memorial Policy provides Council and the community with guidance on the approval, installation, maintenance, removal and relocation of memorials, plaques, monuments, tree plantings and the scattering of ashes on land under the care and control of Council.

The next stage is for Council to publicly exhibit the Draft Memorial Policy for a minimum period of 28 days, prior to its adoption.

RECOMMENDATION

That:

1. The Draft Memorial Policy, attached as Attachment 1 to this report, be placed on public exhibition for a period of 28 days.
 2. At the expiration of the public notification exhibition process outlined in Part 1 above, the following action be taken:
 - a) Should any submissions be received regarding the Draft Memorial Policy, a further report be submitted to Council, or
 - b) Should no submissions be received, Council adopt the Memorial Policy, as attached as Attachment 1 to this report.
-

BACKGROUND

This Policy is made in accordance with Resolution 75 of Item 064 of the Ordinary Council Meeting held on 29 March 2022, in which Council resolved, in part:

“That Council:

2. *Develop a Memorials Policy to guide future decision making on such requests”*

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 12 September 2023

Accordingly, Council's City Services Branch has developed a Draft Memorial Policy in consultation with staff from other sections within Council. The development of Council's Draft Memorial Policy was informed by other Councils' relevant policies, where available, to maintain a degree of consistency across Local Government Areas.

Relevant Legislation

Local Government Act 1993

Roads Act 1993

Transport for NSW Guidelines for Roadside Tributes– <https://www.nsw.gov.au/roads-safety-and-rules/warnings-and-hazards/roadside-tributes>

Protection of the Environment Operations Act 1997.

DISCUSSION

Council is committed to protecting the unique character of its parks and other public domains for the benefit of the broader Hawkesbury community, whilst providing opportunities for appropriately designed and located monuments and memorials that honour individuals, organisations or events significant to the community and place.

Council's Draft Memorial Policy provides Council and the community with guidance on the approval, installation, maintenance, removal and relocation of memorials, plaques, monuments, tree plantings and the scattering of ashes on land under the care and control of Council.

The principles and guidelines within the Draft Memorial Policy aim to achieve a balance between the objectives of:

- The desire to commemorate events, groups or individuals
- The ongoing enjoyment and use of safe, uncluttered public space by the public; and
- The individual and aggregated ongoing maintenance, operational and financial impacts of memorials.

The Draft Memorial Policy aims to:

- Provide a consistent approach to how requests for memorials are managed and assessed
- Reserve large memorials for individuals or groups who have made a significant contribution to the Hawkesbury community
- Small memorials are permissible to allow for memorialisation of individual, groups or events that do not meet the significant criteria
- Eliminate donations of small infrastructure such as trees, plaques, seats and other park furniture as memorials
- Consider amenity value, aesthetic integrity or character of the proposed site in determining requests for memorials; and
- Consider other council policies and strategic directions such as plans of management/master plans in determining requests for memorials.

In development of the Draft Policy, Council's City Services Branch consulted with staff from other sections within Council including Asset Systems and Planning, Strategic Planning, Development Assessment and Arts and Cultural Services. The Draft Memorial Policy was also informed by other relevant Council policies, to maintain a degree of consistency across other LGAs and Transport for NSW's relevant guidelines to maintain a degree of consistency across the road network within the LGA.

A copy of the Draft Memorial Policy is attached as Attachment 1 to this report.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 12 September 2023

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. The community engagement process proposed in this report meets the criteria for the minimum level of community engagement required under Council's policy.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Great Place to Live

- 1.5 Provide the right places and spaces to serve our community.
- 1.6 Build on a sense of community and wellbeing.
- 1.7 Encourage broad and rich celebration of our local culture and significant heritage.

Protected Environment and Valued History

- 2.1 Value, protect and enhance our historic built environment as well as our relationship to Aboriginal and non-Aboriginal history.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

ATTACHMENTS

AT - 1 Draft Memorial Policy - *(Distributed under separate cover).*

oooO END OF REPORT Oooo

ORDINARY MEETING

5. REPORTS OF COMMITTEES

Meeting Date: 12 September 2023

5. REPORTS OF COMMITTEES

5.1.1. ROC - Local Traffic Committee - 14 August 2023 - (95495, 80245)

Directorate: Infrastructure Service

PURPOSE OF THE REPORT

The purpose of this report is to present the Minutes of the Local Traffic Committee, held on 14 August 2023.

EXECUTIVE SUMMARY

The Local Traffic Committee considered five items, contained within the Minutes of the Local Traffic Committee.

The Committee has been constituted for the purpose of providing technical review and advice on various traffic related matters, to Council in the exercising of its delegated functions as they relate to the regulation of traffic on the public road network, for which Council is the Roads Authority. The Committee has, however, no delegation authority in its own right and cannot bind Council.

The recommendations of the Committee are in line with the objectives of the Committee, as set out under the Delegation Instrument, and with established practices and procedures.

RECOMMENDATION

That the Council adopt the recommendations contained in the minutes of the Hawkesbury City Council Local Traffic Committee meeting held on 14 August 2023.

DISCUSSION

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

- General Traffic Matter - Item: 4.1.1 - Proposed Signposting and Line Marking for the Vineyard Precinct at 42 Harkness Road, Oakville - DA0356/21
- General Traffic Matter - Item: 4.1.2 - Proposed Signposting and Line Marking for the Vineyard Precinct at 56 to 62 Harkness Road, Oakville - DA0119/18 and DA0238/19
- Special Event Matter - Savour the Flavour - Hawkesbury 2023 Event, Richmond
- Special Event Matter - The Hawkesbury 120 Ski Race Classic 2023
- Special Event Matter - Pitt Town Anzac Day Memorial Service 2024.

ATTACHMENTS

AT - 1 Minutes of the Local Traffic Committee held on 14 August 2023.

ORDINARY MEETING
5. REPORTS OF COMMITTEES
Meeting Date: 12 September 2023

AT - 1 Minutes of the Local Traffic Committee held on 14 August 2023

Welcome

Minutes of the Meeting of the Local Traffic Committee held remotely on Monday, 14 August 2023 commencing at 3pm.

ATTENDANCE

Present: Councillor Mary Lyons-Buckett, Hawkesbury City Council
Ms Melissa Monroe, Transport for NSW (TfNSW)
Ms Felicity Findlay, Office of Member for Hawkesbury

Apologies: Inspector Mark Harvey, NSW Police Force

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

Apologies

RESOLVED on the motion of Councillor Mary Lyons-Buckett, seconded by Melissa Monroe, that the apologies be accepted.

Declarations of Interests

There were no Declarations of Interest made.

2. CONFIRMATION OF MINUTES

The Committee resolved on the Motion of Councillor Mary Lyons-Buckett, seconded by Ms Melissa Monroe, that the Minutes from the previous meeting held on Monday, 10 July 2023 be confirmed.

3. BUSINESS ARISING

There was no business arising from the previous minutes.

4. REPORTS FOR DETERMINATION

4.1. GENERAL TRAFFIC

4.1.1. LTC – Proposed Signposting and Line Marking for the Vineyard Precinct at 42 Harkness Road, Oakville - DA0356/21 - (Hawkesbury) - (80245, 73621, 123265)

INTRODUCTION:

Development Consent No. DA0356/21 has been granted to construct road and drainage works to create 39 residential lots within the Vineyard Precinct. The proposed development is within No. 42 Harkness Road, Oakville (Lot 4 DP 25173). The site is bounded by Harkness Road and surrounding properties as outlined in Figures 1 and 2. These works are connected to the site at 28 Harkness Road and 56 to 62 Harkness Road.



Figure 1: Site Locality within the Vineyard Precinct

ORDINARY MEETING
5. REPORTS OF COMMITTEES
Meeting Date: 12 September 2023



Figure 2: Site Extent and Road Layout

DISCUSSION:

The proposed road network, as outlined in Figure 3, will connect to Harkness Road and the development sites at 28 Harkness Road and 56 to 62 Harkness Road. The proposed roads are listed below with their corresponding road widths between kerbs.

- Harkness Road - Collector Road 13m Carriageway (Partial Road Construction)
- Road 1 - Collector Road 6.5m Carriageway (Partial Road Width Construction – Full Length). 13m Carriageway when full road construction is completed.
- Road 2 - Local Road 9m Carriageway (Full Road Width Construction – Full Length)
- Road 3 - Local Road 5.5m Carriageway (Partial Road Width Construction – Full Length). 9m Carriageway when full road construction is completed.
- Road 5 - Local Road 9m Carriageway (Full Road Width Construction – Full Length).

ORDINARY MEETING

5. REPORTS OF COMMITTEES

Meeting Date: 12 September 2023



Figure 3: Road Layout and Road Numbers

All intersections as part of this development are T-Junctions. Signposting and line marking locations are consistent across all intersections for this development in accordance with the conditions of consent. The intersection of Harkness Road and Road 01 will accommodate a roundabout in the future as part of the Collector Road network works and is not part of these works.

Road 01 will operate as a half-road width with two-way traffic flow and will be signposted with temporary No Parking and No Stopping zones to ensure there is no obstruction to traffic flow. To facilitate left turning traffic from Harkness Road into Road 01, 35metres of double barrier line (BB) and temporary Edge Line (E1) will be provided in Road 01 to channelise traffic into the partial road width in Road 01. To facilitate compliant turning at its intersections with Roads 02 and 03 and separation of two-way traffic flow, a broken centre line (S1) will be provided.

Road 03 will operate as a half-road width with two-way traffic flow and will be signposted with temporary No Parking and No Stopping zones to ensure there is no obstruction to traffic flow. To facilitate compliant turning at its intersection with Road 01 and separation of two-way traffic flow, a broken centre line (S1) will be provided. Once both Road 01 and Road 03 are built to its full width of 9metres, the centre line (S1) will be replaced with double barrier line (BB) at its respective intersections.

Treatment for the intersection between Roads 01 and 03 is to be addressed with a combination of concrete jersey barrier and chevron signage "D4-1-2" to safely direct traffic at this intersection due to the partial road width construction of these two roads.

The internal intersections of the local roads with a 9m carriageway will be line marked with a double barrier centre line (BB) of 15m to each intersection approach, with the T-Junction having a Give Way control and Holding line (TB/TB1). The Give Way treatments are for:

- Road 2 at its intersection with Road 01.
- Road 5 at its intersection with Harkness Road and Road 2.

All temporary zones will be reviewed when the opposite sides of these roads are developed in the future and actioned accordingly if they are to be adjusted or removed. Details of the proposed signage and line marking is outlined in the Plans prepared by Orion Consulting (20-0225-04-SWC-800-H) – Attachment 1.

ORDINARY MEETING

5. REPORTS OF COMMITTEES

Meeting Date: 12 September 2023

Swept/Turning path diagrams (Attachments 2 to 7) have been provided for the 8.8m design vehicle (Service Vehicle-MRV Truck) and the 12.5m check vehicle (SU-HRV Truck). The swept paths for the 12.5m HRV Truck has shown a slight encroachment over the BB line at the T-Junctions with the 8.8m MRV Truck clearing the BB line. The purpose of the check vehicle is to ensure that there are no physical barriers prohibiting the manoeuvre. On this basis, the manoeuvres are acceptable, taking into consideration the road dimensions, geometry, grades, and kerb returns are in accordance with the relevant standards.

The design plans have been prepared by Orion Consulting (Project Ref. 20-0225) and Certification provided by Hawkesbury City Council. The certification indicates compliance of the road design, and that all relevant standards and road widths can accommodate the proposed line marking treatments in accordance with the relevant standards.

The signage and line marking plan prepared by Orion Consulting (20-0225-04-SWC-800-H) has been submitted to the Local Traffic Committee for concurrence and approval in accordance with the Development Consent conditions.

Summary:

The Signage and Line marking plan prepared by Orion Consulting (20-0225-04-SWC-800-H) associated with the Development Application DA0356/21 be implemented.

RECOMMENDATION TO COMMITTEE:

The Signage and Line marking plan prepared by Orion Consulting (20-0225-04-SWC-800-H) associated with the Development Application DA0356/21 be implemented.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Mary Lyons-Buckett, seconded by Ms Melissa Monroe.

Support for the Recommendation: Unanimous support

The Signage and Line marking plan prepared by Orion Consulting (20-0225-04-SWC-800-H) associated with the Development Application DA0356/21 be implemented.

- 4.1.2. LTC – Proposed Signposting and Line Marking for the Vineyard Precinct at 56 to 62 Harkness Road, Oakville - DA0119/18 and DA0238/19 - (Hawkesbury) - (80245, 73621, 123265)**

INTRODUCTION:

Development Consent No. DA0119/18 and DA0238/19 has been granted to construct road and drainage works to create 51 residential lots within the Vineyard Precinct. The proposed development is within Nos. 56 to 62 Harkness Road, Oakville (Lots 31 and 32 DP 577668). The site is bounded by Harkness Road and surrounding properties as outlined in Figure 1. These works are connected to the development sites at 42 Harness Road and 78 Menin Road.

ORDINARY MEETING

5. REPORTS OF COMMITTEES

Meeting Date: 12 September 2023



Figure 1: Site Locality within the Vineyard Precinct

DISCUSSION:

The proposed road network, as outlined in Figure 2, will connect to Harkness Road and the adjoining roads from the development sites at 42 Harkness Road and 78 Menin Road. The proposed roads are listed below with their corresponding road widths between kerbs.

- Harkness Road – Local Road 7.2m to 7.7m Carriageway (Partial Road Construction). 9m Carriageway when full road construction is completed.
- Alma Road - Local Road 5.5m Carriageway (Partial Road Width Construction – Full Length). 9m Carriageway when full road construction is completed.
- Road 1 - Collector Road 7m Carriageway (Partial Road Width Construction – between Road 02 and Road 04). 13m Carriageway when full road construction is completed.
- Road 2 - Local Road 9m Carriageway (Full Road Width Construction – Full Length)
- Road 3- Local Road 9m Carriageway (Full Road Width Construction – Full Length)
- Road 4 - Local Road 5.5m Carriageway (Partial Road Width Construction – Full Length). 9m Carriageway when full road construction is completed.

ORDINARY MEETING

5. REPORTS OF COMMITTEES

Meeting Date: 12 September 2023

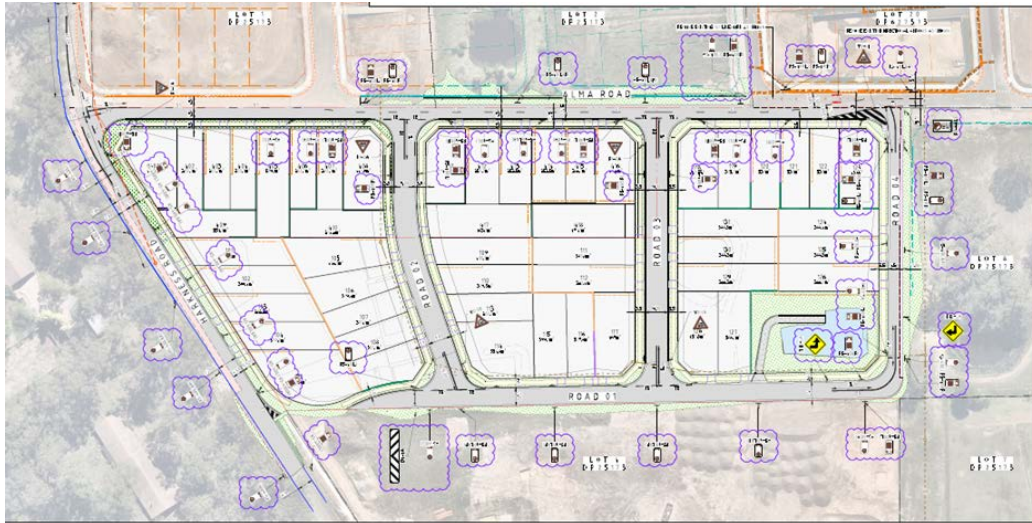


Figure 2: Road Layout and Road Numbers

All intersections as part of this development are T-Junctions. Signposting and line marking locations are consistent across all intersections for this development in accordance with the conditions of consent. The intersection of Harkness Road and Road 01 will accommodate a roundabout in the future as part of the Collector Road network works and is not part of these works. Road 01 is being constructed generally between Road 02 and Road 04 with the opposite side of the road being constructed as part of the development at 42 Harkness Road.

Road 01 will operate as a half-road width with two-way traffic flow and will be signposted with temporary No Parking and No Stopping zones to ensure there is no obstruction to traffic flow. The bend in Road 01 at Road 04, due to its limiting radii, will be treated with temporary double centre lines (BB), No Stopping zones and curve advisory signs to ensure vehicular movement is not restricted.

Alma Road will operate as a half-road width between Road 02 and Road 04, with two-way traffic flow and will be signposted with temporary No Parking and No Stopping zones to ensure there is no obstruction to traffic flow. To facilitate compliant turning at its intersections with Roads 02, 03 and 04 and separation of two-way traffic flow, a broken centre line (S1) will be provided. Once Alma Road is built to its full width of 9metres, the centre line (S1) will be replaced with double barrier line (BB) at its respective intersections. Alma Road between Harkness Road and Road 02 will result in the full width 9m of road being constructed, associated with the development site at 78 Menin Road. The left and right turn from Alma Road into Road 04 will be prohibited temporarily due to the limited space available to undertake this manoeuvre. A Temporary 'No Left Turn' and 'No Right Turn' sign, supplemented with a No Entry sign will be provided. These turn restrictions will be removed once Alma Road is extended further east and constructed to the proposed 9m.

Alma Road at its intersection with Harkness Road will be controlled by a Give Way control and Holding line (TB/TB1). This was previously considered with the application for the Site north of this development (78 Menin Road). Alma Road will operate as a half-road width between Roads 02 and 04 with two-way traffic flow and separation of two-way traffic flow with a broken centre line (S1) being provided. The road will be signposted with temporary No Parking and No Stopping zones on both sides of the road to ensure there is no obstruction to traffic flow.

The Safe Intersection Sight Distance (SISD) has been checked for the T-Junction of Alma Road at Harkness Road due to the angle the two roads intersect at. The assessment has been undertaken in accordance with the requirements of Austroads for an operating speed of 70kph. The sight distance is considered to be compliant which also supports the Giveway control for Alma Road.

ORDINARY MEETING

5. REPORTS OF COMMITTEES

Meeting Date: 12 September 2023

The internal intersections of the local roads with a 9m carriageway will be line marked with a double barrier centre line (BB) of 15m to each intersection approach, with the T-Junction having a Give Way control and Holding line (TB/TB1). The Give Way treatments are for:

- Road 2 at its intersection with Road 01 and Alma Road.
- Road 3 at its intersection with Road 01 and Alma Road.
- Road 4 (5.5m width) at its intersection with Alma Road.

All temporary zones and turn restriction signs will be reviewed when the opposite sides of these roads are developed in the future and actioned accordingly if they are to be adjusted or removed. Details of the proposed signage and line marking is outlined in the Plans prepared by Northrop Sydney (212237-C34.61-01) – Attachment 1.

Swept/Turning path diagrams (Attachments 2 to 6) have been provided for the 8.8m design vehicle (Service Vehicle-MRV Truck) and the 12.5m check vehicle (SU-HRV Truck). The swept paths for the 12.5m HRV Truck has shown a slight encroachment over the BB line at the T-Junctions with the 8.8m MRV Truck clearing the BB line. The purpose of the check vehicle is to ensure that there are no physical barriers prohibiting the manoeuvre. On this basis, the manoeuvres are acceptable, taking into consideration the road dimensions, geometry, grades, and kerb returns are in accordance with the relevant standards.

The design plans have been prepared by Northrop Sydney (Project Ref. 212237) and Certification provided by Hawkesbury City Council. The certification indicates compliance of the road design, and that all relevant standards and road widths can accommodate the proposed line marking treatments in accordance with the relevant standards.

The signage and line marking plan prepared by Northrop Sydney (212237-C34.61-02) has been submitted to the Local Traffic Committee for concurrence and approval in accordance with the Development Consent conditions.

Summary:

The Signage and Line marking plan prepared by Northrop Sydney (212237-C34.61-02) associated with the Development Application DA0119/18 and DA0238/19 be implemented.

RECOMMENDATION TO COMMITTEE:

The Signage and Line marking plan prepared by Northrop Sydney (212237-C34.61-02) associated with the Development Application DA0119/18 and DA0238/19 be implemented.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Mary Lyons-Buckett seconded by Ms Melissa Monroe.

Support for the Recommendation: Unanimous support

The Signage and Line marking plan prepared by Northrop Sydney (212237-C34.61-02) associated with the Development Application DA0119/18 and DA0238/19 be implemented.

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4.2. SPECIAL EVENTS

4.2.1. LTC - Savour the Flavour - Hawkesbury 2023 Event, Richmond - (Hawkesbury) - (80245, 79341)

INTRODUCTION:

An application has been received seeking approval (in traffic management terms) for Hawkesbury City Council to conduct the Savour the Flavour - Hawkesbury 2023 event in Richmond, on Saturday, 14 October 2023.

The event organiser has advised:

- This is the second year this event is being held.
- This event celebrates the Hawkesbury being the original food bowl of Sydney. It will be a festival with food stalls, cooking demonstrations, live music and roving entertainment.
- The event will be conducted between 4pm and 9pm. The set up and pack down times are between 7am and 11pm.
- The event is expected to attract approximately 5,000 to 6,000 spectators with 70 participants.
- The event will be held within Richmond Park, Richmond which is adjacent to East Market Street, Windsor Street and March Street.
- Traffic controllers will be used to manage pedestrian safety within the Richmond Town and will be located in:
 - Windsor Street midway between East Market Street and West Market Street,
 - East Market Street midway between Windsor Street and March Street and directing pedestrians from the Railway Station to the traffic signals at March Street,
 - March Street and East Market Street traffic signals,
 - March Street at the carpark entrance to Richmond Park.
- Traffic controllers will control pedestrian movements across the marked pedestrian crossing in Windsor Street to stop traffic in Windsor Street to safely manage pedestrians crossing in platoons to ensure delays to buses and vehicles using Windsor Street are minimised.
- The impact of the stopping traffic will be localised to Windsor Street and will not disrupt traffic in the greater regional area.
- A traffic controller will be used outside the Richmond Railway Station to direct pedestrians to the signalised crossing of East Market Street and March Street.
- Traffic controllers will be used to manage pedestrians crossing at the signalised intersection of East Market Street and March Street to ensure that the pedestrians cross East Market Street when the pedestrian walk phase operates.

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- Special event parking areas are located in:
 - The Hawkesbury Showground allowing patrons to park within the Hawkesbury Showground and travel by train from Clarendon to Richmond, and
 - Richmond Market Place with entry to this parking area from Paget Street.
- Traffic controllers will also be used to manage pedestrian safety at the event parking area located in the Hawkesbury Showground to manage patrons crossing at the level crossing in Racecourse Road at Clarendon Train Station.
- Variable Message Signs (VMS) will be installed to direct event patrons to either of the Event Parking areas located at the Hawkesbury Showground and the Richmond Market Place.
- Variable Message Signs (VMS) will be installed 2 weeks prior to advertise the event and inform traffic.
- No road closures are associated with this event.

Details of the Event Traffic Control and VMS Plans are contained in Attachments 1 to 4.

DISCUSSION:

It would be appropriate to classify the event as a “Class 2” special event under the “Traffic and Transport Management for Special Events” guidelines issued by Transport for NSW – TfNSW (formerly RTA/RMS) as the event may impact on major traffic and transport systems and there may be low scale disruption to the non-event community.

Whilst no road closures are proposed traffic controllers will be used to manage pedestrian safety within the Richmond Town and will be located in:

- Windsor Street midway between East Market Street and West Market Street,
- East Market Street midway between Windsor Street and March Street and directing pedestrians from the Railway Station to the traffic signals at March Street,
- March Street and East Market Street traffic signals,
- March Street at the carpark entrance to Richmond Park.

The traffic control measures will be in place on Saturday, 14 October 2023 between 3pm and 9pm. Traffic control at the entrance to Richmond Park will be in place from 6am to midnight on Friday, 13 October 2023 and 6am to 5pm on Monday, 16 October 2023.

Traffic controllers are to stop traffic in Windsor Street to safely manage pedestrians crossing Windsor Street from the event parking areas to the north of the site and surrounding areas. The traffic controllers will ensure that pedestrians cross the road in platoons to minimise delays to buses and other traffic using Windsor Street. Overall this measure may cause minor delays along Windsor Street to traffic, with the traffic controllers to ensure that the traffic does not queue back through the traffic signals at East Market Street.

Traffic controllers will direct patrons from the Railway Station towards the pedestrian traffic signals at the intersection of March Street and East Market Street. Pedestrians will be prohibited from crossing East Market Street mid-block.

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The event organiser has submitted the following items in relation to the event: Attachment 3 (ECM Document Set ID No: 8471024):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Transport for NSW – TfNSW (formerly RTA/RMS)),
4. Special Event Traffic Management Plan and Traffic Control Plans.

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, <https://www.hawkesbury.nsw.gov.au/your-council/events/traffic-management-for-special-events>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Transport for NSW – TfNSW (formerly RTA/RMS) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Savour the Flavour - Hawkesbury 2023 event in Richmond, on Saturday, 14 October 2023 be classified as a "Class 2" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by Transport for NSW – TfNSW (formerly RTA/RMS).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted, the following road closures and traffic control measures;
 - Traffic controllers to manage pedestrian safety within the Richmond Town and located in:
 - Windsor Street midway between East Market Street and West Market Street,
 - East Market Street midway between Windsor Street and March Street and directing pedestrians from the Railway Station to the traffic signals at March Street,
 - March Street and East Market Street traffic signals,
 - March Street at the carpark entrance to Richmond Park.
 - The traffic control measures are only permitted to be in place on Saturday, 14 October 2023 between 3pm and 9pm, with the traffic control at the entrance to Richmond Park to be in place from 6am to midnight on Friday, 13 October 2023 and 6am to 5pm on Monday, 16 October 2023.
 - No road closures are permitted.

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and the following conditions:

Prior to 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 event organiser is to obtain approval from Transport for NSW – TfNSW (formerly TMC) to undertake the proposed traffic control measures that may impact on the operation of the signalised intersection of Windsor Street and East Market Street, Richmond; a copy of the Transport for NSW – TfNSW (formerly TMC) approval to be submitted to Council;
- 4e. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$20,000,000 noting Council and Transport for NSW – TfNSW (formerly RTA/RMS) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4f. As the event requires traffic control on a public road, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4g. the event organiser is to obtain written approval from Council for the use of Richmond Park;
- 4h. 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);
- 4i. 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;
- 4j. 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

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proposed traffic control measures, road closure, detour route 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;

- 4k. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road closure, detour route 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 has been submitted to Council;
- 4l. 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:

- 4m. access is to be maintained for businesses, residents and their visitors;
- 4n. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4o. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4p. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed for the event, during the event, under the direction of a traffic controller holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4q. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4r. 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.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Mary Lyons-Buckett, seconded by Ms Melissa Monroe.

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, <https://www.hawkesbury.nsw.gov.au/your-council/events/traffic-management-for-special-events>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Transport for NSW – TfNSW (formerly RTA/RMS) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.

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2. The Savour the Flavour - Hawkesbury 2023 event in Richmond, on Saturday, 14 October 2023 be classified as a "Class 2" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by Transport for NSW – TfNSW (formerly RTA/RMS).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted, the following road closures and traffic control measures;
 - Traffic controllers to manage pedestrian safety within the Richmond Town and located in:
 - Windsor Street midway between East Market Street and West Market Street,
 - East Market Street midway between Windsor Street and March Street and directing pedestrians from the Railway Station to the traffic signals at March Street,
 - March Street and East Market Street traffic signals,
 - March Street at the carpark entrance to Richmond Park.
 - The traffic control measures are only permitted to be in place on Saturday, 14 October 2023 between 3pm and 9pm, with the traffic control at the entrance to Richmond Park to be in place from 6am to midnight on Friday, 13 October 2023 and 6am to 5pm on Monday, 16 October 2023.
 - No road closures are permitted.

and the following conditions:

Prior to 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 event organiser is to obtain approval from Transport for NSW – TfNSW (formerly TMC) to undertake the proposed traffic control measures that may impact on the operation of the signalised intersection of Windsor Street and East Market Street, Richmond; a copy of the Transport for NSW – TfNSW (formerly TMC) approval to be submitted to Council;
- 4e. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$20,000,000 noting Council and Transport for NSW – TfNSW (formerly RTA/RMS) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4f. As the event requires traffic control on a public road, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4g. the event organiser is to obtain written approval from Council for the use of Richmond Park;
- 4h. 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);
- 4i. 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;
- 4j. 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, road closure, detour route 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;
- 4k. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road closure, detour route 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 has been submitted to Council;
- 4l. 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:

- 4m. access is to be maintained for businesses, residents and their visitors;
- 4n. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4o. all traffic controllers / marshals operating within the public road network are to hold appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4p. in accordance with the submitted TMP and associated TCP, appropriate advisory signs

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and traffic control devices are to be placed for the event, during the event, under the direction of a traffic controller holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);

- 4q. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4r. 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.

4.2.2. LTC - The Hawkesbury 120 Ski Race Classic 2023 - (Hawkesbury) - (80245, 92138)

INTRODUCTION:

An application has been received from Ski Racing NSW Inc, seeking approval (in traffic management terms) to conduct the Hawkesbury 120 Ski Race Classic 2023 on Saturday, 14 and Sunday, 15 October 2023.

The event organiser has advised;

- The Hawkesbury 120 Ski Race Classic is an annual event initially undertaken in 2006.
- The Hawkesbury 120 Ski Race Classic is an annual water ski race on the Ski Racing Australia Calendar and is undertaken along the Hawkesbury River downstream from Windsor Bridge to upstream from Wisemans Ferry.
- The event is traditionally the first of the major river classics for the season and is considered one of the premier water ski races in Australia.
- The race is 120 kilometres in length.

• Event Schedule:

Saturday, 14 October 2023:

- Ski Race from Governor Philip Park, Windsor to Sackville Ski Gardens, Tizzana Road, Sackville and return.
- Start and Finish times: 9am to 5pm.
- Set Up and Pack Down Times: 6am to 6pm.

Sunday, 15 October 2023:

- Ski Race from Governor Philip Park, Windsor to NSW Ski Grounds Caravan Park (Known as NSW Ski Gardens) at River Road, Wisemans Ferry and return.
- Start and Finish times: 9am to 9pm.
- Set Up and Pack Down Times 6am to 10pm.
- The event will incorporate vessel safety scrutineering to be undertaken on Friday, 13 October 2023 at Governor Philip Park. The safety scrutineering will be conducted between 12noon and 5pm and with the expected number of competitors, it is not anticipated to impact on local traffic conditions in the area. All vehicles towing vessels will be able to be contained within the car park facilities and will not adversely impact local street or cause significant traffic congestion.

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- The suspension of ferry services, controlled by Council and Transport for NSW – TfNSW (formerly RTA/RMS), is required on Sunday, 15 October 2023:
 - Lower Portland Ferry (HCC): 8am to 5pm
 - Sackville Ferry (TfNSW (formerly RTA/RMS)): 8am to 5pm
- Webbs Creek Ferry and Wisemans Ferry are located downstream to the NSW Ski Gardens, and subsequently these ferry operations are not affected.
- The suspension of the ferry services is required for safety reasons. Emergency vehicles will be allowed access at all times. The ferries will operate in the event of an emergency and competitors will be stopped to ensure the safety of all.
- Alternate routes for traffic are available which include travelling via Putty Road to Windsor on the western side and via Pitt Town, Cattai and Wisemans Ferry Roads to Windsor on the eastern side.
- The event organiser acknowledges that either Council or Transport for NSW – TfNSW (formerly RTA/RMS) on the day may have the need to alter the suspension of the ferries at the respective authority's discretion.
- A river open boat will pass the entire course at the conclusion of the event.
- The event will be held within Governor Phillip Park located at the northern end of George Street, Windsor
- Windsor boat ramp will be closed to the public on both days.
- The number of participants expected is approximately 400, consisting of four groups of 100 participants.
- Approximately 500 spectators are expected at the start/finish venue at Governor Phillip Park, Windsor.
- There will be an increase to traffic flow on roads surrounding Governor Phillip Park and there may be considerable impacts on traffic using Windsor Road, Bridge Street, Macquarie Street and Wilberforce Road.
- It is expected that residents on George Street, Palmer Street, North Street, Arndell Street and Court Street may be affected due to the increased traffic flow.
- Parking will be at Governor Phillip Park, with access to the Event Parking area provided from Palmer Street.
- Traffic controllers will manage the entry into the event car park in Palmer Street and to manage event patrons crossing the internal access road within the park to the event parking in the field adjacent to Governor Phillip Park accessed from Palmer Street and manage access to the boat ramp.
- Vehicles can approach the access point into the Event Parking area from the direction of either George Street or Court Street.
- To maintain traffic flow in Bridge Street, the right turn from Bridge Street (northbound) into George Street (eastbound) is now prohibited and all traffic is required to turn right at Court Street at the uncontrolled intersection.

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- As Bridge Street is effectively one lane at Court Street, allowing event traffic to turn right at this location has the potential to increase congestion and as such it is proposed to ban the right turn into and out of Court Street at Bridge Street between 8am and 4pm on Saturday 14 and Sunday 15 October 2023.
- Traffic that would normally turn right into Court Street will be detoured over the Windsor Bridge to perform a U-turn at the roundabout at Freemans Reach Road, return back over the Bridge and then turn left into George Street or at Court Street for vehicles over 9metres in length.
- Traffic turning right out of Court Street will be detoured to the traffic signals at George Street.
- All traffic movements in Court Street will be restricted to left in/left out at Bridge Street to manage event traffic, improve road safety and maintain traffic flow in Bridge Street/Windsor Road.
- A detour route will be signposted to direct vehicles travelling from the south to continue north along Bridge Street over the new Windsor Bridge and perform a U-turn at the roundabout on the northern side of the bridge at Freemans Reach Road to travel south along the Bridge and turn left into George Street or at Court Street for vehicles over 9metres in length.
- Vehicles travelling from the west along Macquarie Street will turn right into Bridge Street and then left into Court Street.
- Variable Message Signs (VMS) signs will be used to inform traffic and detour routes signposted. A VMS plan with three VMS boards located at key locations and detour plan that guides event traffic and local road network traffic has been prepared.
- Variable Message Signs (VMS) will be provided to inform traffic on how to enter the Event site and will be located at;
 - Bridge Street, Windsor - North Bound near Court Street,
 - Bridge Street, Windsor - North Bound near George Street,
 - Bridge Street, Windsor - South Bound near George Street.
- In addition to the proposed traffic restrictions at Court Street and Bridge Street, road closures are required on the approach roads to the two ferries along the Hawkesbury River.
- The River will be closed for the duration of the event on each of the two days along the length of the event course.
- When the event concludes at 5pm on Saturday and 9m on Sunday and the patrons are leaving, the traffic volumes on Bridge Street will be lower that the peak periods during the earlier part of the day. Furthermore as all queuing is contained within the local road network, it is anticipated that there will be minimal delays to regional traffic.
- Approval by way of exclusive use is being sought to utilise Governor Phillip Park for the event.

Details of the Event Traffic Control and VMS Plans are contained in Attachments 1 to 3.

DISCUSSION:

The event organiser is seeking Council and Transport for NSW – TfNSW (formerly RTA/RMS) approval for the suspension of the following Ferry Services on Sunday, 15 October 2023:

- Lower Portland Ferry (HCC): 8am to 5pm,

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

Webbs Creek Ferry and Wisemans Ferry are located downstream of the NSW Ski Gardens, and subsequently these ferry operations are not affected on Sunday, 15 October 2023.

Ferry operations are not affected on Saturday, 14 October 2023, as Wisemans Ferry, Webbs Creek Ferry, Sackville Ferry and Lower Portland Ferry are all located downstream of the Sackville Ski Gardens.

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

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

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

The event will be held principally along the Hawkesbury River with the event organiser requesting exclusive use of the River from Transport for NSW – TfNSW (formerly NSW Maritime). The participants/spectators travelling to the event, and in particular to Governor Phillip Park, may impact heavily on the state road network along Windsor Road, Macquarie Street, Wilberforce Road and Bridge Street as well as the local roads such as George Street and Court Street.

With the completion of the new Windsor Bridge and the upgrade of the intersection of Bridge Street and George Street from a roundabout to traffic signals, access for traffic to Governor Phillip Park has changed. The Management measures proposed have been previously discussed between Police, TfNSW and Council to ensure that traffic movement is not compromised in particular at the intersection of Bridge Street and Court Street. These measures have been utilised for other events held recently at Governor Phillip Park.

A summary of the traffic management measures is listed below:

- Temporary turn restrictions at the intersection of Bridge Street (State Road) and Court Street between 8am and 4pm on Saturday 14 and Sunday 15 October 2023.
- All traffic movements in Court Street will be restricted to left in/left out at Bridge Street (State Road) to manage event traffic, improve road safety and maintain traffic flow in Bridge Street/Windsor Road.
- A traffic control vehicle will be parked in the centre of Court Street with barrier boards and traffic cones used to delineate and enforce the No Right Turn restrictions.
- A detour route will be signposted to direct vehicles travelling from the south to travel north along Bridge Street over the new Windsor Bridge and perform a U-turn at the roundabout on the northern side of the bridge at Freemans Reach Road and then travel south along Bridge Street to turn left into George Street or at Court Street for vehicles over 9metres in length.
- Traffic turning right out of Court Street will be detoured to the traffic signals at George Street via either Arndell Street or Palmer Street.

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- Vehicles travelling from the west along Macquarie Street will turn right into Bridge Street and then left into Court Street.
- VMS's will be used to inform traffic and all detour routes signposted.

The suspension of the Ferry services and subsequent road closures leading to these ferries namely, Sackville Ferry affecting Sackville Road (Transport for NSW Ferry) and Lower Portland Ferry affecting the Ferry Road off West Portland Road (HCC Ferry), will have an impact on the adjacent road network in the vicinity of the ferries. The suspension of the Transport for NSW ferry is affectively closing a State road. It would be appropriate to classify the event as a "Class 1" special event under the "Traffic and Transport Management for Special Events" guidelines issued by Transport for NSW – TfNSW (formerly RTA/RMS).

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

The event organiser has submitted the following items in relation to the event: Attachment 1 (ECM Document Set ID No: 8464246):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Transport for NSW – TfNSW),
4. Event Traffic Management Plan and Special Event Traffic Management Plan which need to be updated and combined as one document in line with the information in the main application.

The Transport Management Plan (TMP) and the associated Traffic Control Plan (TCP) once updated and completed are to be submitted to Transport for NSW – TfNSW (formerly TMC) for authorisation due to the proposed road and ferry closures.

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, <https://www.hawkesbury.nsw.gov.au/your-council/events/traffic-management-for-special-events>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Transport for NSW – TfNSW (formerly RTA/RMS) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Hawkesbury 120 Ski Race Classic 2023 event planned for Saturday, 14 and Sunday, 15 October 2023 be classified as a "Class 1" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by Transport for NSW – TfNSW (formerly RTA/RMS).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.

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4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted, the following traffic control measures:
- Temporary turn restrictions at the intersection of Bridge Street (State Road) and Court Street between 8am and 4pm on Saturday 14 and Sunday 15 October 2023. All traffic movements in Court Street will be restricted to left in/left out at Bridge Street to manage event traffic, improve road safety and maintain traffic flow in Bridge Street/Windsor Road.
 - Partial road closure permitted at the access point into Governor Phillip Park at the intersection of George Street and Palmer Street, Windsor between 8am and 4pm on Saturday 14 and Sunday 15 October 2023.

and the following conditions:

Prior to event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
- 4d. the event organiser is to obtain approval from Transport for NSW – TfNSW (formerly TMC) as this is a "Class 1" event, the road closures resulting from the suspension of the HCC and TfNSW (formerly RTA/RMS) ferries and the traffic movements and restrictions along Bridge Street (State Road) and its intersections with George Street and Court Street, Windsor and the proposed turn restrictions at the intersection of Bridge Street and Court Street between 8am and 4pm on Saturday 14 and Sunday 15 October 2023 where all traffic movements in Court Street will be restricted to left in/left out at Bridge Street, Windsor; a copy of the Transport for NSW – TfNSW (formerly TMC) approval to be submitted to Council;
- 4e. the event organiser is to submit a Transport Management Plan (TMP) for the entire route/event incorporating Traffic Control Plans (TCP) for the entire route which need to include details such as the specific position of barriers, signs etc, required for the proposed ferry/road closures and traffic diversions, and how traffic will be managed along Bridge Street, Windsor taking into account the traffic movements and restrictions

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along Bridge Street and its intersections with George Street and Court Street, to Council for acknowledgement and Transport for NSW – TfNSW (formerly TMC) for concurrence. The TCP should be prepared by a person holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;

- 4f. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$20,000,000 noting Council and Transport for NSW – TfNSW (formerly TMC and RTA/RMS) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4g. as the event requires traffic control on Council roads and the closure of public roads due to the suspension of Ferry services, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the roads;
- 4h. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from Transport for NSW – TfNSW (formerly NSW Maritime); a copy of this approval to be submitted to Council;
- 4i. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; a copy of this approval to be submitted to Council;
- 4j. the event organiser is to advise all adjoining Councils such as Central Coast, The Hills and Hornsby of the event and in particular the suspension of the ferries and obtain any necessary approvals from these Councils; a copy of this approval to be submitted to Council;
- 4k. the event organiser is to obtain written approval from Council for the use of Governor Phillip Park;
- 4l. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (advertising medium to be advised);
- 4m. 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;
- 4n. the event organiser is to directly notify relevant ferry operators, bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4o. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;
- 4p. the event organiser is to submit the completed " Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

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During the event:

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

Ferry Services

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

Suspension of the ferry services on Sunday, 15 October 2023 as listed below:

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

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

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

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

- 5c. signs are to be erected at the expense of the event organiser in locations indicated in the approved Transport Management Plan and Traffic Control Plan and at a size indicated in the same, on all roads leading to the ferries, as well as on each ferry, for at least two weeks prior to the event;

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- 5d. safety precautions are to be outlined in the TMP and are to be in place at all ferry locations, such to include a boat and crew upstream and/or downstream from each ferry as applicable with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and the ferry vessel, such procedures are to be implemented to the satisfaction of Transport for NSW – TfNSW (formerly TMC, RTA/RMS and NSW Maritime) and Hawkesbury City Council; and
- 5e. the Transport for NSW – TfNSW (formerly TMS and RTA/RMS) and Council be authorised to alter ferry suspension/operation times if necessary.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Mary Lyons-Buckett, seconded by Ms Melissa Monroe.

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, <https://www.hawkesbury.nsw.gov.au/your-council/events/traffic-management-for-special-events>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Transport for NSW – TfNSW (formerly RTA/RMS) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Hawkesbury 120 Ski Race Classic 2023 event planned for Saturday, 14 and Sunday, 15 October 2023 be classified as a "Class 1" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by Transport for NSW – TfNSW (formerly RTA/RMS).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted, the following traffic control measures:
 - Temporary turn restrictions at the intersection of Bridge Street (State Road) and Court Street between 8am and 4pm on Saturday 14 and Sunday 15 October 2023. All traffic movements in Court Street will be restricted to left in/left out at Bridge Street to manage event traffic, improve road safety and maintain traffic flow in Bridge Street/Windsor Road.
 - Partial road closure permitted at the access point into Governor Phillip Park at the intersection of George Street and Palmer Street, Windsor between 8am and 4pm on Saturday 14 and Sunday 15 October 2023.

and the following conditions:

Prior to 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

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(WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);

- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
- 4d. the event organiser is to obtain approval from Transport for NSW – TfNSW (formerly TMC) as this is a "Class 1" event, the road closures resulting from the suspension of the HCC and TfNSW (formerly RTA/RMS) ferries and the traffic movements and restrictions along Bridge Street (State Road) and its intersections with George Street and Court Street, Windsor and the proposed turn restrictions at the intersection of Bridge Street and Court Street between 8am and 4pm on Saturday 14 and Sunday 15 October 2023 where all traffic movements in Court Street will be restricted to left in/left out at Bridge Street, Windsor; a copy of the Transport for NSW – TfNSW (formerly TMC) approval to be submitted to Council;
- 4e. the event organiser is to submit a Transport Management Plan (TMP) for the entire route/event incorporating Traffic Control Plans (TCP) for the entire route which need to include details such as the specific position of barriers, signs etc, required for the proposed ferry/road closures and traffic diversions, and how traffic will be managed along Bridge Street, Windsor taking into account the traffic movements and restrictions along Bridge Street and its intersections with George Street and Court Street, to Council for acknowledgement and Transport for NSW – TfNSW (formerly TMC) for concurrence. The TCP should be prepared by a person holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;
- 4f. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$20,000,000 noting Council and Transport for NSW – TfNSW (formerly TMC and RTA/RMS) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4g. as the event requires traffic control on Council roads and the closure of public roads due to the suspension of Ferry services, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the roads;
- 4h. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from Transport for NSW – TfNSW (formerly NSW Maritime); a copy of this approval to be submitted to Council;

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

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

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- 4v. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity,

Ferry Services

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

Suspension of the ferry services on Sunday, 15 October 2023 as listed below:

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

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

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

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

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

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4.2.3. LTC - Pitt Town Anzac Day Memorial Service 2024 - (Hawkesbury) - (80245, 146679)

INTRODUCTION:

An application has been received from the Pitt Town Anzac Day Planning Committee seeking approval (in traffic management terms) to conduct the Pitt Town Anzac Day Memorial Service 2024, on Thursday, 25 April 2024.

The event organiser has advised;

- The event is a Memorial Service commemorating Anzac Day.
- The event has been held in previous years and this is the sixth year an application relating to traffic management has been provided to Council.
- Approximately 1000 spectators/participants are expected for the event.
- The event will be conducted between 7am and 12noon, which includes set up and packdown.
- The event location is adjacent to No. 81 Bathurst Street, Pitt Town (The Bird in The Hand – Inn).
- It is anticipated that the majority of people attending the event will walk to the site from surrounding residences and any parking of vehicles will be undertaken in surrounding streets.
- The following Road Closures are proposed;
 - Bathurst Street extending from Church Street for approximately 80 metres in a southerly direction from Eldon Street, past No.81 Bathurst Street (The Bird in The Hand – Inn).
 - Eldon Street at Bathurst Street and Grenville Street.
 - Grenville Street at Eldon Street
 - Bathurst Street at Chatham Street.
 - Bathurst Street at Buckingham Street.
 - Traffic will be detoured around the event site.
 - Road Closures will be between 7am and 12noon.
- Authorised Traffic Controllers will be used to implement all traffic control measures.
- No live traffic will be entering the event whilst it is taking place.
- Consultation is to be undertaken with adjoining property owners along the proposed road closures, noting that in previous years concurrence has been provided by the property owners.
- Existing access to private properties affected by the event shall be maintained during the event or alternative access arrangements acceptable to the property owners/tenants shall be made.

Details of the traffic control measures are contained in Attachment 1.

DISCUSSION:

It would be appropriate to classify the event as a “Class 2” special event under the “Traffic and Transport Management for Special Events” guidelines issued by Transport for NSW – TfNSW

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(formerly RTA/RMS) as the event may impact minor traffic and transport systems, which includes the proposed road closures, and there may be a low scale disruption to the non-event community.

The following Road Closures are proposed for Thursday, 25 April 2024, between 7am and 12noon;

- Bathurst Street extending from Church Street for approximately 80 metres in a southerly direction from Eldon Street, past No.81 Bathurst Street (The Bird in The Hand – Inn).
- Eldon Street at Bathurst Street and Grenville Street.
- Grenville Street at Eldon Street.
- Bathurst Street (Local road section) at Chatham Street. Bathurst Street traffic travelling in a northerly direction along the State road towards Chatham Street will not be permitted to turn left into Bathurst Street (Local road section).
- Bathurst Street at Buckingham Street. Bathurst Street traffic travelling in a southerly direction from Bottles Lane towards Eldon Street will be detoured into Buckingham Street towards Chatham Street. Traffic from Church Street and Bathurst Street between Church Street and Buckingham Street will be permitted to travel in a northerly direction towards Buckingham Street.
- Traffic will be detoured around the event site utilising Buckingham Street and Chatham Street.
- Road Closures will be between 7am and 12noon.
- Adjoining property owners are to be consulted, noting that they have been supportive of the event in previous years.
- Access to adjacent properties will be maintained where possible in consultation with the property owners.
- The speed limit in the vicinity of the event site for the local roads is 50kph, with Bathurst Street and Chatham Street within the state network being 60kph.

The event organiser has submitted the following items in relation to the event: Attachment 2 (ECM Document Set ID No: 8486204):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Transport for NSW – TfNSW),
4. Transport Management Plan – referred to in the application as Traffic Management Plan (TMP),
5. Road Closure Traffic Control Plan for the proposed road closures – dated 2017.

The Transport Management Plan (TMP) and the associated Traffic Control Plan (TCP) once updated and completed are to be submitted to Transport for NSW – TfNSW (formerly TMC) for authorisation due to the proposed road closures.

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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, <https://www.hawkesbury.nsw.gov.au/your-council/events/traffic-management-for-special-events>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Transport for NSW – TfNSW (formerly RTA/RMS) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Pitt Town Anzac Day Memorial Service event planned for Thursday, 25 April 2024 between 7am and 12noon be classified as a "Class 2" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by Transport for NSW – TfNSW (formerly RTA/RMS).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted, the following road closures and traffic control measures;
 - Road Closure; Bathurst Street, Pitt Town extending from Church Street for approximately 80 metres in a southerly direction from Eldon Street, past No.81 Bathurst Street (The Bird in The Hand – Inn).
 - Road Closure; Eldon Street, Pitt Town at Bathurst Street and Grenville Street.
 - Road Closure; Grenville Street, Pitt Town at Eldon Street.
 - Road Closure; Bathurst Street, Pitt Town (Local road section) at Chatham Street. Bathurst Street traffic travelling in a northerly direction along the State road towards Chatham Street will not be permitted to turn left into Bathurst Street (Local road section).
 - Road Closure; Bathurst Street, Pitt Town at Buckingham Street. Bathurst Street traffic travelling in a southerly direction from Bottles Lane towards Eldon Street will be detoured into Buckingham Street towards Chatham Street.
 - Road Closures only permitted for Thursday, 25 April 2024, between 7am and 12noon.
 - No other road closures are permitted.

and the following conditions:

Prior to 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 and 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

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- 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 preparing the TMP and 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 event organiser is to obtain approval from Transport for NSW – TfNSW (formerly TMC) as road closures are proposed; a copy of the Transport for NSW – TfNSW (formerly TMC) approval to be submitted to Council;
 - 4e. the event organiser is to submit a Transport Management Plan (TMP) for the entire event incorporating Traffic Control Plans (TCPs), which needs to include details such as the specific position of barriers, signs, measures to stop errant vehicles etc, required for the proposed road closures and traffic diversions to Council for acknowledgement and Transport for NSW – TfNSW (formerly TMC and RTA/RMS) for concurrence. The TCPs should be prepared by a person holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;
 - 4f. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$10,000,000 noting Council and Transport for NSW – TfNSW (formerly RTA/RMS) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
 - 4g. 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, road closures, detour routes 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);
 - 4h. 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;
 - 4i. 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, road closures, detour routes 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;
 - 4j. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road closures, detour routes 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, and as a minimum to the full extent of

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5. REPORTS OF COMMITTEES

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the proposed road closure, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;

- 4k. 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:

- 4l. access is to be maintained for businesses, residents and their visitors;
- 4m. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4n. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4o. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the event and detour route (including the road closure points and detour routes), during the event, under the direction of a traffic controller holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4p. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4q. 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.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Mary Lyons-Buckett, seconded by Ms Melissa Monroe.

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, <https://www.hawkesbury.nsw.gov.au/your-council/events/traffic-management-for-special-events>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Transport for NSW – TfNSW (formerly RTA/RMS) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Pitt Town Anzac Day Memorial Service event planned for Thursday, 25 April 2024 between 7am and 12noon be classified as a "Class 2" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by Transport for NSW – TfNSW (formerly RTA/RMS).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.

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4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted, the following road closures and traffic control measures;
- Road Closure; Bathurst Street, Pitt Town extending from Church Street for approximately 80 metres in a southerly direction from Eldon Street, past No.81 Bathurst Street (The Bird in The Hand – Inn).
 - Road Closure; Eldon Street, Pitt Town at Bathurst Street and Grenville Street.
 - Road Closure; Grenville Street, Pitt Town at Eldon Street.
 - Road Closure; Bathurst Street, Pitt Town (Local road section) at Chatham Street. Bathurst Street traffic travelling in a northerly direction along the State road towards Chatham Street will not be permitted to turn left into Bathurst Street (Local road section).
 - Road Closure; Bathurst Street, Pitt Town at Buckingham Street. Bathurst Street traffic travelling in a southerly direction from Bottles Lane towards Eldon Street will be detoured into Buckingham Street towards Chatham Street.
 - Road Closures only permitted for Thursday, 25 April 2024, between 7am and 12noon.
 - No other road closures are permitted.

and the following conditions:

Prior to 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 and 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 preparing the TMP and 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 event organiser is to obtain approval from Transport for NSW – TfNSW (formerly TMC) as road closures are proposed; a copy of the Transport for NSW – TfNSW (formerly TMC) approval to be submitted to Council;

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- 4e. the event organiser is to submit a Transport Management Plan (TMP) for the entire event incorporating Traffic Control Plans (TCPs), which needs to include details such as the specific position of barriers, signs, measures to stop errant vehicles etc, required for the proposed road closures and traffic diversions to Council for acknowledgement and Transport for NSW – TfNSW (formerly TMC and RTA/RMS) for concurrence. The TCPs should be prepared by a person holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;
- 4f. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$10,000,000 noting Council and Transport for NSW – TfNSW (formerly RTA/RMS) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4g. 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, road closures, detour routes 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);
- 4h. 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;
- 4i. 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, road closures, detour routes 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;
- 4j. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road closures, detour routes 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, and as a minimum to the full extent of the proposed road closure, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;
- 4k. 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:

- 4l. access is to be maintained for businesses, residents and their visitors;
- 4m. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4n. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);
- 4o. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the event and detour route (including the road closure points and detour routes), during the event, under the direction of a traffic controller holding appropriate certification as required by Transport for NSW – TfNSW (formerly RTA/RMS);

ORDINARY MEETING

5. REPORTS OF COMMITTEES

Meeting Date: 12 September 2023

- 4p. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4q. 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.

4.3. FOR INFORMATION

There were no reports for Information.

5. GENERAL BUSINESS

There was no general business.

The next Local Traffic Committee meeting is proposed to be held on Monday, 11 September 2023 at 3.00pm.

The meeting terminated at 3:30pm.

oooO END OF REPORT Oooo

ORDINARY MEETING

6. NOTICES OF MOTION

Meeting Date: 12 September 2023

6. NOTICES OF MOTION

6.1.1. NM – Community Batteries – (138884, 79351)

Directorate: General Manager

Submitted by: Councillor Zamprogno

NOTICE OF MOTION

That Council receives a report updating the Chamber on:

1. The most current data demonstrating whether Community Batteries are cost-effective at their scale, given the prohibitive expense and long ROI of household batteries.
 2. Whether our Local Environmental Plan (LEP) facilitates placement of Community Batteries in geographically appropriate locations to service groups of houses or buildings across the Local Government Area.
 3. Whether the process of canvassing residents or businesses in a locality to initiate a Community Battery program can be facilitated by Council, partnering with network operators.
 4. Which network operators are running Community Battery programs and have a good track record in this space, and
 5. What the current sources of grant funding are to expedite a rollout, and how Council can access them.
-

BACKGROUND

Community Batteries are mid-scale batteries capable of storing electricity, including renewables, for whole groups of residences or businesses. They offer a potentially valuable contribution to grid resilience and efficiency as our energy matrix evolves.

The proposed introduction of Community Batteries are already listed in a number of documents endorsed by Council, but no update has been provided for several years.

The Western Parkland City Draft Blueprint (December 2021) cites Community Batteries as a desirable Regional Economic Development Goal for the Hawkesbury by name (p59).

A motion was supported before the ALGA conference in 2022 to “call on the Australian Government to establish a new dedicated fund that councils can access to enable their municipal communities' transition to renewable energy, through deployment of community-scale energy storage systems”, including Community Batteries. (Motion 28, p77).

Several notes from management indicate that Council's Environmental Sustainability Officer has been tasked to work with Endeavour Energy to implement grid scale community batteries. (Environment Committee minutes, July 2021), but I cannot find any reference to any progress on this matter since then.

Given that AusGrid's website has a page dedicated to asking Councils to apply for a share of \$224.3M in grants to install 400 community batteries across the country, and that the Federal Minister announced a new scheme last December, I believe it is timely to ask for an update and to re-emphasise the Chamber's priority for Community Batteries to become a part of our energy matrix, especially if there are further improvements that need to be incorporated into our LEP to facilitate.

ORDINARY MEETING

6. NOTICES OF MOTION

Meeting Date: 12 September 2023

References:

<https://www.ausgrid.com.au/In-your-community/Community-Batteries/Community-battery-information-for-councils>

<https://minister.dcceew.gov.au/bowen/media-releases/powering-australian-communities-solar-storage>

<https://reneweconomy.com.au/ausgrid-installs-first-of-many-community-battery-installations-in-sydney-network/>



oooO END OF REPORT Oooo

ORDINARY MEETING

7. QUESTIONS FOR NEXT MEETING

Meeting Date: 12 September 2023

7. QUESTIONS FOR NEXT MEETING

7.1.1. Response to Question with Notice - 11 July 2023

The following question was included in the Council Meeting Business Paper of 11 July 2023 and the response is provided below:

#	Councillor	Question	Response
1	Kotlash	Can I get confirmation that the \$471,000 worth of value, that has been brought up on several occasions, that we purportedly get from our \$200,000 annual payment to Hawkesbury River County Council (HRCC) is based on inflated figures?	Council will be provided a response to this question at an upcoming Councillor Briefing Session.

oooO END OF REPORT Oooo

ORDINARY MEETING

7. QUESTIONS FOR NEXT MEETING

Meeting Date: 12 September 2023

7.1.2. Responses to Councillor Questions Taken on Notice at the Council Meeting - 8 August 2023

The following questions were raised from Councillors regarding matters on the Council Meeting Business Paper of 8 August 2023. These questions were taken on notice and the response is provided below:

#	Councillor	Question	Response
1	Zamprogno	Can Council advise the grant deadline date for the grant received by the Windsor Paddlesports Club.	As far as Council can ascertain, an extension has been sought by the Windsor Paddlesports Club to the grant authority Office of Sport. The application has been referred to the relevant Minister to make a decision on execution of the funding agreement.
2	Wheeler	Could Council investigate possible ways for third party committee minutes be reported to Council in the future.	Council is continuing to investigate possible ways for third party committee minutes to be reported to Council. Some of the issues to be considered include: <ul style="list-style-type: none">• Identification of the relevant third party organisations• The different types of third party organisations which hold minuted meetings.• The third party organisations are not committees of Council as defined by Council's Code of Meeting Practice or the Code of Conduct.• Some third party organisations already make their meeting minutes publicly available (for example Hawkesbury River County Council).• The mechanism for inclusion in a Council Meeting report of minutes of a third party organisation.• The different minute formats.• That minutes may contain personal information or commercially confidential information which should not be made public.

ORDINARY MEETING
7. QUESTIONS FOR NEXT MEETING
Meeting Date: 12 September 2023

#	Councillor	Question	Response
			Further information will be provided to Council when these issues have been given further consideration.

oooO END OF REPORT Oooo

ORDINARY MEETING

8. CONFIDENTIAL REPORTS

Meeting Date: 12 September 2023

8. CONFIDENTIAL REPORTS

8.1. GENERAL MANAGER

Nil reports.

8.2. CITY PLANNING

Nil reports.

8.3. CORPORATE SERVICES

Nil reports.

ORDINARY MEETING

8. CONFIDENTIAL REPORTS

Meeting Date: 12 September 2023

8.4. INFRASTRUCTURE SERVICES

8.4.1. IS – Waste Management Facility Capping of Landfill – (95495, 159578)

Directorate: Infrastructure Service

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 contract for the supply of goods and/or services to 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 proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to costs and consideration of costs under the currently awarded contract 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.



Ordinary Meeting

End of Business Paper

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