



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 23 February 2016

location: council chambers

time: 6:30 p.m.



mission statement

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

How Council Operates

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

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

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

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

Meeting Procedure

The Mayor is Chairperson of the meeting.

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

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

Public Participation

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

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

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

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

Voting

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

Planning Decision

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

Business Papers

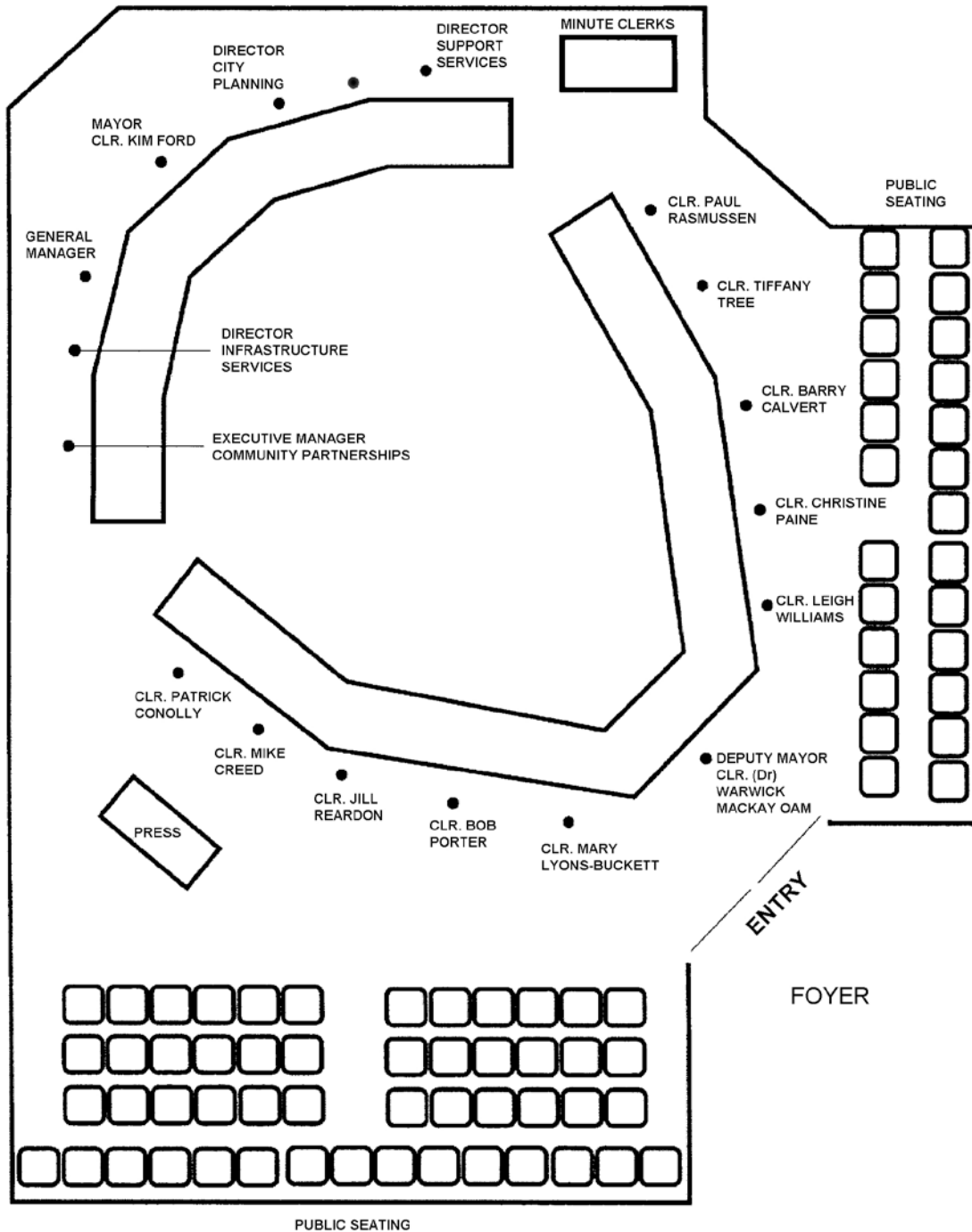
Business papers can be viewed online from noon on the Friday before the meeting on Council's website: <http://www.hawkesbury.nsw.gov.au>.

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

Further Information

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

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 18 CP - DA0631/15 - Jolly Frog Hotel, 25 Bridge Street, Windsor - Demolition - Partial demolition of the building - (95498, 124063, 135589)

Previous Item: 211, Ordinary (8 December 2015)

Development Information

File Number: DA0631/15
Property Address: Jolly Frog Hotel - 25 Bridge Street, Windsor
Applicant: MM Atelier Architects
Owner: Planet Warriewood Pty Ltd
Proposal Details: Demolition - Partial demolition of the building
Estimated Cost: \$275,000
Zone: Part B2 Local Centre and Part RE2 Private Recreation
Date Received: 9 October 2015
Advertising: 19 October 2015 to 9 November 2015

Key Issues:

- ◆ Heritage Item
- ◆ Demolition

Recommendation: Conditional Approval

REPORT:

Executive Summary

The Jolly Frog Hotel building was damaged by fire on 20 January 2014 which resulted in the destruction of the roof and first floor of the original building and substantial damage to the remaining 20th century additions.

This application seeks Council's approval to partially demolish the fire-damaged Jolly Frog Hotel building. It is proposed to conserve and support the four walls of the original brick hotel building and demolish the later additions. In addition, it is proposed to remove asbestos material located throughout the remaining structure.

A temporary roof frame and tarpaulin cover is to be installed so as to prevent further water damage to the existing brick structure. All openings are also proposed to be secured so that unauthorised entry and vandalism is prevented.

The building is listed as an item of environmental heritage having local significance.

This application is being reported to Council for determination as requested by Councillor Lyons Buckett.

This report was considered by Council at the meeting of 8 December 2015 and the resolution was as follows:

"That the matter be deferred to a Councillor Briefing Session."

The application was presented to the briefing session of 9 February 2016.

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Development Description

Pursuant to Section 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's approval to partially demolish the fire-damaged Jolly Frog Hotel building. The demolition and associated works are proposed to be undertaken in stages being detailed by the applicant as follows:

- Stage 1: Safe propping and asbestos removal in accordance with the asbestos scope of works report prepared by SLR Global Environmental Solutions and endorsed by Council on 16 September 2014.
- Stage 2: Additions and peripheral structures around the original building will be removed to slab or footing level. Where fabric adjoins the original heritage structure it will be removed by hand to prevent damage to the original building.
- Stage 3: Demolition of fabric within the heritage building:
- Removal of whole roof structure including ceilings
 - Removal of all later internal lining
 - Removal of aluminium windows
 - The perimeter brick walls will be braced as stage 3 progresses to prevent collapse or movement.
- Stage 4: Install temporary roof frame and tarpaulin to prevent ongoing water damage to the brickwork. Secure all openings to prevent unauthorised entry and vandalism.

Summary Recommendation

The most significant remaining fabric will be retained and the proposal will allow for the future reinstatement of the building. The proposal is considered to represent a satisfactory form of development and is recommended for conditional approval.

Council Policies, Procedures and Codes to which the matter relates

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

Section 79C Matters for Consideration

The modified proposal has been considered against the heads of consideration listed under Section 79C of the EP&A Act.

i. Environmental Planning Instruments:

State Environmental Planning Policy No. 55 – Remediation of Land

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

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

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The subject property has a long history of use as a hotel and the proposed works will ensure the preservation of the heritage significant component of the building to allow for a future use.

A report has been submitted in conjunction with the application detailing a methodology for the safe removal, handling and disposal of asbestos.

Sydney Regional Environmental Planning Policy No. 20 – Hawkesbury-Nepean River:

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

The proposed development is generally consistent with the aims, objectives and recommended strategies of SREP No. 20. The property is located within an established area and the proposal will not negatively impact on environmentally sensitive areas, areas of cultural significance or the availability of rural land.

In accordance with Clause 4(1) of SREP No. 20 Council must take into consideration the general planning considerations set out within Clause 5 and the specific planning policies and related recommended strategies set out within Clause 6.

Clause 5 General Planning Considerations

General planning considerations include:

- a) the aim of the plan
- b) the strategies of the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy
- c) whether there are any feasible alternatives to the development
- d) the relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed or monitored.

An assessment against the relevant clauses of this plan has been undertaken and the proposed development is considered to be consistent with the requirements as detailed below:

Clause 6 Specific Planning Policies and Recommended Strategies

The specific planning policies and recommended strategies for this plan that are relevant in the assessment of this application are detailed as follows:

Clause 6 (5) Cultural Heritage

This clause seeks the conservation of heritage items and includes requirements relating to development that does not detract from the significance of such items. It is considered that the proposal is consistent with these provisions as the application involves the demolition of unsympathetic additions and stabilisation works associated with the listed heritage building located on the subject site.

The building is not structurally stable in its current state and the proposal would assist in its long term preservation and the demolition of the various additions is consistent with the requirements contained in Hawkesbury DCP (HDCP) 2002.

Clause 6 (7) Riverine Scenic Quality

The building in its current configuration, inclusive of the various 20th century additions, does not contribute to the landscape and scenic quality of the area. The identified heritage portion of the building is proposed to be preserved and the removal of the various unsympathetic additions will assist in improving the presentation of this highly prominent site. It is considered that the works associated with this application would create the opportunity to redevelop the site for a use that would ultimately aid in the long term improvement in the scenic quality of the area.

Hawkesbury Local Environmental Plan 2012

The proposed development has been assessed against the provisions of the HLEP 2012 and is found to be generally consistent with applicable provisions including those related to zone objectives, amenity and heritage impacts. Relevant provisions are addressed below:

Clause 1.2 Aims of the Plan

Aims of the plan include:

- a) to provide the mechanism for the management, orderly and economic development and conservation of land in Hawkesbury; and
- b) to conserve and enhance buildings, structures and sites of recognised significance that are part of the heritage of Hawkesbury for future generations.

The development has been assessed to be generally consistent with the aims of the plan as set out within Clause 1.2(2) of the LEP in that the proposal seeks consent for the stabilisation of the portion of the building having significant heritage value, demolition of the later additions and removal of asbestos material currently located within the existing structure and on the subject land.

Clause 2.3 Zone objectives and Land Use Table

The Jolly Frog Hotel building is situated on Lot 102 of DP 1151845.

An extract from the zoning map is included below:



Figure 1: Subject site as identified on the extract from HLEP 2012 Land Zoning map.

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Clause 2.3(2) of the HLEP 2012 states that Council must have regard to the objectives of the zone for which development consent is being sought. The objectives the RE2 Private Recreation and B2 Local Centre zones are detailed as follows:

Zone Objectives RE2 Private Recreation Zone

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

Zone Objectives B2 Local Centre Zone

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To promote the development and expansion of business activities to meet the optimum employment and social needs of Hawkesbury.*

The proposed development is assessed to be generally compatible with the above mentioned objectives as:

- the proposal would assist in ensuring the preservation of the heritage significant portion of the building that at present is deteriorating due to its physical state; and
- the conservation strategy would provide for the stabilisation of the existing structure so that a future use may be established on the site whereby the building would be capable of reconstruction.

Clause 5.10 – Heritage Conservation

The existing building located at 25 Bridge Street Windsor (Lot 102 DP 1151845) "The Windsor Tavern" is listed as being of local heritage significance under Schedule 5 of Hawkesbury Local Environmental Plan 2012.

The Council's heritage inventory information for the subject property notes that the site contains:

"A two storey sandstock brick inn which has stood on this site since prior to 1840. It retains its main upper wall fenestration and hipped roof form now sheeted in iron. Ground floor has been much altered."

The objectives of the Heritage Conservation chapter include:

- a) to conserve the environmental heritage of Hawkesbury
- b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views
- c) to conserve archaeological sites
- d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

It is noted that the building has suffered extensive damage as a result of a fire and following this event an inspection of the property was undertaken by Council's Heritage Advisor who has provided the following comments:

- *"The buildings earliest section dates from the 1830's - 1840's. Any building of this date is rare in NSW and the Commonwealth. Hence it has significant heritage values.*
- *Due to its heritage significance a Heritage Consultant (Architect) with considerable skills in dealing with early Georgian buildings needs to be employed to ascertain what elements are salvageable, and to work along with structural engineer to look at the fabric of the site especially of the earliest 1830 – 1840 section.*

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- *Due to the rareness of the 1830 – 1840 section attempts should be made to endeavour to conserve the building and conserve it using as much heritage fabric as possible."*

In response to this the applicant has commissioned a report prepared by Paul Davies – Architects Heritage Consultants that provides the following information relating to the state of the existing fire damaged building:

- "1. The early hotel that is the rectangular two storey brick building form (approx. 9.3 x 13.5 metres in plan) remains at the core of the site. That is, the brick walls that formed the building.*
- 2. The fire appears to have commenced within that part of the building and the building is severely fire damaged. In essence the only fabric of heritage significance that can be retained are the four external brick walls, some remnant internal brick walls and a small section of the first floor around the current stair. The majority of the first floor construction and the whole of the roof of this part of the building is destroyed and cannot be recovered.*
- 3. There appeared to be no remaining early internal fitout (that is before the fire) and there remains no fitout after the extensive fire damage, even if some had managed to remain.*
- 4. The various additions in various construction materials and styles (none of which have any heritage or other significance) are now damaged to a point where their retention or recovery could not be justified whether on economic or heritage grounds. All the additions and accretions around the site should be removed completely as a matter of urgency to prevent further damage to the remaining significant hotel structure.*
- 5. All windows and doors within the original section of the building are (or where) late twentieth century and have no significance, most were damaged in the fire.*
- 6. The first floor has been completely refitted, it appears on several occasions, to a point where the only walls that may remain are 2 brick walls, now supported on failing steel beams. All other fitout is mid twentieth century hardwood framed walls with fibrous plaster linings and ceilings. Bathrooms have more recent fitout but are now almost completely collapsed. Windows are aluminium framed with added glazing bars to simulate colonial windows, all are failed or fire damaged.*
- 7. The window openings to the upper floor on the front (north) façade remain however the central doorway has been infilled (its outline can be seen in the brickwork)."*

The rear (south) façade retains three windows to the west, has two windows removed and one doorway added to a wing.

The east wall has had a window added in the mid twentieth century.

The west wall could not be accessed but appears to have an opening to an addition.
- 8. The roof and ceiling framing has been destroyed.*
- 9. The ground floor retains only remnant brickwork and has had a major new brick wall built across the building and steel beams inserted to remove all other walls. It appears that there was a major central wall running east west (600mm thick) that may have been an original rear wall of a smaller single storey building.*
- 10. No internal openings remain in their original form on the ground floor. New openings have been created to each wall and earlier openings have been infilled. Until the building is stripped back it is difficult to determine original openings apart from front façade which appears in photos.*

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11. *Externally the building has had various additions and has been rendered over the last phase of changes to openings. However, evidence remains of the first floor verandah structure (cut off floor joists flush with the brickwork).*
12. *Small sections of original eaves remain as evidence of the original construction.*
13. *Despite the fire damage it is possible to determine timber sizes and construction details from the remains.*
14. *The photographic record provides some clear evidence of the form of early verandahs and façade detail but not of the rear of the building or the interiors.*

In summary, there appears to be no reason that the early hotel building as now found in the brick walls and some openings cannot be retained and rebuilt."

As detailed in the Heritage Statement the building has suffered extensive damage and given the state of the building it is recommended that the non-contributory portions of the existing structure be demolished. At present the perimeter brick walls have little structural support and as the building has no roof the remaining structure is exposed to environmental conditions. In its current state the building will suffer from further deterioration.

The submitted Heritage Statement provides the following recommendations in relation to the site:

- "1. *There is no reason, from a heritage perspective, to prevent the demolition of all the fabric except the early hotel building and to clear the site retaining just the original hotel building. It will also be advantageous to do this quickly as the fabric that is to be retained can then be secured and protected properly until future works commence.*
2. *The site will without doubt have archaeological value that will extend across the whole of the site. This is currently being assessed as part of the historical study of the site. It is known that there were various other buildings on and around the site that are likely to remain as archaeological material and which will need to be assessed and potentially protected and investigated.*

This will affect the demolition and it is recommended that excavation of in ground elements should not take place until this assessment is complete and the potential of the site is assessed.

3. *The demolition will need to take place in stages. Initially the additions and peripheral structures around the original building should be removed to slab level (or footing level). Where fabric adjoins the heritage structure it needs to be demolished by hand to prevent risk of damage. When this work is complete the heritage building will need to be further assessed for stability prior to undertaking internal demolition.*
4. *The demolition of the fabric in the heritage building will need to be undertaken with regard to the following:*
 - *The perimeter brick walls will need to be braced as work progresses to prevent collapse or movement. The bracing could take several forms but may utilise the remaining steel beams at first floor level, for example, with propping and upper level bracing.*
 - *The whole of the roof structure including ceilings should be removed.*
 - *All later internal lining should be removed.*
 - *Aluminium windows should be removed.*
 - *Brickwork may require repair as work progresses as advised by the engineer, but until a design is determined repairs should not be undertaken to areas likely to require change.*
 - *The archaeology (that is the below floor areas) within the building will need to be protected.*

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- *It may be advisable to retain upper level wall frames where they can be retained for bracing (noting that they will most likely be removed later).*
 - *When demolition is complete it would be desirable to tarpaulin the building to prevent ongoing water damage to brickwork. This may require some temporary roof framing.*
5. *The site will require proper protection on completion to prevent vandalism and ongoing damage."*

Having regard to the stated objectives of the heritage provisions contained in HLEP 2012 relating to the conservation of existing heritage items it is considered that the works proposed in conjunction with this application will assist in preservation of 'The Windsor Tavern' building.

Appropriate conditions have been included in the recommended consent requiring compliance with the recommendations detailed above.

Clause 6.1 Acid Sulfate Soils

The land affected by the development is identified as having part Class 4 and part Class 5 Acid Sulfate Soils. It is noted that the proposal does not involve excavation works and as such there are no specific requirements in relation to the preparation of an acid sulfate soils management plan.

Clause 6.3 Flood Planning

The predicted 1 in 100 year flood level for this location is 17.3m AHD. The site is located at approximately 10.0 - 14.0m AHD and is therefore located below the flood planning level. As the proposal involves stabilisation and demolition works associated with an existing building there are no inconsistencies with the flood planning provisions contained in HLEP 2012.

Clause 6.4 Terrestrial Biodiversity

The site is mapped as containing 'connectivity between significant vegetation' on the Terrestrial Biodiversity Map. It is noted that the area identified on this map currently contains a car parking and vehicle manoeuvring area.

The proposal involves works associated with an existing building and would not impact on any significant vegetation.

Clause 6.7 Essential Services

Adequate essential services can be provided to the site.

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

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

iii. Development Control Plan applying to the land

Hawkesbury Development Control Plan (HDCP) 2002

An assessment of the proposed against the relevant provisions of this plan follows:

Part A Chapter 3: Notification of Development Applications

The notification of the application was undertaken from 19 October to 9 November 2015 in accordance with Part A Chapter 3 of the HDCP 2002. A total of 18 submissions were received in response to the notification of the application. Matters raised within submissions are discussed further below.

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Part C: Chapter 4 - Soil Erosion and Sediment Control

A Concept Erosion and Sediment Control Plan has been submitted with the application. The measures proposed are considered consistent with the requirements contained in HDCP 2002.

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

The applicant has submitted a demolition waste management plan in conjunction with the application that is considered satisfactorily.

Part C: Chapter 10 – Heritage Conservation

This chapter contains no specific guidelines in relation to the demolition of non-contributory components associated with a heritage item or stabilisation works of a damaged building. It is considered that the proposal would assist in maintaining the structural integrity of a building that at present will be subject to further deterioration should appropriate conservation/stabilisation measures not be undertaken.

The application details that it is proposed to install temporary roof framing with a tarpaulin cover over the building so as to provide weather protection to the structure. It is considered that this would not provide a suitable strategy for the ongoing preservation of the building. This form of cover is only suitable as a temporary measure due to issues associated with it being weatherproof and lack of capacity to ensure that water is effectively directed away from the remaining structure.

In this regard it is considered appropriate to require that a permanent roof be provided to the building in the form of the original building to adequately weatherproof the structure and to effectively direct water so that further damage to the foundations of the building is minimised.

Part E Chapter 5: Macquarie and Bridge Streets

Clause 5.4.1(a) of Part E Chapter 5 of the HDCP 2002 outlines that the 'Jolly Frog' building, also known as the Windsor Hotel, should be restored back to its appearance in the 1900's.

This would entail the removal of the non-sympathetic additions leading to the greater exposure of the heritage significant portion of the building particularly when viewed from Macquarie Street.

It is considered that the demolition works detailed with the subject application would satisfy the stated aim contained in HDCP 2002. The 'non-sympathetic' additions that have been damaged by the fire are proposed to be removed and the significant heritage fabric associated with the original building is to be retained and stabilised so that further deterioration to the structure is minimised.

It is proposed that a future conservation management plan will be developed for the site to achieve the objective contained in the HDCP 2002 to restore its appearance to that of the 1900's.

A suitable condition has been included in the recommendation requiring the preparation of a conservation management plan in accordance with the guidelines provided by the NSW Office of Environment.

(a)(iv) Regulations

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

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

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

(c) Suitability of the Site for Development

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

(d) Any Submissions

As detailed previously in this report a total of 18 submissions were received in response to the notification of the application. Summarised matters raised within submissions are as follows:

1. *Non-compliance with HDCP 2002 Part E Chapter 5 Macquarie and Bridge Street.*

Comment: The proposal is considered to be generally in accordance with the requirements contained in HDCP 2002 as discussed in the main body of this report. It is noted that a conservation management plan has not been submitted with the application however this has been required as a condition of this consent.

2. *No Conservation Management Plan has been prepared.*

Comment: The preparation of a conservation management plan is included as a condition of consent. It is considered appropriate that the stabilisation works and asbestos removal works be undertaken as a matter of urgency and therefore it is appropriate to enable these to occur rather than delaying these works so that a conservation management plan could be prepared in conjunction with the current application. The current condition of the structure is such that the stabilisation and demolition works must be undertaken prior to persons entering the building to undertake the conservation management plan investigations.

3. *Asbestos contamination has not been adequately addressed.*

Comment: It is considered that the applicant has submitted adequate information to assess the asbestos hazard associated with the site. The asbestos within the current structure has been previously stabilised. However, additional removal work is required, but cannot be undertaken until the building is stabilised. In addition to this information suitable conditions have been included in the recommendation of this report in relation to this issue.

4. *Demolition by neglect.*

Comment: The application seeks development consent for the stabilisation of the heritage significant building located on the site. It is considered that by carrying out these works the structure would be protected from further degradation until such time as a future use would be determined for the site.

5. *Inadequate waste management plan submitted with application.*

Comment: The waste management plan is considered adequate for the purposes of the assessment. Suitable conditions relating to the handling and disposal of asbestos have been included in the recommended conditions of consent.

6. *No future use proposed leaving the building susceptible to further degradation.*

Comment: It is acknowledged that the application does not contain information in relation to a future use of the site. This is not a matter that would prevent Council from considering the subject application.

7. *Demolition would compromise stability of original building fabric.*

Comment: The proposal includes stabilisation works associated with the heritage significant portion of the building. It is considered that the details submitted with the application and the inclusion of appropriate conditions satisfactorily addresses this issue.

8. *A bond should be sought to ensure the heritage building is preserved.*

Comment: The provision of a bond is not considered appropriate in this instance.

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9. *An independent heritage expert should supervise demolition work to ensure the preservation of the heritage building.*

Comment: It is considered that the conditions that have been included in conjunction with the recommended consent satisfactorily address the issue of future heritage conservation of the building. Council's heritage advisor has been involved in the pre-application work and also in the assessment of this application.

10. *Appropriate conditions are required to be included to protect the heritage building.*

Comment: The conditions included in the recommended consent require that a qualified heritage consultant supervise works and that a structural engineer provide certification in relation to the structural stability of the building. It is considered that these matters have been adequately addressed in the recommendation of this report.

11. *The application has not been prepared in accordance with required guidelines.*

Comment: The application is considered to have been adequately made as required by the Environmental Planning and Assessment Act 1979 and Regulation 2000.

12. *Ownership details not fully identified.*

Comment: The details submitted as part of the application are considered suitable for the lodgement of the application.

13. *Application does not contain correspondence between Council and owner/consultants.*

Comment: The information that has been submitted in conjunction with the application is consistent with the requirement of relevant planning legislation.

14. *Air quality monitoring has not been undertaken.*

Comment: Suitable conditions have been included in the recommendation regarding asbestos management during the works proposed in conjunction with the subject application.

15. *Inadequate assessment of potential impact upon existing archaeology.*

Comment: The heritage assessment submitted with the application identifies that the site would have archaeological value. In order to minimise the impact upon any archaeological fabric the assessment recommends that works not extend below ground level. Appropriate conditions are included in the recommendation having regard to the site's archaeological potential.

16. *Heritage assessment does not adequately consider post 1867 additions.*

Comment: The assessment submitted with the application is considered to have satisfactorily addressed the significance of the building. It is also noted that the proposed demolition works are consistent with Council's Development Control Plan that recommends that the building should be restored back to its appearance in the 1900's. As such, the proposal is considered satisfactory having regard to the heritage assessment of the existing building that is inclusive of all its components.

17. *Tarpaulin roof covering is unacceptable for long term preservation.*

Comment: It is agreed that the tarpaulin roof proposed to be provided to the building is not a suitable long term strategy for ensuring weather protection. A suitable condition has been included in the recommended consent requiring the installation of a roof in the form of the original building to adequately weatherproof the structure and to effectively direct water so that further damage to the building is minimised.

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18. *Flood risk associated with the property constrains any future use.*

Comment: As discussed in the report the site is subject to flood risk and that this would constrain the range of uses that would be able to be considered on the land. It is also noted that non-residential uses of the land would be less sensitive to the flood risk and any future proposed use would need to be considered having regard to potential flooding.

(e) Public Interest

The matter of public interest has been taken into consideration in the assessment of the application. The building in its current state is subject to deterioration due to exposure to environmental factors and has been identified as being structurally compromised. The proposal will remove elements of the building that do not have significant heritage value in compliance with the recommended strategies identified in HDCP 2002.

Approval of the application is considered appropriate in order to assist in the future conservation of the heritage building and to enable a future use to be developed.

Financial Implications

The Section 94A Contributions Plan 2015 does not require the payment of contributions for demolition work however this Plan is yet to be adopted.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 79C(1) having been taken into consideration. The proposed demolition works will allow for stabilisation of the site and will retain the most significant fabric remaining after the fire.

The development is acceptable and is recommended for conditional approval.

Planning Decision

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

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RECOMMENDATION:

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. DA0631/15 for the partial demolition of the building at Lot 102 DP 1151845, known as 25 Bridge Street, Windsor, subject to the following conditions:

General Conditions

1. The development shall take place generally in accordance with the following plans, specifications and accompanying documentation submitted with the application:
 - Drawing No. DA-01 prepared by MM Atelier Architects and dated 7 October 2015
 - Drawing No. DA-02 prepared by MM Atelier Architects and dated 7 October 2015
 - Asbestos Building Materials Technical Scope of Works Report prepared by SLR Consulting Australia Pty Ltd and dated 23 May 2014
 - Scope of Works Report prepared by CRD Building Consultants and Engineers and dated 25 February 2015

except as modified by these further conditions.

2. The works associated with the demolition and stabilisation of the heritage building are to follow the recommendations contained in the report titled 'Jolly Frog Hotel Windsor – Initial Assessment to Accompany an Application for Partial Demolition and Site Clearing' prepared by Paul Davies – Architects Heritage Consultants dated October 2015, which include, but are not limited to, the following:
 - a) The perimeter brick walls are to be braced as work progresses to prevent collapse or movement.
 - b) The whole of the roof structure including ceilings are to be removed.
 - c) All later internal lining are to be removed.
 - d) Aluminium windows are to be removed.
 - e) Consultation with the consultant heritage architect shall be undertaken prior to repair of any heritage fabric.
 - f) The archaeology (that is the below floor areas) within the building and its curtilage shall be protected by limiting any excavation or digging to hand digging only. Should any artefacts or old remnants be found works are to cease immediately and the Heritage Consultant (required by Condition 7 of this consent) and Council are to be contacted. Works are not to recommence until clearance, in writing, is provided by Council.
 - g) The upper level wall frames shall be retained to assist with the bracing of the building if deemed appropriate by the structural engineer (noting that they will most likely be removed later).
 - h) Upon completion of demolition a temporary tarpaulin roof with associated roof framing is to be provided to the building to prevent ongoing water damage to brickwork.
3. A permanent roof is to be provided so that its form is consistent with the original heritage building to adequately weatherproof the structure and to effectively direct water away from the foundations to minimise further damage to the existing structure.

The roof restoration works are to be completed within 6 months of the date of this consent.

A separate development application detailing design and structural details, and painting of the exterior of the building, is to be submitted to Council for approval prior to the commencement of any roof restoration works.

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4. A Conservation Management Plan (CMP) relating to the protection of the retained portion of the building on the site shall be prepared and submitted within six months of the date of this consent. The CMP is to be prepared in accordance with the guidelines provided by the NSW Office of Environment and Heritage and submitted to Council.

Prior to Issue of Construction Certificate

5. The payment of a long service levy as required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Corporation offices or at most Councils.

Prior to Commencement of Works

6. An archival recording of the building shall be prepared and submitted to Council in accordance with the NSW Office of Environment and Heritage's 'How to Prepare Archival Records of Heritage Items'. Plans and a photographic study of the structure (including a diagram indicating the location of the photographs) shall be prepared in accordance with Schedule A of this document. The drawings and photographs are to be submitted in both hardcopy and digital formats.

Note: Council has file format and naming controls for digital documents. See Council's website for further details: www.hawkesbury.nsw.gov.au.

7. A suitably qualified heritage architect shall be engaged to oversee and supervise the demolition and retention works. Details of the heritage architect shall be provided to Council prior to the commencement of any works.
8. At least two days prior to the commencement of works, notice is to be given to Council in accordance with the Environmental Planning and Assessment Regulation 2000.
9. The applicant shall advise Council of the name, address and contact number of the Principal Certifying Authority (PCA) in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act 1979.
10. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
 - a) Unauthorised access to the site is prohibited
 - b) The owner of the site
 - c) The person/company carrying out the site works and telephone number (including 24 hour seven days emergency numbers)
 - d) The name and contact number of the Principal Certifying Authority (PCA).

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

11. A Traffic Guidance Scheme prepared in accordance with AS1742.3: 2002 by an appropriately qualified person shall be submitted to Council. Where the works affect Roads and Maritime Services (RMS) controlled roads, the Traffic Management Plan is to be approved by the RMS before submission to Council for approval.
12. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Any such facilities shall be located wholly within the property boundary.

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During Demolition

13. Site and demolition works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am and 6pm and on Saturdays between 8am to 4pm.
14. The site shall be secured at all times against the unauthorised entry of persons or vehicles.
15. The site shall be kept clean and tidy during the works and all waste material and rubbish shall be removed from the site upon the completion of the project. The following restrictions apply during the works:
 - a) The site shall be secured to prevent the depositing of any unauthorised material.
 - b) Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
 - c) All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage from the truck onto the road.
 - d) Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised.
 - e) Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
 - f) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - g) Building operations shall be undertaken only within the site.
16. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
 - a) Adjoining owners are given 24 hours notice in writing prior to commencing demolition.
 - b) All work shall be carried out in accordance with AS2601 'Demolition of structures'.
 - c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
 - d) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences
 - e) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
 - f) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
 - g) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
 - h) Demolition activities shall not cause damage to or adversely affect the structural integrity of adjoining buildings.
 - i) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
 - j) No material is to be burnt onsite.
 - k) The structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
17. If asbestos is encountered during any work, measures must be in place in accordance with WorkCover NSW guidelines and the Occupational Health and Safety Regulation 2001. Work shall not commence or continue until all the necessary safeguards required by WorkCover NSW are fully in place.

Only contractors who are appropriately licensed for asbestos disposal by WorkCover NSW may carry out the removal and disposal of asbestos from demolition and construction sites.

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Prior to commencing the removal of any structures containing asbestos, a commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring 400mm by 300mm shall be erected in a prominent visible position on the site in accordance with Australian Standard AS1319 'Safety Signs for the Occupational Environment'.

The person entitled to act on this consent shall notify adjoining residents in writing five working days prior to the demolition.

Asbestos waste must only be disposed of at a landfill site authorised to receive such waste. All receipts and supporting documentation must be retained in order to verify lawful disposal and are to be made available to Hawkesbury City Council on request.

Completion of Works

18. Within one month of the completion of the demolition works, or seven months from the date of this consent, whichever is the lesser, a practising structural engineer shall provide certification that the heritage building is structurally adequate.

ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Aerial Photo

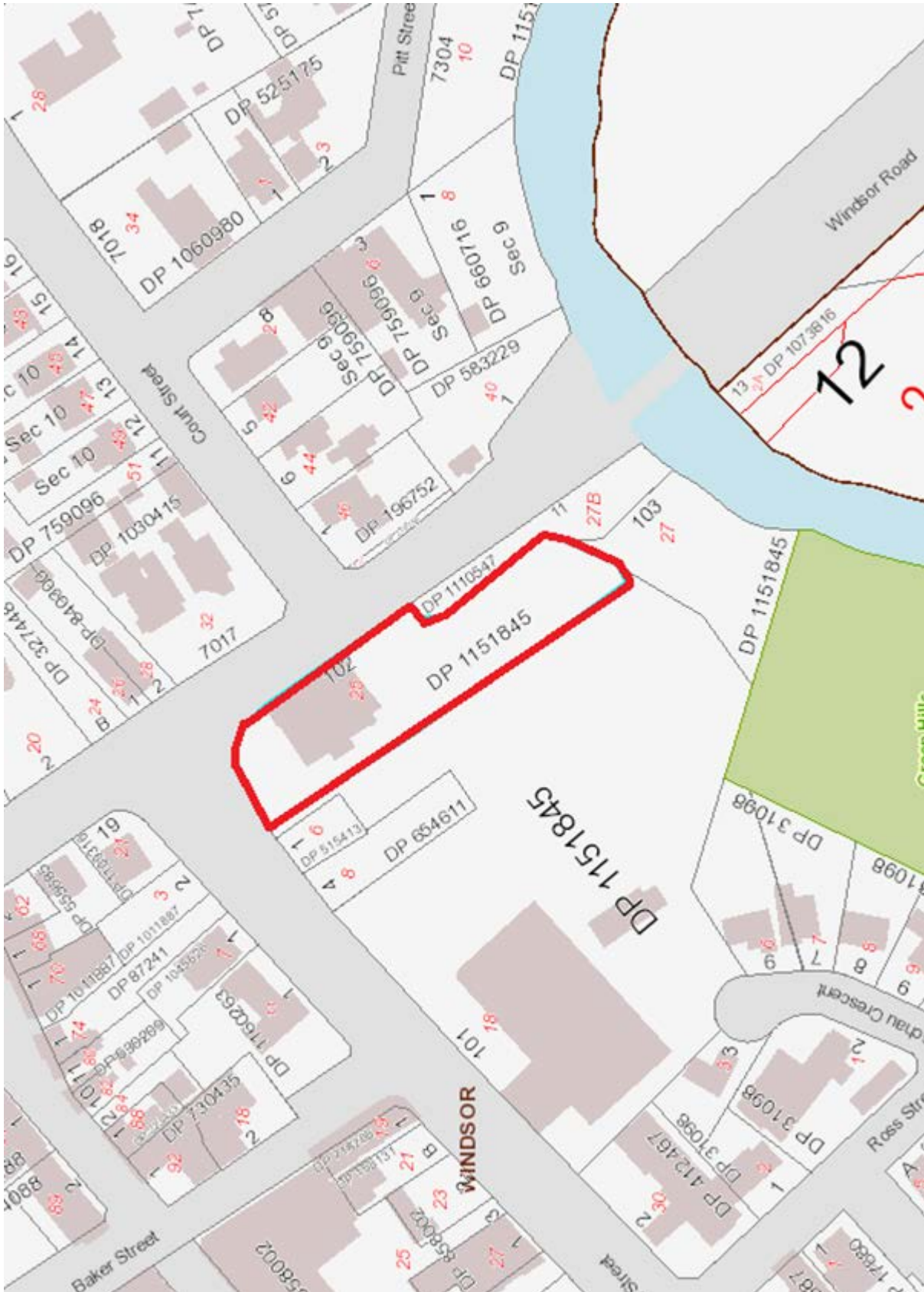
AT – 3 Demolition Plan

AT – 4 Demolition Elevations and Section

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AT - 1 Locality Plan



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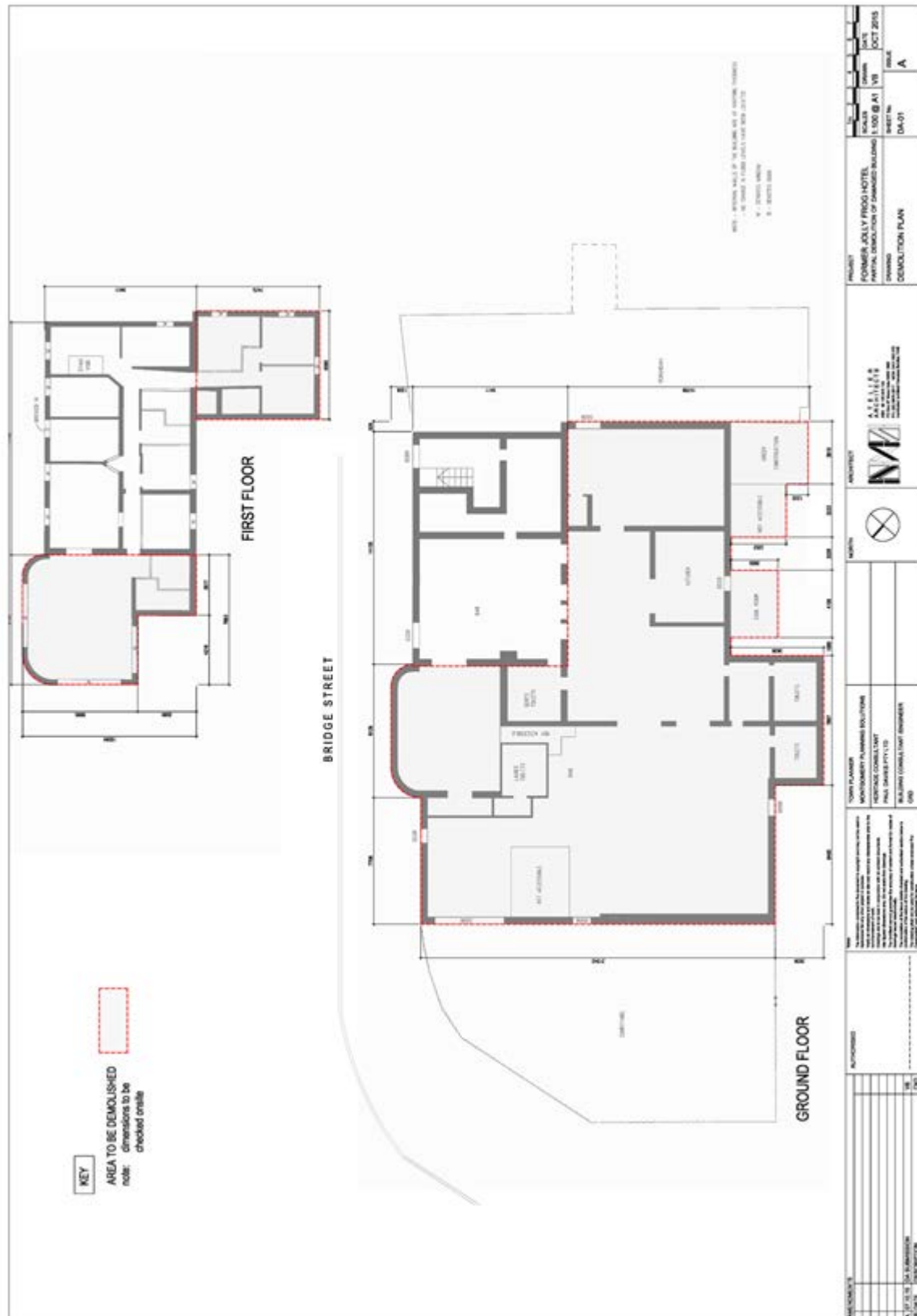
AT - 2 Aerial Photo



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AT – 3 Demolition Plan



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Item: 19 **CP - Draft Section 64 Contribution Plan - Stormwater Infrastructure for Pitt Town Contribution Area 1 and associated amendments to Council's Operational Plan 2015/2016 - Post exhibition report - (95498, 124414)**

REPORT:

Executive Summary

The purpose of this report is to advise Council of the outcome of community consultation regarding Council's Draft Section 64 Contribution Plan - Stormwater Infrastructure for Pitt Town Contribution Area 1 (draft Plan) and associated amendments to Council's Operational Plan 2015/2016 (OP amendments).

It is recommended that the draft Plan and associated OP amendments be adopted and made effective subject to Appendix 1 - Summary of proposed works of the draft Plan being amended as described in this report.

Background

The purpose of draft Plan and OP amendments are to enable Council to collect development contributions for the provision of stormwater infrastructure, land acquisition and creation of easements associated with development of certain land in Pitt Town.

On 24 November 2015 Council considered a report regarding the draft Plan and OP amendments and resolved that they be publically exhibited for a minimum period of 28 days.

Consultation

The draft Plan and OP amendments were publically exhibited for the period 4 December 2015 to 13 January 2016. Notices were placed in the 'Hawkesbury Courier' local newspaper advising of the public exhibition. During the public exhibition period the draft Plan, OP amendments, and supporting documentation were made available at Council's Main Administration Building, on Council's website, and on Council's online community engagement tool *Your Hawkesbury Your Say*.

A copy of the draft Plan and OP amendments as exhibited are attached to this report.

Council received one submission as a result of the public exhibition. The submission was received from Mr Tony Cotter from North Western Surveys Pty Ltd acting on behalf of the developer of Lots 110 - 113 DP 1056832, 10, 24 and 36 Wells Street and 45 Johnston Street, Pitt Town. The matters raised in the submission and staff responses are provided below.

Submission

The calculation of the wetland size area, as per the Connell Wagner report, does not appear to take into account the large lot sizes in the Central catchment. Proposed wetlands A and D, with a catchment area of 78.1 ha, have a wetland size of 2.26 ha (2.9%) whereas the catchment B has a catchment area of 60.2 ha with wetland area of 2.03 ha (3.37%). Given that the average lot size in the existing developed areas of A and B is around 800m² while the minimum area in B is 2000m² why is there such a disparity in wetland area? Given the large lot size, the road dedication area will be smaller than road areas where there are small lots further reducing nutrient loads.

Response

The Connell Wagner report, titled *Pitt Town Development Water Management Plan*, was prepared for Council in 2005. This plan has since been superseded by the *Pitt Town Development Updated Stormwater Management Strategy*, November 2015 prepared by Worley Parsons on behalf of Council.

A fundamental purpose of the Worley Parsons strategy was to undertake a review of Connell Wagner's plan due to the increase in development potential in Pitt Town that occurred as a result of the Minister for Planning's further rezoning of the land in July 2008. The Worley Parsons strategy was made available in the exhibition material and in the introduction of the Worley Parsons strategy this purpose is stated.

The stormwater infrastructure, land to be acquired, and easements to be created proposed in the draft Plan are based on the preferred stormwater management options contained in the Worley Parsons strategy not the Connell Wagner plan.

Submission

The Worley Parsons report states "no direct treatment is proposed for Catchment C3...greater treatment is provided to counterbalance". Council has requested our development (DA0741/14 for a 30 lot subdivision) capture all these flows and direct them to the permanent basin, thus there should be a reduction in basin size which will reduce the cost of basin construction.

Response

Contribution Area 1 consists of five sub-catchments indicatively shown in Figure 1.

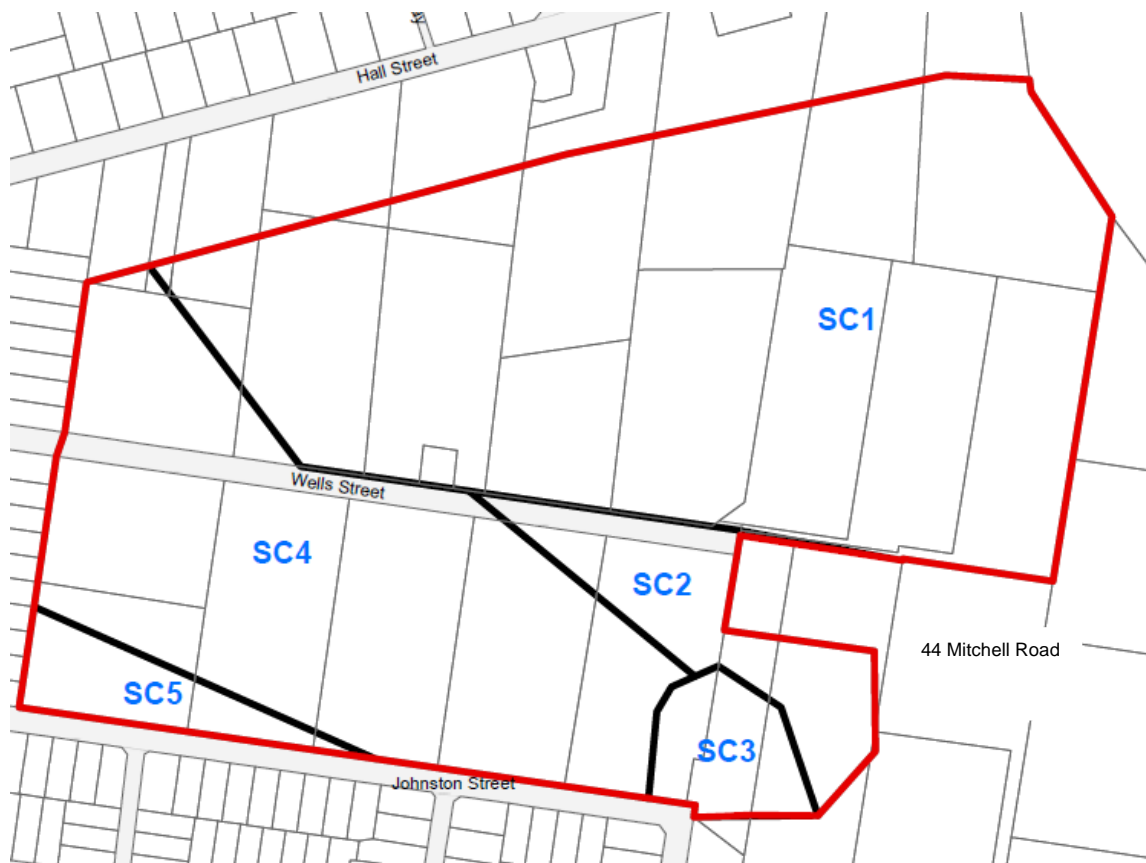


Figure 1: Contribution Area 1 - Drainage sub-catchments

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No direct treatment is proposed for SC3 because this land is lower than the proposed bio-retention system on 44 Mitchell Road, Pitt Town. However in determining the stormwater infrastructure to serve development within Contribution Area 1 as a whole, the assumed run off from SC3 was included in the design calculations in order to achieve the required stormwater quality standard of the Hawkesbury Development Control Plan 2002 for the contribution area. This means that runoff from other sub-catchments will be treated to a standard higher than the DCP in order to achieve the required standard for development within the contribution area overall. If SC3 was excluded from the contribution plan this would mean higher contributions would be charged in the other sub-catchments and/or the water quality standards would not be achieved.

Submission

It is unreasonable to charge 10% supervision/management fee and then charge a further 10% on administration and overheads. The contingency of 30% is exorbitant especially as the rates provided appear to be more than generous.

Response

The construction of large scale stormwater water quality treatment facilities falls outside of Council's typical operations and accordingly it is expected that Council will need to engage specialised consultants to project manage, design and oversee construction. Engaging external consultants also involves additional administrative work in the selection and management of the contract for external services. Hence, the allowance within the draft Plan for these items is considered reasonable.

The estimated costs are based on a very high level conceptual plan with limited details of actual site conditions. The 30% allowance is considered reasonable for cost estimates at conceptual stage.

Submission

The interest borrowing rate assumed for a 10 year period is flawed in that these contributions will be paid as development occurs. For example on these rates our current subdivision will generate about \$1.5 million which will be paid within the next 8 months which doesn't take into account other DA's that may be proceeding.

Response

An allowance has been made in the draft Plan for the cost to Council of borrowing funds to undertake the required works, acquire land and create easements. The reason for this allowance is because it is assumed that these will need to be completed at about the same time as the first lots in the contribution area are being created and therefore in advance of sufficient development contributions being collected. To achieve this Council will need to borrow the required funds and then subsequently repay these funds as well as interest. The assumed borrowing rate of 6% per annum repaid monthly over a 10 year period is considered realistic.

Submission

Due to the size of lots in this catchment the average lot will be asked to contribute between \$33,000 and \$41,000 each. This amount is equivalent to the total Section 94 contribution which is around \$37,000 per lot. It would be more economical at this rate to provide on-site storage and water quality. I have estimated that on site treatment could be achieved for around \$25,000 per lot. Given that the reason for a single centralized facility is one, not only of convenience, but economies of scale and the cost of the facility is certainly not achieving this result.

Response

The respondent has provided no costings or other information to support the estimated cost of \$25,000 per lot for on-site treatment, the type of system proposed or the location of such systems.

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As a general rule multiple individual systems throughout the contribution area are not supported because if they come under Council's ownership it is expected that the staff time, resources and cost to Council associated with the long term maintenance and renewal of these systems would be greater than that of a single centralised system. Alternatively, if these systems remain in private ownership it would be very difficult for Council to regulate the operation of these systems and ensure that the required water quality standards are met.

Submission

I note in the DA that the sec 94 includes approx. \$290k in acquisition - does that include any drainage?

Response

No. Land identified for acquisition in Council's Section 94 Contributions Plan is separate to land identified for acquisition in the draft Plan.

Proposed amendments to Appendix 1 - Summary of proposed works

The following minor amendments are proposed to Appendix 1 - Summary of proposed works.

- For item "Wells Street Trunk Drainage" change "eastern boundary of 45 Wells Street" to "proposed junction within 66 Wells Street". The reason for this amendment is because "Figure 4: Indicative location of trunk drainage" shows this section of trunk drainage terminating within 66 Wells Street not at the eastern boundary of 45 Wells Street.
- Change description of "Trunk Drainage through 54 Johnston Street" to "Trunk Drainage through 54 Wells Street". Change description of "Pit along the proposed easement at 54 Johnston Street" to "Pit along the proposed easement at 54 Wells Street". The reason for these changes is because the subject property is addressed to Wells Street.
- For item "Truck Drainage from Wells Street Junction to 44 Mitchell Road basin" change "54, 66, 70 Wells Street" to "66 and 70 Wells Street". The reason for this change is because trunk drainage through 54 Wells Street is provided for in the preceding item.

These amendments do not affect the draft Plan's indicative length or location of drainage works, costings or contribution rate.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking After People and Place directions:

- Population growth is matched with the provision of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury.
- Have development on both sides of the river supported by appropriate physical and community infrastructure.

The proposal is consistent with the Shaping Our Future Together direction statement:

- The Council be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services.

Financial Implications

The costs associated with the preparation the draft Plan and OP amendments are covered in Council's existing budget.

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Conclusion

The purpose of draft Plan and OP amendments is to enable Council to collect development contributions for the provision of stormwater infrastructure, land acquisition and creation of easements associated with development of certain land in Pitt Town. Stormwater contributions are not covered in S94 Plans due to different legislation covering each of these Plans.

The draft Plan and OP amendments were publically exhibited for the period 4 December 2015 to 13 January 2016 and Council received one submission. It is considered that the matters raised in the submission do not warrant amendment to the draft Plan.

Minor amendments are proposed to Appendix 1 - Summary of proposed works to correct certain item and location of works descriptions.

It is recommended that the draft Plan and associated OP amendments be adopted and made effective subject to Appendix 1 - Summary of proposed works of the draft Plan being amended as described in 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.

RECOMMENDATION:

That the Draft Section 64 Contribution Plan - Stormwater Infrastructure for Pitt Town Contribution Area 1 and associated amendments to Council's Operational Plan 2015/2016 be adopted and made effective subject to Appendix 1 - Summary of proposed works being amended as described in this report.

ATTACHMENTS:

- AT - 1** Draft Section 64 Contribution Plan - Stormwater Infrastructure for Pitt Town Contribution Area 1 - *(Distributed Under Separate Cover)*
- AT - 2** Proposed Amendments to Hawkesbury City Council Operational Plan 2015/2016 - Part 2

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AT - 2 Proposed Amendments to Hawkesbury City Council Operational Plan 2015/2016 -

Part 2

Proposed amendment to Hawkesbury City Council Operational Plan 2015/2016 – Part 2

Insert after WM.16 line item the following.

WM.16A.1	Contribution Area 1 - Preliminary Investigations and Plans, Stormwater infrastructure, Land Acquisition and creation of easements	Per m2 in accordance with adopted Section 64 Plan and indexed accordingly.	N/A	F	X	POA
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oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 23 February 2016

Item: 20 **CP - LEP007/13 - Planning Proposal to Amend Hawkesbury Local Environmental Plan 2012 - 136 Longleat Lane, Kurmond - (95498, 124414)**

Previous Item: 114, Ordinary (28 July 2015)
 77, Ordinary (29 April 2014)
 22, Ordinary (25 February 2014)

Applicant Name:	Glenn Falson Urban and Rural Planning Consultant
Planning Proposal No:	LEP007/13
Property Address:	136 Longleat Lane, Kurmond
Owner/(s):	Mr M Simpson and Mrs E Simpson
Date Received:	28 October 2013
Public exhibition:	17 April - 18 May 2015
Community submissions:	Two submissions
Government Agency Submissions:	Seven submissions
 Recommendation:	 Council proceed with the making of the LEP amendment and place the draft Voluntary Planning Agreement on public exhibition for 28 days

REPORT:

Executive Summary

On 29 April 2014 Council considered a report regarding a planning proposal, submitted by Glenn Falson Urban and Rural Planning Consultant (the applicant), seeking to amend *Hawkesbury Local Environmental Plan 2012* (LEP 2012) in order to permit the subdivision of Lot 8 DP7565, 136 Longleat Lane, Kurmond into four lots with minimum lot sizes of 4000m² and 1ha.

In June 2014, the planning proposal was forwarded to the Department of Planning and Environment (DP & E) in accordance with the Council's resolution. In November 2014 Council received a "Gateway" determination from DP & E advising to proceed with the planning proposal.

The purpose of this report is to advise Council of the outcome of the public authority and community consultation on the planning proposal.

It is recommended that Council proceed with the making of an LEP that gives effect to the planning proposal and also place the attached draft Voluntary Planning Agreement (dVPA) on public exhibition for a minimum of 28 Days.

Consultation

The planning proposal was publically exhibited for the period 17 April 2015 to 18 May 2015. A notice was placed in the 'Hawkesbury Courier' local newspaper and letters were sent to adjoining and nearby landowners and occupiers advising of the public exhibition of the planning proposal. During the public exhibition period the planning proposal and supporting documentation was made available on Council's website and at Council's Main Administration Building for public view.

Council received two submissions during the public exhibition period. Council has also consulted all relevant Public Authorities. The Public Authority and community submissions are discussed in this report.

It is recommended that the draft VPA be placed on public exhibition for the required statutory period of 28 days before being reported back to Council for finalisation.

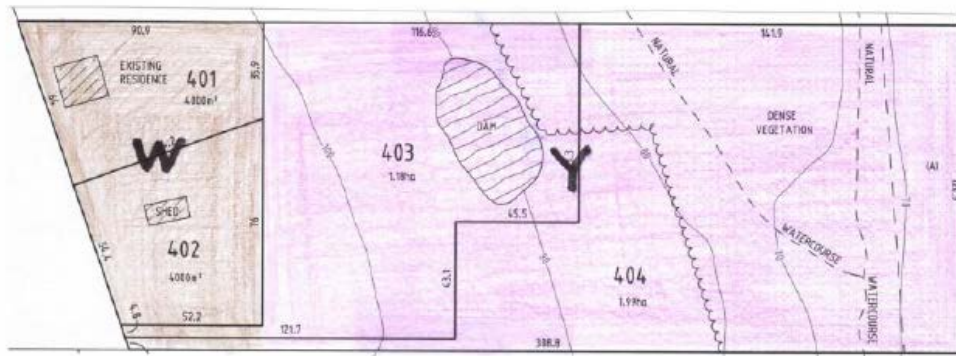
ORDINARY MEETING

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Background

On 29 April 2014, Council considered a report regarding a planning proposal, submitted by Glenn Falson Urban and Rural Planning Consultant (the applicant), seeking to amend *Hawkesbury Local Environmental Plan 2012* (LEP 2012) in order to permit the subdivision of Lot 8 DP7565, 136 Longleat Lane, Kurmond into four lots with minimum lot sizes of 4000m² and 1ha.

The planning proposal sought an amendment to the Lot Size Map of LEP 2012 indicatively shown in Figure 1 below.



Lot Size Map suggested alteration

Brown "W" shaded area = 4,000m²
Purple "Y" shaded area = 1,0000m²

Figure 1: Applicant's proposed amendment to Lot Size Map

An aerial photo of the property, provided by the applicant, is shown in Figure 2 below.



Figure 2: Aerial photo of 136 Longleat Lane, Kurmond

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The resolution of Council on 29 April 2014 was:

"That:

- 1. Council support the preparation of a planning proposal for Lot 8 DP7565, 136 Longleat Lane, Kurmond to allow development of the land for rural residential development.*
- 2. Council does not endorse any proposed subdivision layout submitted with the planning proposal as this will need to be subject to a development application should the planning proposal result in gazettal.*
- 3. The planning proposal be forwarded to the Department of Planning and Infrastructure for a "Gateway" determination.*
- 4. The Department of Planning and Infrastructure be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.*
- 5. The Department of Planning and Infrastructure and the applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement, has been made towards resolving infrastructure provision for this planning proposal."*

In June 2014, the planning proposal was forwarded to the Department of Planning and Environment (DP & E) in accordance with the Council's resolution. In November 2014 Council received a "Gateway" determination from DP & E advising to proceed with the planning proposal. The "Gateway" determination required that prior to exhibition, a flora and fauna study for the site be prepared and included in the planning proposal's exhibition package.

The applicant was subsequently requested to provide a flora and fauna study and this was received by Council on 3 February 2015.

Notification of the planning proposal was sent to various public authorities on 13 February 2015. Community consultation occurred from 17 April to 18 May 2015.

Authorisation for Council to Exercise Delegation

The "Gateway" determination included authorisation for Council to exercise delegation to make this plan. Should Council resolve to proceed with the making of the plan this authorisation will allow Council to make a direct request to the Parliamentary Counsel's Office (PCO) to prepare a draft local environmental plan to give effect to the planning proposal. Following receipt of an opinion from the PCO that the plan can be legally made, Council may then make the plan. Council delegated this plan making function to the General Manager by resolution on 11 December 2012.

Infrastructure Contributions

Part 5 of the resolution of 29 April 2014 stated the following:

"The Department of Planning and Infrastructure and the applicant be advised that in addition to all other relevant planning considerations being addressed, final Council support for the proposal will only be given if Council is satisfied that satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement, has been made towards resolving infrastructure provision for this planning proposal."

Council is currently progressing the preparation of a Section 94 Developer Contributions Plan (S94 Plan) for the Kurrajong Kurmond locality. In this regard, it is anticipated that a draft S94 Plan could be prepared for public exhibition in the first half of this year prior to finalising and adoption by Council in the third quarter of this year.

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The wording of part 5 of Council's resolution of 29 April 2014 states that the planning proposal should not be finalised until "*satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement, has been made towards resolving infrastructure provision for this planning proposal*". In this regard, discussions have been held with the applicant and the attached draft VPA has been recommended for placement on public exhibition. This matter is discussed later in this report.

Consultation with Public Authorities

Consultation was undertaken with the following public authorities:

- Local Land Services Greater Sydney
- Endeavour Energy
- Office of Environment and Heritage
- NSW Department of Primary Industries - Agriculture
- NSW Trade & Investment - Resource & Energy Division
- NSW Rural Fire Service
- Roads and Maritime Service
- Transport for NSW
- Telstra.

Council received responses from Department of Primary Industries, Transport for NSW, Local Land Services Greater Sydney, NSW Trade & Investment - Resource & Energy Division, Roads and Maritime Service, Office of Environment and Heritage, NSW Rural Fire Service. These responses are discussed below.

Department of Primary Industries

Summary of Agency's Comment

Concerned about the potential impacts on the adjoining nursery to the north of the site. Notes the applicant's documentation does not mention other activities within the locality apart from rural residential.

Although the location may be identified for possible residential development council should provide some direction by having a master plan for the expansion of Kurmond which includes the provision of infrastructure and services.

If council considers that the proposal is consistent with their strategic planning for Kurmond, the proposed design should include setbacks of the building envelopes, from existing commercial agriculture, to minimise potential for land use conflict.

Applicant's Response

"The impacts alluded to are not specified so it is presumed to relate to the potential for future residents to complain about nursery operations. [T]he subdivision is designed such that future dwellings will be away from the nursery boundary. If required Council could impose a condition on a future subdivision to ensure that the dwelling locations achieve maximum separation."

Staff Response

The subject site is within the Kurmond and Kurrajong investigation area. Structure planning for the provision of infrastructure and services within this area is currently being undertaken.

The suggestion that the planning proposal include setbacks from the nursery is in conflict with DP&E's Direction 6.3 for planning proposals. This Direction states, inter alia, that planning proposals should not impose any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. LEP 2012 does not contain setback related development standards.

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Furthermore, given the access to the proposed new lots is likely to be located near the southern boundary of the property and that land near this southern boundary is comparatively flatter and contains less vegetation, it is considered that future dwellings are likely to be located within this area and at least 50m from the nursery operations. This can be further considered at development application stage with the identification and consideration of specific building envelopes.

Transport for NSW

Summary of Agency's Comment

No objection to planning proposal.

Local Land Services Greater Sydney

Agency Comment

The Local Land Services Greater Sydney recommends that the following objectives be applied to the development:

"To prevent broad scale clearing unless it improves or maintains environmental outcomes

To protect native vegetation of high conservation value having regard to its contributions to such matters as water quality, biodiversity, or the prevention of salinity or land degradation."

Applicant's Response

"The flora/fauna assessment indicates that there will be minimal and acceptable impact and suggests dwelling locations to achieve this."

Staff Response

The above mentioned objectives are typical matters Council would consider in the assessment of development applications as they are a requirement in the Act and LEP 2012 as part of a development assessment. It is considered that future dwellings are likely to be located towards the southern boundary of the site within areas that are relatively cleared.

NSW Trade & Investment - Resource & Energy Division

Summary of Agency's Comment

The planning proposal is consistent with Sydney Regional Environmental Plan No 9 and no objection is raised to the proposal.

A Petroleum Exploration Licence (PEL) 2 held by AGL Upstream Investments Pty Limited exists over a broad regional area that includes the subject site and consultation with the land owner is recommended.

Applicant's Response

"It is understood that mining licences etc. are automatically indicated on land titles where appropriate and when titles are issued. It is understood that the majority of freehold land in NSW has such an indication on titles."

Staff Response

A request to comment on the planning proposal was sent to AGL. In reply AGL advised that the exploration licence was recently relinquished and as such they have no comment on the development proposal. In this regard the Petroleum Exploration Licence (PEL) 2 has been cancelled and no longer exists.

Transport for NSW - Roads & Maritime Services (RMS)*Summary of Agency's Comment*

No objection to planning proposal.

Office of Environment and HeritageAgency Comment

The rear of the property is fully vegetated with a watercourse. OEH suggests Council consider how the vegetated land at the rear of the property can be best retained and protected. Prescribed building envelopes may be useful to ensure asset protection zones and wastewater dispersal areas can be located outside a protected vegetation/riparian area. The asset protection zone should include a 50 metre distance to retained vegetation to restrict the application of the 10/50 code.

Applicant's Response

"The design of the subdivision including the rear lot has sufficient area for a house and ancillary development outside the heavily vegetated area. Figure 1 of the Anderson flora/fauna report indicates this."



Figure 1: Aerial of Subject Site

The red line indicates the border of the site that was assessed; the black line dissects the property into the three cleared paddocks on site. The blue polygon illustrates the location of a small dam on site; multiple dams were also present on the other side of the northern border. Lastly, The green polygon is a basic outline of the vegetation community on site.

Figure 3: Figure 1 of flora and fauna report

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Staff Response

The flora and fauna assessment submitted with the planning proposal found:

- Vegetation within the development area is largely cleared and highly maintained and grazed by livestock
- No threatened flora species or populations were detected on the site
- No significant habitat for any threatened fauna would be impacted
- No amphibians were recorded using the dam
- One endangered ecological community, being Shale/Sandstone Transitional Forest, was detected and is located in the eastern half of the site.
- A small portion of Shale/Sandstone Transitional Forest may need to be cleared for the building envelope and associated asset protection zone on proposed Lot 404 as part of future development of the site.

Given the above findings of the flora and fauna report it is considered that the proposed minimum lot sizes and the likely location of future lots are appropriate and will have minimal flora and fauna impacts. The actual location of the future lots will be defined in a subsequent development application for subdivision and detailed consideration of building envelopes, asset protection zones, waste water disposal area and associated flora and fauna impacts will occur at that stage.

NSW Rural Fire Service

Summary of Agency's Comment

The NSW RFS provide comments regarding future development of the land and compliance with *Planning for Bushfire Protection 2006* (PBP 2006).

Applicant's Response

"The subdivision is designed such that the designer, McKinlay Morgan & Associates, experienced subdivision designers, are confident that the requirements of the RFS can be complied with. Future dwelling applications will need to include bushfire assessments and details of RFS requirements can be incorporated into final dwelling design and location. There is nothing identified within the RFS response or our assessment of the proposal that suggests that a suitable bushfire measures cannot be provided."

Staff Response

RFS's comments are matters that are appropriate to the assessment of development applications for subdivision and dwellings, and not matters to be incorporated into amendments to local environmental plans. If the planning proposal is to proceed, any future development application will need to demonstrate compliance with PBP 2006.

Community Consultation

Council received two submissions. The issues raised in the submissions were:

- **Concerned about too many lots and the subdivision is not in keeping with the semi-rural area.**

Applicant's Response

"The number of lot[s] has been arrived at following from proper site analysis and bearing in mind the findings of Council's Residential Land Strategy. Kurmond is comprised of an eclectic subdivision pattern and the proposed lots are not inconsistent with this pattern and noting that the area generally is identified for change through Council's strategy and as endorsed by the NSW Department of Planning & Environment."

Staff Response

Lot sizes within the immediate area are typically in the range of 2h - 10ha. Throughout the Kurmond and Kurrajong investigation area the range of lot sizes is greater with lots being as small as 1000m² - 2000m². The proposed minimum lots sizes of 4000m² and 1ha are typical of the large lot residential / rural residential style development.

The number of lots is considered appropriate given the constraints of the site and the expected future development of the area.

- **The proposal is inappropriate due to a lack of infrastructure in Kurmond, serious concerns raised regarding water and sewerage capacity in Kurmond**

Applicant's Response

"There is no reticulated sewer in Kurmond and while some of the Kurmond Village has reticulated water this end of Longleat Lane does not. Each lot is designed and is of a size where on-site effluent disposal is feasible. This is indicated in the wastewater disposal report prepared by Barker Ryan Stewart that accompanied the application. The size of each lot would allow a dwelling with adequate roof catchment area to account for a suitable potable supply as well as the dedicated supply required for fire fighting as required by the RFS. The existing dam on the property would also be available to the RFS if required."

Staff Response

It is considered that appropriate waste water disposal is achievable on the site. Water can be sourced via run-off from buildings. Council staff are currently in discussion with Sydney Water regarding water supply capacities in the Kurmond and Kurrajong investigation area and if considered appropriate a future subdivision could be connected to Sydney Water's supply.

- **Longleat Lane is not designed for vehicular and heavy traffic associated with the development and consequential increase in the number of residents. Concerned about safety and improvements for pedestrian safety.**

Applicant's Response

"Longleat Lane is a constructed rural road in good condition. It is a "dead end" road and carries little traffic. By any sense of reasonable traffic assessment this land is way below its environmental carrying capacity. Traffic associated with the subdivision is well capable of being contained on the existing lane noting that any future dwelling on the front Lot 402 will require proper vehicular access to be provided and that the rear lots 403/404 will share an access and this, too, will be constructed to Council's requirements to allow proper access to/from the lane. It is not believed that a formal engineering traffic study is required."

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Staff Response

Existing road condition and capacity and possible upgrades are to be considered on an englobo basis rather than site by site in the structure planning for the Kurmond and Kurrajong investigation area. At present it is expected road upgrades, where required, will be achieved by works associated with future development and by way of the collection and expenditure of development contributions for upgrades.

- **Additional development compounds the existing traffic problem west of the Hawkesbury and will add traffic to the already congested North Richmond Bridge.**

Applicant's Response

"The amount of traffic associated with this proposal would cause minimal impact on North Richmond Bridge. It is noted that Council is in the course of preparation of a S94 contributions plan that will, inter alia, provide for contributions for new subdivisions at development application stage with part of the contributions being allocated for road infrastructure."

Staff Response

Council staff are in discussion with the Roads and Maritime Service with respect to development west of the Hawkesbury River and works and funding required to ease congestion within the North Richmond area. It is expected that developers will be required to part fund such works via a development contributions plan (S94 Plan). Whilst this Plan is yet to be completed and finalised, the applicant has agreed to enter into a VPA in lieu of the S94Plan. In this regard, the proposed VPA contribution of \$30,000 per allotment can contribute to such works and subsequently satisfy point 5 of the Council resolution of 29 April 2014.

- **The subdivision of this property and the consequential traffic, noise and volumes of vehicles is unwelcome**

Staff Response

The impact of increases in traffic volumes have been discussed above. It is expected that noise generated by future development of the land as forecast in the planning proposal would be consistent with the surrounding rural residential development.

- **Concerned about proximity of future neighbours to an existing wholesale nursery business and possible negative impact on this business**

Applicant's Response

"The subdivision is designed such that future houses will be on the opposite side of the subject land and separated from the nursery to allow for a house with asset protection zones etc. Future landowners will know of the nursery and make their own assessment as to the suitability of the land in this respect. In any case it is understood from the owners of No 136 (subject property) that noise from the nursery is not an issue and is appropriate as part of the rural/residential environment."

Staff Response

As stated above, given the access to the proposed new lots is likely to be located near the southern boundary of the property and that land near this southern boundary is comparatively flatter and contains less vegetation, it is considered that future dwellings are likely to be located within this area and at least 50m from the nursery operations. This can be further considered at development application stage with the identification and consideration of specific building envelopes/locations.

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Council resolution 28 July 2015 regarding fundamental constraints to development

On 28 July 2015, Council resolved that current planning proposals within the Kurmond and Kurrajong Investigation Area only proceed to Gateway if the 'fundamental' development constraints have been addressed. It is noted that this planning proposal has already received a Gateway determination, completed public exhibition and is being reported to finalise the matter. However, an assessment against the fundamental constraints and associated recommendations that are relevant to this planning proposal has been undertaken for consistency and are shown below in Tables 1 and 2. These tables also provide comments regarding the proposal's compliance with the recommendation.

Table 1: Physical Environment

Factor	Degree of Constraint to Development	Recommendation
Terrestrial Biodiversity		
Impact of development on threatened or endangered flora and fauna	Fundamental - Major	Legislation applies to threatened and endangered species. OEH concurrence may be required Removal of significant vegetation is to be avoided Fragmentation of significant vegetation is to be minimised
Comment: The significant vegetation is the SSTF associated with the eastern part of the site. The proposed minimum lot sizes and the likely location of future lots are appropriate and will have minimal flora and fauna impacts.		
Watercourses and Riparian Areas		
Impact of development on watercourses and riparian areas	Fundamental - Major	Legislation applies to threatened and endangered species. OEH concurrence may be required Building envelopes, APZs, driveways and roads (not including roads for the purposes of crossing watercourses) are to be located outside of riparian corridors Road crossings of watercourses are to be minimised Fragmentation of riparian areas is to be minimised
Comment: The proposed minimum lot sizes will allow for compliance with this recommendation. No riparian corridors are affected by this proposal.		
Dams		
Impact of development on aquatic habitat. Proximity of dams to effluent disposal systems	Fundamental - Minor	Legislation applies to threatened and endangered species. OEH concurrence may be required Removal of dams containing significant aquatic habitat is to be avoided. Minimum required buffer distances for effluent disposal systems is to be adhered to
Comment: The flora and fauna assessment report undertaken on behalf of the application did not find any significant aquatic habitat in the dam on the property.		

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Factor	Degree of Constraint to Development	Recommendation
Bush Fire threat		
Impact of the location and management of APZs and perimeter roads	Fundamental - Major	RFS concurrence may be required Building construction and water supply is to comply with NSW Rural Fire Service's <i>Planning for Bushfire Protection 2006</i> , e.g. APZs and roads
Comment: It is considered this can be satisfactorily dealt with at development application stage by way of referral to the RFS and conditions of consent		
Aboriginal Heritage		
Impact of development on Aboriginal heritage items	Fundamental - Moderate	<i>National Parks and Wildlife Act 1974</i> applies Council and developers are also to consider relevant provisions of <i>Heritage Act 1977</i> when preparing and considering development applications
Comment: No known aboriginal relics are located on the site. Further consideration can be given to this at development application stage		
Land Contamination		
Suitability of land to be developed given potential for land to be contaminated	Fundamental - Minor	Remediation action plans and validation may be required Council and developers are to consider relevant provisions of <i>State Environmental Planning Policy No 55—Remediation of Land</i> when preparing and considering development applications
Comment: The applicant advises the land has been used for agriculture in the form of animal grazing for many years and that there is no evidence to suggest that any activities have occurred on the land which would give rise to contamination. Further considered can be given to this at development application stage		
Acid Sulfate Soils		
Impact of disturbance of acid sulfate soils on the environment and development	Fundamental to Minor	Development proposals and land class are to be assessed with respect to Clause 6.1 Acid Sulfate Soils of LEP 2012. Acid sulfate soils management plans required
Comment: The subject site is within the Acid Sulfate Soils Class 5 categorisation which is the least restrictive of the 5 classifications. Further considered, if required, can be given to this at development application stage		

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Table 2: Infrastructure and Services

Factor	Degree of Constraint to Development	Recommendation
Road network		
Capacity and safety of existing road network	Fundamental - Major	RMS concurrence may be required Development contributions are to be levied for road improvements Council and developers are to consider relevant provisions of <i>State Environmental Planning Policy (Infrastructure) 2007</i> when preparing and considering development applications
Comment: RMS has not requested a development contribution for road works and have not raised any objection to the proposal. Council staff have had detailed discussions with RMS regarding the road network. A VPA is proposed as part of this proposal to contribute to general infrastructure upgrades. The detail as to where those contributions are to be expended will be the subject of a separate report to Council.		
Wastewater		
Capacity of land to cater for on-site effluent disposal	Fundamental	Sydney Water concurrence may be required Developers are to demonstrate that waste water can be disposed of on site in an environmentally sensitive manner. Alternatively developers may provide reticulated sewer service to new lots in accordance with relevant licences and/or authority requirements Clause 6.7 - Essential Services under LEP 2012 applies
Comment: The applicant has advised that the new lots are capable of on-site effluent disposal. This concept has been supported and more detailed analysis in regards to location, size and type will be considered at the development application assessment stage as these matters will be dependent on the size of dwelling.		
Public Transport Services		
Provision of bus service to cater for the needs of incoming population	Fundamental - Moderate	Transport NSW and RMS concurrence may be required Possible levying of development contributions for bus services Clause 6.7 - Essential Services under LEP 2012 applies
Comment: RMS have not requested a development contribution for bus services. Transport of NSW did not object to the planning proposal. Council staff have had detailed discussions with RMS and Transport for NSW regarding public transport services.		

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Factor	Degree of Constraint to Development	Recommendation
Stormwater drainage		
Quantity and quality of stormwater run-off entering watercourses	Fundamental - Moderate	Developers are to demonstrate that stormwater can be captured, treated and released in an environmentally sensitive manner Possible levying of development contributions for stormwater purposes Clause 6.7 - Essential Services under LEP 2012 applies
Comment: It is considered this can be satisfactorily dealt with at development application stage by way of the assessment of drainage designs and conditions of consent.		
Water Supply		
Provision of reticulated water supply to new lots	Fundamental - Moderate	Sydney Water concurrence may be required. A reticulated water service is to be provided to new lots by developers in accordance with relevant authority requirements Clause 6.7 - Essential Services under LEP 2012 applies
Comment: The site is currently not serviced by a reticulated water supply and it is not intended, due to the large lot format, to be connected to same. Should a reticulated water supply be available in the future any future subdivision will be required to connect to that system at that time.		
Electricity		
Provision of electricity service to new lots	Fundamental	Electricity provider concurrence may be required Electricity services are to be provided to new lots by developers in accordance with relevant authority requirements Clause 6.7 - Essential Services under LEP 2012 applies
Comment: It is considered this can be satisfactorily dealt with at development application stage by way of condition of consent.		

Offer of a Voluntary Planning Agreement

Council considered a report on VPAs for the Kurrajong/Kurmond adopted Investigation Area at the meeting of 10 November 2015. The resolution of this meeting was as follows:

"That:

- 1. Council agree to offers to enter into negotiations for Voluntary Planning Agreements in the Kurrajong/Kurmond Investigation Area in the absence of an adopted Section 94 developer contributions plan.*
- 2. Any Voluntary Planning Agreement for this locality to be based on CPI adjusted cash contributions on a per lot release basis consistent with the offers discussed in this report.*
- 3. Negotiations for draft VPAs should include consideration of a Clause to terminate the VPA once the Section 94 Plan is adopted with no retrospective provisions should the amended contributions be different to the VPA contribution amount.*

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4. *To reinforce Council's previous resolutions planning proposals that have completed public exhibition are not to be reported to Council for finalisation until a Section 94 Plan is adopted or the report is accompanied by a draft Voluntary Planning Agreement that is proposed to be placed on public exhibition."*

The developer has offered to enter into a voluntary planning agreement (VPA) with Council that would result in the developer paying a cash contribution to Council for the purposes of community facilities and works to the value of \$30,000 per residential lot.

This offer was in response to resolution 5 of Council on 29 April 2014 and is consistent with the above Council resolution of 10 November 2015 regarding VPAs for large lot residential development in the Kurmond and Kurrajong Investigation Area.

The draft VPA is attached to this report. In relation to the above 10 November resolution:

- Clauses 6, 7 and 8 of the attached VPA satisfy points 1 and 2 of the above resolution as they deal with the calculation of the cash contribution and CPI adjustments,
- Clause 4.4 satisfies the intent of point 3 of the above resolution.
- The attached draft VPA satisfies point 4 of the above resolution in that the attached draft VPA will be placed on public exhibition for the Statutory period prior to reporting to Council for finalising.

Conclusion

The consultation undertaken with the community and the relevant public authorities on the planning proposal do not warrant any changes to the exhibited planning proposal or the abandonment of the proposal. However, part 5 of Council's resolution of 29 April 2014 required "*satisfactory progress, either completion of the Section 94 Developer Contributions Plan or a Voluntary Planning Agreement, has been made towards resolving infrastructure provision for this planning proposal*" prior to the finalisation of the planning proposal. As discussed previously in this report, the attached draft VPA satisfies part 5 of the above resolution.

As those arrangements are in place Council can proceed with the making of the LEP under the authorisation for Council to exercise delegation issued by the Gateway determination.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Looking after People and Place Directions statement:

- Offer residents a choice of housing options that meet their needs whilst being sympathetic to the qualities of the Hawkesbury
- Population growth is matched with the provisions of infrastructure and is sympathetic to the rural, environmental, heritage values and character of the Hawkesbury
- Have development on both sides of the river supported by appropriate physical and community infrastructure.

Financial Implications

The applicant has paid the fees required by Council's Fees and Charges for the preparation of a local environmental plan.

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There is a need to capture infrastructure funding from all future development. The current focus has been on larger development proposals contributing whilst smaller developments, such as the current proposal, being allowed to progress. Whilst that approach does have some merit in that smaller developments do not place the same individual drain on infrastructure, it is clear from the planning proposals received at Council that the great majority are small developments. The cumulative impact of these smaller proposals will result in the need for infrastructure upgrades.

It is clear that all development, large or small, should contribute to the upgrading of infrastructure in a fair and equitable fashion. In this regard the current proposal has proposed an adequate contribution, via the attached draft VPA, to the upgrading of the appropriate infrastructure.

The expenditure of the funds collected through the VPA was discussed in the report to Council dated 10 November 2015 where it was stated:

"It is proposed to develop a works program (similar to the Section 94A Plan) for the expenditure of the contributions received from the VPAs. That program will be the subject of a future report to Council. In this regard, the contributions will be expended on local and district infrastructure and facilities, upgrades such as cycleways, bus shelters, landscape and park embellishments and local road improvements, etc."

The abovementioned program is currently being investigated as part of the work associated with the Kurrajong/Kurmond Investigation Area project.

Planning Decision

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

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RECOMMENDATION:

That Council:

1. Publically exhibit the draft Voluntary Planning Agreement attached to this report for a minimum of 28 days.
2. The draft Voluntary Planning Agreement be reported back to Council following public exhibition prior to finalisation.
3. Proceed with the making of the plan to amend the Lot Size Map of Hawkesbury Local Environmental Plan 2012) in order to permit the subdivision of Lot 8 DP7565, 136 Longleat Lane, Kurmond into four lots with minimum lot sizes of 4000m² and 1ha.
4. Request that the Parliamentary Counsel's Office prepare a draft Local Environmental Plan to give effect to the planning proposal in accordance with section 59(1) of the Environmental Planning and Assessment Act, 1979.
5. Adopt and make the draft local environmental plan, under the authorisation for Council to exercise delegation issued by the Gateway determination, upon receipt of an opinion from Parliamentary Counsel's Office that the plan can be legally made.
6. Following the making of the plan advise the Department of Planning and Environment that the plan has been made and request to notify the plan on the NSW Legislation website.

ATTACHMENTS:

AT - 1 Copy of draft Voluntary Planning Agreement

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AT - 1: Copy of draft Voluntary Planning Agreement

THIS PLANNING AGREEMENT is made on the day of 2016

BETWEEN:

Parties

HAWKESBURY CITY COUNCIL ("the Council")

AND:

MR MARK S SIMPSON AND MRS ELIZABETH F SIMPSON ("the Developer")

Introduction

- A. The Developer is the registered proprietor of the Development Land.
- B. On 3 June 2014 the Council lodged a planning proposal with the Department of Planning and Environment to amend the *Hawkesbury Local Environmental Plan 2012* Lot Size Map to facilitate subdivision of the Development Land to create four large lot Housing Lots
- C. The Developer proposes to make Development Application/s to Council for Development Approval to carry out the Proposed Development if the Lot Size Map for the Development Land is altered generally in accordance with the planning proposal.
- D. The Developer has offered to provide the Developer's Contribution in the form of a Cash Contribution on the terms and conditions contained in this agreement if Development Approval is granted to the Proposed Development.

And it is agreed as follows:

1 Definitions and Interpretation

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

- 1.1 "Act" means the *Environmental Planning and Assessment Act 1979* (NSW) (as amended from time to time).
- 1.2 "Approval" means any approvals consents, modifications, certificates (of all types) permits, endorsements, licenses, conditions or requirements (and any variation to them) which may be required by Law for the Proposed Development, the Roads Works or the Community Works.
- 1.3 "Authority" means a government, semi-government, local government, statutory, public, ministerial, civil, administrative, fiscal or judicial body, commission, department, agency, tribunal or other authority or body.
- 1.4 "Base CPI" means the CPI number for the quarter ending immediately before the commencement of this Agreement.
- 1.5 "Business Day" means a day that is not a Saturday, Sunday or any other day which is a public holiday or a bank holiday in the place where an act and thing is to be performed or a payment is to be made.

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- 1.6 "Cash Contribution" means, subject to clauses 3, 6, 7 and 8 an amount calculated on the basis of \$30,000 per vacant Housing Lot.
- 1.7 "Completion Certificate" means the release of the subdivision, either in whole or in stages, to enable the lodgement to and issue of Housing Lot titles by the LPI.
- 1.8 "CPI" means the Consumer Price Index released by the Australian Bureau of Statistics for "Sydney - All Groups" or such other consumer price index that might replace it.
- 1.9 "CPI Review Date" means each quarterly anniversary of the date of this agreement.
- 1.10 "Costs" include costs, charges, fees, disbursements and expenses, including those incurred in connection with advisers.
- 1.11 "Current CPI" means the CPI number for the quarter ending immediately before the relevant CPI Review Date.
- 1.12 "Developer's Contribution" has the meaning given in clause 6.
- 1.13 "Development Application" means an application under Part 4 of the Act for Development Approval.
- 1.14 "Development Approval" means a development consent issued under the Act with respect to all or part of the Proposed Development.
- 1.15 "Development Land" means the land comprising Lot 8 DP 7565, 136 Longleat Lane, Kurmond.
- 1.16 "Dispute" in connection with this agreement means an argument, a controversy, a difference, a dispute including of opinion or interpretation.
- 1.17 "Event of Insolvency" means anyone or more of the following occurrences:
- (i) the Developer becomes bankrupt, is served with a bankruptcy notice or a bankruptcy petition, has committed an act of bankruptcy or has entered into an arrangement within and under the meaning of the *Bankruptcy Act 1976* (Cth); or
 - (ii) the Developer becomes subject to any order or declaration under the *Mental Health Act 2007* (NSW) or is otherwise incapable of managing his or her own affairs.
 - (iii) if the Developer is a company, if:
 - (a) a resolution is passed for the winding up or liquidation of that company;
 - (b) a liquidator, provisional liquidator, receiver, receiver manager, controller, controlling manager, administrator, voluntary administrator or official manager is appointed to the Developer or a resolution is passed for the purposes of placing that party in the control of an external administrator;
 - (c) it suspends payment of its debts or is unable to pay its debts including of money payable under this agreement or is deemed insolvent;

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- (d) it fails to or is taken as having failed to comply with a statutory demand under the *Corporations Act 2001* (Cth);
 - (e) if anything analogous or having substantially similar effect to any of the events specified above happens under the law of any applicable jurisdiction with respect to the Developer.
- 1.18 "GST" has the same meaning as the GST Act and other words or expressions used in the GST Act which have a particular defined meaning (including any applicable legislative determinations and Australian Taxation Office public rulings) have the same meaning.
- 1.19 "GST Act" means *A New Tax System (Goods and Services Tax) Act 1999* (Cth) (as amended from time to time).
- 1.20 "Housing Lot" means a lot approved by a Development Consent comprising part of the Development Land that is intended to be used for the purposes of a single dwelling house without being further subdivided.
- 1.21 "Housing Lot Contribution" means subject to Clauses 6, 7 and 8, cash to the value of \$30,000 per vacant Housing Lot arising from a Development Consent of the Development Land.
- 1.22 "Law" means:
- (i) the common law and principles of equity;
 - (ii) the requirements of legislation, regulations and by-laws; and
 - (iii) a binding order made by an Authority.
- 1.23 "LPI" means Land and Property Information.
- 1.24 "Lot Size Map" means the maps with a corresponding name and forming part of Hawkesbury Local Environmental Plan 2012.
- 1.25 "Party" means a party to this agreement, including their successors and assigns.
- 1.26 "Proposed Development" means the subdivision of the Development Land into approximately 4 Housing Lots.
- 1.27 "Planning Proposal Application" means the application to alter the lot size map to allow the Proposed Development to be carried out.
- 1.28 "Subdivision Certificate" means a certificate issued under section 109C(d) of the Act with respect to the Proposed Development.
- 1.29 "Transfer" means to settle, assign, transfer, convey, alienate, otherwise dispose of or part with possession of.

2 Interpretation:

In this agreement unless the contrary intention appears:

- 2.1 One gender includes the opposite gender.
- 2.2 The singular includes the plural and the plural includes the singular.

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- 2.3 A party includes that party's executors, administrators, successors, permitted assigns, permitted legal representatives and substitutes.
- 2.4 Dollars or \$ means Australia dollars and all money payable under this agreement is payable in that currency.
- 2.5 "Including" and similar expressions are not words of limitation.
- 2.6 Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.
- 2.7 Headings, any table of contents or index are for convenience only and do not affect interpretation of this agreement.
- 2.8 An explanatory note which relates to this agreement does not affect the interpretation of this agreement.
- 2.9 A provision of this agreement must not be construed to the disadvantage of a party merely because that party was responsible wholly or partly for the preparation of this agreement or the inclusion of a term or condition in this agreement.
- 2.10 If an act and thing must be done on a specific day which is not a business day, it must be done instead on the next business day.
- 2.11 A person means and includes a person, a body corporate, Authority, firm, body of persons, association, trust, joint venture or other legal commercial entity or undertaking recognized by law whether or not incorporated.
- 3 Planning Agreement**
 - 3.1 This agreement
 - 3.1.1 applies to the Development Land;
 - 3.1.2 is a planning agreement within the meaning set out in section 93F of the Act;
 - 3.1.3 is to be registered on the title of the Development Land under section 93H of the Act;
 - 3.1.4 is not a confidential document and may be exhibited without restriction by either party.
 - 3.2 Subject to clause 3.3, this agreement operates from the date it is executed.
 - 3.3 Clause 6 of this agreement will only operate if and when Council grants Development Approval (or Development Approvals as the case may be) to the Proposed Development on the Development Land.
- 4 Application of s94 and s94A of the Act to the Development**
 - 4.1 This agreement excludes the application of section 94A and section 94 of the Act to the Proposed Development.

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- 4.2 Notwithstanding Clause 4.1, should a section 94 Plan which applies to the land come into force prior to the issue of any development consent for subdivision of the land, this Agreement shall be terminated immediately and the adopted contribution rate within such section 94 Plan shall be applied in place of the Developer's Contribution cited within this Agreement.
- 4.3 Clause 4.2 does not allow the Council or the Developer to retrospectively apply a section 94 contribution for allotments for which development contributions have been paid in accordance with this Agreement.
- 4.4 Subject to Clause 15 should this Agreement be terminated in accordance with clause 16, section 94A or section 94 of the Act, whichever is applicable, will apply to the Proposed Development.
- 5 **Registration of this Agreement**
- 5.1 Either:
- (a) within 20 Business Days of the date of the Gazetteal; or
 - (b) within 120 days from the commencement of this Agreement;
- whichever is the latter, the Developer must take all reasonable steps to procure the registration of the Agreement on the relevant folios of the register held by the LPI pertaining to the Development Land.
- 5.2 The Council agrees:
- (a) to provide a release and discharge of this Agreement with respect to the Development Land or any lot, including a strata lot, created on subdivision of the Development Land on satisfaction by the Developer of the obligation to provide the Developer's Contribution: and
 - (b) to do all things reasonably necessary, including the execution of any documents, to enable the Developer to remove the notation of this Agreement on the relevant folios of the register, held by the LPI pertaining to the Land.
- 5.3 The Council acknowledges that the registration of this Agreement on the relevant folios of the register held by the LPI pertaining to the Development Land constitutes suitable means of enforcement of this Agreement for the purposes of s93F(3)(g) under the Environmental Planning and Assessment Act 1979.
- 6 **Developer's Contribution**
- 6.1 Subject to the terms of this agreement, including clause 3.3, the Developer agrees to provide the Developer's Contribution, subject to clause 8, in the form of the Cash Contribution via a condition of Development Consent at the rate of \$30,000, subject to clause 8, for the creation of each vacant Housing Lot.
- 6.2 For the avoidance of doubt, the parties agree and acknowledge that the maximum Cash Contribution is calculated on the basis of \$30,000, subject to clause 8, per additional Housing Lot created by subdivision of the Development Land. The existing Development Land allotment does not attract a Cash Contribution through this Agreement by virtue of there being on the land prior to any additional subdivision one lawfully existing dwelling which is not able to contain more than one house.

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- 6.3 If more or less than 4 Housing Lots are achieved on the Development Land, the Cash Contribution of \$30,000 per vacant Housing Lot created will be multiplied by the number of achievable vacant Housing Lots created whether that is more or less than 4.

7 Calculation of Developer's Contributions

The Developer and Council acknowledge and agree that the Contribution will be calculated on the basis that approximately 4 Housing Lots can be achieved on the Development Land and the Developer will contribute cash to the value of the Cash Contribution for each of those vacant allotments.

8 CPI Adjustment of Developer's Contributions

On each CPI Review Date the Cash Contribution will be calculated as follows:

$$RAC_c = RAC_b \times \frac{\text{Current CPI}}{\text{Base CPI}}$$

Where:

RAC_b = The Housing Lot contribution at the commencement of this Agreement (i.e. \$ 30,000)

RAC_c = Adjusted Housing Lot Contribution at CPI review date.

9 Payment of Cash Contribution

The Cash Contribution must be paid to Council, prior to the issue of the Subdivision Certificate, on a 'pro-rata' basis. The pro-rata payment calculation is to be based on the number of Housing Lots included in the Subdivision Certificate for the relevant stage.

10 G.S.T

- 10.1 Unless otherwise expressly stated all money or other sums payable or consideration to be provided under this agreement are exclusive of GST.

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

11 Dispute Resolution

11.1 Reference to Dispute

If a dispute arises between the Parties in relation to this Agreement, then the Parties must resolve that dispute in accordance with this clause.

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11.2 Notice of Dispute

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

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

11.3 Representatives of Parties to Meet

- (a) The representatives of the Parties must promptly (and in any event within 15 Business Days of the written notice provided in accordance with clause 11.2 meet in good faith to attempt to resolve the notified dispute.
- (b) The Parties may, without limitation:
 - (i) resolve the dispute during the course of that meeting;
 - (ii) agree that further material, expert determination in accordance with clause 11.5 or consideration is needed to effectively resolve the dispute (in which event the Parties will, in good faith, agree to a timetable for resolution); and
 - (iii) agree that the Parties are unlikely to resolve the dispute and, in good faith, agree to a form of alternative dispute resolution (including expert determination, arbitration or mediation) which is appropriate for the resolution of the relevant dispute.

11.4 No party may constrain

If:

- (a) at least one meeting has been held in accordance with clause 11.3; and
- (b) the Parties have been unable to reach an outcome identified in clause 11.3; and
- (c) any of the Parties, acting in good faith, forms the view that the dispute is reasonably unlikely to be resolved in accordance with a process agreed under clause 11.3(b)(iii), then, that Party may, by 15 Business Days written notice to the other Party, terminate the dispute resolution process in respect of that dispute. The termination of the process set out in this clause does not of itself amount to a breach of this Agreement.

11.5 Expert Determination

- (a) If a Dispute arises between Parties to this Agreement, the Parties may agree to refer the Dispute to expert determination in Sydney, New South Wales administered by the Australian Commercial Dispute Centre (ACDC).

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- (b) The expert determination will be conducted in accordance with the ACDC Rules for Expert Determination (Rules) in force at the date of this Agreement. The Rules set out the procedures to be adopted, the process of selection of the expert and the costs involved, including the Parties' respective responsibilities for the payment of the expert's costs and other costs of the expert determination.
- (c) The expert determination will be final and binding on the Parties.
- (d) This clause 11 survives termination of this Agreement.

11.6 Urgent Relief

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

12 Agreement of the Developer

12.1 The Developer warrants that it:

- 12.1.1 is the legal and beneficial owner of part of the Development Land;
- 12.1.2 will take all practicable steps and use best endeavours and do all acts and things required to procure:
 - 12.1.2.1 the execution of any documents necessary to effect registration of this agreement with LPI; and
 - 12.1.2.2 the production of the relevant certificates of title for the Development Land and the registration of this agreement at LPI on the title of the Development Land within twenty (20) Business Days of the date of the commencement of this agreement.

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

13 Enforcement by any party

- (a) Without limiting any other remedies available to the Parties, this Agreement may be enforced by any Party in any court of competent jurisdiction.
- (b) Nothing in this Agreement prevents:
 - (i) a Party from bringing proceedings in a court of competent jurisdiction to enforce any aspect of this Agreement or any matter to which this Agreement relates, subject to compliance with clause 14; and
 - (ii) the Council from exercising any function under the Act or any other Act or law.

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14 Assignment

- 14.1 The Developer must not Transfer its interest in the whole or any part of the Development Land (other than a Housing Lot located in a stage for which the relevant Developer's Contribution has been provided to Council) without the written consent of the Council, such consent not to be unreasonably withheld or delayed.
- 14.1.1 Approval is reasonably withheld if the proposed assignee, or person is not solvent and reputable and the assignment or encumbrance will materially adversely affect the obligations of the Developer and the rights of the Council under this Agreement.
- 14.1.2 Any request to the Council from the Developer or Land Owner to assign, encumber or deal with any right, obligation or interest under this Agreement to another party must include, but not be limited to, financial details and references relating to that other party. The Council must also be permitted to make reasonable enquiries into these matters of that party.
- 14.2 The transferee must execute a deed in a form and with conditions acceptable to Council acting reasonably, including;
- 14.2.1 agreement to comply with this agreement as if the transferee was the Developer with respect to that part of the Development Land transferred, including in relation to obligations which arose before the Transfer; and
- 14.2.2 acknowledgement and agreement that the rights of the Council under this agreement are not diminished in any way.

15 Release

When the Developer has satisfied all of the obligations imposed on it under this agreement in respect of that part of the Development Land for which a Subdivision Certificate has been issued and for which the Developer's Contribution has been delivered then the Council must promptly at the request and at the reasonable expense of the Developer do all acts and things necessary to remove this agreement from the title of that part of the Development Land.

16 Termination

- 16.1 This agreement may be terminated by the Council by written notice to the Developer if:
- 16.1.1 the Developer commits a breach of any of the terms and conditions of this agreement and fails to remedy such a breach within fourteen (14) days of receipt of a written notice (which specifies the breach and requires the Developer to remedy the breach) whereupon the date of such termination will be effective on the 15th day from receipt of such written notice; or
- 16.1.2 an Event of Insolvency occurs.

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17 Review Procedures

The parties may agree to review this agreement in circumstances and in a manner determined by the parties. Any amendment, modification, supplement or replacement document which results from a review must be in writing, signed by the parties and registered at LPI under Section 93H of the Act.

18 Notices

18.1 Any notice, request for information to be made or information to be given under this agreement must, in order to be valid, be in writing and must be given to or served upon a party:

18.1.1 by being left at that party's address or such other address as may be notified to the first party giving or serving any such document which will be deemed served when so left; or

18.1.2 by being posted in a pre-paid ordinary, certified or registered letter addressed to that party at such address which will be deemed duly served three (3) Business Days after the posting of the same; or

18.1.3 by being dispatched by facsimile transmission to that party and which will be deemed served at the time recorded on the facsimile machine of the party serving such document of an error free transmission to the correct facsimile number.

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

The Developer

Address:

Facsimile:

Council

Address:

Hawkesbury City Council
Attention: General Manager
366 George Street,
WINDSOR NSW 2571

Telephone: 4560 4444

Facsimile: 4587 7740

19 Proper Law and Jurisdiction

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

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20 Severance

20.1 If it is held by any Court or Tribunal that:

20.1.1 any part or condition of this agreement is void, invalid, illegal or otherwise unenforceable, or

20.1.2 this agreement would be void, voidable, invalid, illegal or otherwise unenforceable unless any part or condition of this agreement was severed then that part or provision which is severed from this agreement will not affect the continued operation of the remainder of this agreement which has not been severed nor the validity or enforceability of that part or condition, provided that the fundamental purpose of or the intentions expressed by the parties under this agreement is not substantially altered.

21 Waiver

21.1 No failure on the part of a party to exercise and no delay in exercising and no cause of dealing with respect to, any condition and the rights, powers or remedies of that party under this agreement will impair any of those rights, powers or remedies, nor constitute a waiver of any of those rights, powers or remedies.

21.2 No single or partial exercise by a party of any condition and rights, powers or remedies under this agreement will preclude any other or further exercise of those or exercise of any other conditions rights or remedies.

21.3 Any condition and the rights, powers or remedies under or relating to this agreement are cumulative and will not exclude any other rights, powers or remedies under or relating to this agreement at Law.

21.4 No waiver of any of the conditions of this agreement will be effective unless in writing signed by the party against whom such waiver is sought to be enforced.

21.5 Any waiver of the conditions of this agreement will be effective only in the specific instance and for the specific purpose given and the waiver will not be deemed a waiver of such obligations or of any subsequent breach of the same or some other obligation.

22 Approvals and Consent

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

23 Assignment and Dealings

None of the parties to this agreement may assign or otherwise deal with their rights, powers, obligations and remedies under this agreement or allow any interest in them to arise or be varied, save and except as provided in clause 14.

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24 Entire Agreement

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

25 No Fetter

25.1 Nothing in the agreement is to be construed as requiring the Council to do anything

25.1.1 that would cause it to be in breach of any of its obligations at Law;

25.1.2 limiting or fettering in any way the exercise of any statutory discretion or duty; at Law; or

25.1.3 imposing any obligations to grant an Approval.

26 Representatives and Warranties

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

27 Costs

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

Executed as an agreement on

2016

Execution by Council

Signed by Hawkesbury City Council by
its authorised officer in the presence of:

Signature of witness

Signature of authorised officer

Name of witness

Authorised Officer's Name:
Signing on behalf of: Hawkesbury City Council
Power of Attorney Book:
No: _____

Address of witness

Execution by Mark S Simpson and Elizabeth F Simpson

Signed by :

Signature of Mark S Simpson

Signature of Elizabeth F Simpson

Print name

Print name

VPA – Hawkesbury City Council & Simpson

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oooO END OF REPORT Oooo

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Item: 21 CP - S960024/15 - Lot 2 DP 1148514 - 741 George Street, South Windsor - Section 96 Amendments - Modifications to the consent for the construction and operation of a service station - (94598, 92356, 130370)

Previous Item: Item 179 – Ordinary, 10 September 2013

Development Information

File Number: S960024/15 (DA0631/12)
Property Address: 741 George Street, South Windsor
Applicant: Caltex Australia
Owner: Dallat Pty Ltd
Proposal Details: Section 96 Amendment – Modifications to the consent for the construction and operation of a service station
Estimated Cost: N/A
Zone: RU4 Primary Production Small Lots and SP2 Infrastructure
Date Received: 14 March 2015
Advertising: Not required

Key Issues: ♦ Non-Compliance with Site Specific DCP

Recommendation: Refusal

REPORT:

Executive Summary

This Development Application seeks consent for modifications to the signage approved for the Caltex service station at 741 George Street, South Windsor.

The proposal is permitted being identified as a business identification sign under Hawkesbury Local Environmental Plan (LEP) 2012 and the site is subject to a specific Development Control Plan under Part E Chapter 7 of Hawkesbury Development Control Plan (DCP) 2002.

It is recommended that the application not be supported as the proposal is inconsistent with the sign height and multi-tenant sign requirements of the Hawkesbury DCP 2002.

The application is being reported to Council as this site is in a key gateway location to the Hawkesbury and that the development application for the Caltex service station was previously determined by Council.

Description of Proposal

This application seeks Council's approval to modify Development Consent No. DA0631/12 for the construction and operation of a service station at 741 George Street, South Windsor.

The application proposes to erect two 9m high pylon signs that would combine business identification and pricing information signs previously approved for the service station development. One sign would be located on the George Street frontage and the other on the Blacktown Road frontage close to the property entrances.

History

The subject land is legally known as Lot 12 DP 1184975, has a site area of 2.497 Hectares, is subject to road widening and located on the northern intersection of Blacktown Road and George Street, South Windsor.

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Development Consent No. DA0631/12 for the construction and operation of the service station was issued with a 'Deferred Commencement' consent on 17 September 2013. This consent became operational on 24 February 2014.

Development Consent No. DA0631/12A was approved on 19 February 2015 modifying conditions regarding trade waste and stormwater for the service station. The service station has been constructed and is currently operational.

The land also contains a separately tenanted Food and Drink Premises approved under DA0790/14 which is currently under construction.

On 1 July 2015, a letter was sent to the applicant concerning this application advising that further modifications to the approved signage scheme for the site would not be supported until a co-ordinated signage strategy is provided for the entire site which considers the service station, the food and drink premises and at least one other future tenancy for the site.

To date no response has been received from the applicant concerning this correspondence.

Issues Relevant to the Decision

- Visual impact on amenity of locality
- Proliferation of signage along a key gateway site

Council Policies, Procedures and Codes to Which the Matter Relates

- Hawkesbury Local Environmental Plan 2012 (LEP 2012)
- State Environmental Planning Policy No. 44 – Koala Habitat Protection
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP No. 64)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Development Control Plan 2002 (DCP 2002)

Assessment of section 96 (1A) of the Environmental Planning and Assessment Act 1979

Pursuant to Section 96(1A) of the EP&A Act, Council may consider an application to amend development consent subject to;

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*

Comment: Development Consent No. DA0631/12 was granted subject to a "Deferred Commencement" consent issued by Council which included a condition requiring signage to be reduced in height to 6m to satisfy Clause 7.4.6(2) of Part E Chapter 7 of the Hawkesbury Development Control Plan 2002. This resulted in two 6m high business identification signs and two 3.3m pricing information signs being approved along the Blacktown Road and George Street frontages. It was intended that pricing information be kept separate from business identification signage as the future number and type of tenants on the remainder of the site was unknown.

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At the time of the issue of the consent it was considered that that the proposed signage was acceptable for one tenancy and it would be unreasonable to prescribe multi-tenant until the future development of the site was known. Following approval of the service station development Council received an application for a food and drink premises on the site where it was determined that any future signage be limited to one multi-tenant sign consistent with the DCP. It is considered that support of this modification application has the potential to result in an adverse visual impact on the streetscape through the proliferation of signage knowing that another tenant has been approved for the site and has requested consent for additional individual pylon signs as part of development application No. DA0837/15 (See separate report on this agenda). Support of the modification application would further exacerbate the signage impacts on the streetscape knowing that other tenancies have been approved for the site.

- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment: As previously mentioned signage for the service station was considered acceptable on the basis that the business identification signs were proposed for the only tenant approved for the site.

The proposal to modify signage for the service station is not substantially the same development to what was considered when the consent for the service station application was originally granted.

In this regard the site has been further developed and materially changed from when the original application was considered.

In considering whether the proposal is substantially the same development an assessment of the proposal against the relevant matters referred to in Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken in the report below.

- (c) *it has notified the application in accordance with:*
- (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comment: With respect to (c) & (d), the application was not required to be notified under Hawkesbury DCP and no submissions have been received to date.

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

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

a. The provisions of any:

i. Environmental Planning Instrument:

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

The proposal is not contrary to the aims, objectives and recommended strategies of SREP No. 20.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The application does not involve the removal of potential or core Koala habitat as identified under this plan. It is therefore considered that the proposal is unlikely to disrupt any potential or core Koala habitat and that the proposal is consistent with the aims and objectives of this plan.

State Environmental Planning Policy No. 55 – Remediation of Land

The subject land has most recently been used in association with the existing Baptist Church on the adjoining property and there is no evidence to suggest that the site is contaminated to the extent that would prevent the development. With respect to the provisions of SEPP No. 55 the site is considered suitable for the proposed development.

State Environmental Planning Policy No. 64 – Advertising and Signage

The application proposes changes to the business identification signage approved for the service station.

It is proposed that a new 9m high pylon sign would be erected to combine the pricing information and business identification signage approved for the service station. The proposal to modify signage approved for the site has not taken into consideration the most recent approval for a food and drink premises on the site or the requirements of the DCP which prescribe one multi-tenant sign for the site.

An assessment of the proposed changes has been undertaken and it is considered that the proposal is contrary to the overall aims and objectives of this SEPP which require the consent authority to ensure that any signage is compatible with the desired amenity and visual character of the area. The DCP specifically outlines the desired amenity for the site is to limit signage for the property to one multitenant sign not greater than 6m in height. The application relies on modifying a consent that was issued prior to the knowledge that other tenancies would be erected on the property.

Increasing the height of signage on the property without having regard to other tenancies (approved or proposed) on the land has the potential to result in unacceptable cumulative impacts having regard to the matters raised under schedule 1 of the SEPP, particularly in respect to character and streetscape.

Hawkesbury Local Environmental Plan 2012

The subject property is zoned part RU4 Primary Production Small Lots and part SP2 Infrastructure – Classified Road. The proposed development is best defined as ‘business identification signs’ and would be located wholly on the part of the land zoned RU4.

The proposal is unlikely to interfere with any future acquisition of land intended to be acquired for road widening as the development remains outside of the land mapped SP2 Infrastructure – Classified Road.

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The proposed development is generally consistent having regard to the following clauses of this plan:

- Clause 4.3 Height of Buildings
- Clause 5.1 Relevant Acquisition authority
- Clause 5.1 A Development on land intended to be acquired for public purposes
- Clause 6.1 Acid Sulfate soil controls
- Clause 6.7 Essential services
- Clause 6.3 Flood Planning
- Clause 6.4 Terrestrial biodiversity

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

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

iii. **Development Control Plan applying to the land**

Hawkesbury Development Control Plan (HDCP) 2002

The proposal is inconsistent with the signage requirements of Hawkesbury DCP. An assessment of the proposal against the relevant chapters of this DCP follows:

Part A Chapter 2 - General Information

The application provides adequate information for the assessment of the proposal and therefore complies with this chapter.

Part A Chapter 3 - Notification

Signage is not required to be notified under chapter 3.2.2.

Part C Chapter 3 – Signage

The application proposes one 9m sign per street elevation contrary to the maximum 6m pylon sign height requirement of this chapter.

Whilst the applicant proposes to combine the approved business identification signs and pricing signs together it is considered that the business identification signage should be integrated as part of an overall multi-tenant sign for the site. The food and drink premises currently being constructed was approved by Council subject to any pylon signs being designed into a multi-tenant sign for the subject site.

Support of this application has the potential to adversely impact the overall future appearance of the site and is considered contrary to the overall objectives of this chapter which are to ensure that signage contributes to the streetscape and avoids visual clutter through proliferation of signage.

Part E Chapter 7 – Windsor District Baptist Church Site

This chapter outlines specific design controls for both the subject site and 739 George Street, which are collectively known as the Windsor District Baptist Church site under the DCP.

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An assessment against the specific development controls for this development has been undertaken in the table below:

Development Controls	Comments
7.4.3 - Setbacks	
The setback area is to be used only for landscaping and associated landscaping structures, direct vehicular and pedestrian access to the site, and the placement of one multi-tenant sign per street frontage located near the entry/exit points.	The signage location is considered generally acceptable however this rule requires signage to be restricted to one multi-tenant sign per street frontage. The proposal to modify the service station signage without having regard to the food and drink premises approved on the site is considered contrary to this rule.
7.4.6 - Signage	
Signage is to comply with the requirements set out in the Section 3.2 Signs in Commercial and Industrial Zones of Chapter 3 – ‘Signs’, Part C of this DCP.	The proposal is contrary to objectives of this chapter. Refer to assessment against chapter in report above.
Only one multi-tenant sign per street frontage is permitted. The sign is to be located near the entry/exit points and shall not be greater than six metres in height.	The proposal does not comply as the modification application does not propose multi-tenant signage that considers the food and drink premises approved on the land. The height of the sign is 3m greater than the maximum 6m height requirement. The variation requested is not supported. Increasing the size of the business identification sign for the service station without the provision of multi-tenant signage for the food and drink premises has the potential to result in congestion of signage along the properties main entrances should other tenancies request their own individual signage. (This has already occurred as per separate report to this agenda). This has the potential to result in confusion for customers accessing the site via the common driveways.

It is considered that any modification to approved signage should have regard to the multi-tenant signage requirements for the site. Approval of the current proposal would set an undesirable precedent in supporting individual signage for each of the tenants that may be approved on the land contrary to what is anticipated and prescribed under the DCP.

One multi-tenant sign would ensure that the future development of the site could be undertaken in a manner that avoids any visual clutter through the proliferation of signage.

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

N/A

v. Matters prescribed by the Regulations:

Should the proposal be supported the development would be subject to being completed in accordance with the requirements of the Building Code of Australia (BCA)/National Construction Code.

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

The application has not adequately taken into consideration the existing and future potential development to the land. Supporting individual tenant signage for each tenancy on the subject site has the potential to result in an adverse visual and potential traffic safety, impacts on the locality by adding unnecessary visual clutter to the existing streetscape.

c. Suitability of the site for the development:

The site forms an important gateway site to the Hawkesbury, as one of the key entrances to the area from the Penrith and Blacktown Local Government Areas.

The applicant has been previously advised that it would be more appropriate that signage for the site is designed in a coordinated manner that considers both existing and future tenants of the site. It is considered unsuitable to consider modifying signage approved for the service station without having regard to all potential tenants on the subject site.

Increasing the height of the existing sign without having regard to other tenancies approved on the land has the potential to result in unnecessary visual impacts on the locality.

It is considered that the site does not have the capacity, due to the size of the proposed tenancies, to support multiple pylon signs of varying heights and locations for every tenancy to be established on the property. One common business identification sign would ensure that the overall appearance of the locality is improved and that any confusion regarding access via the common driveways is minimised.

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

No submissions have been received in response to the application.

e. The Public Interest:

The proposed development is considered to be contrary to the general public interest in that the proposal does not satisfy the overall objectives of SEPP 64 and the requirements of Hawkesbury DCP 2002.

Conclusion

The environmental impacts associated with the proposal relate to the proliferation of signage associated with the existing and potential future tenants on the site. The proposal to modify signage of the service station without having regard to other tenants approved on the site has the potential to result in adverse visual impacts on the locality and is not considered to be substantially the same development that was considered with the consent. Consequently it is recommended that the proposal not be supported.

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.

ORDINARY MEETING

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RECOMMENDATION:

That:

1. Section 96 modification application No. S960024/15 at Lot 12 DP 1184975, 741 George Street, South Windsor for Modifications to the consent for the construction and operation of a service station is refused for the following reasons:
 - a) The proposal is considered to be inconsistent having regard to Section 96 (1A) of the Environmental Planning and Assessment Act 1979. The proposed signage would have an adverse impact on the visual quality of the area and the modification application is not considered to be substantially the same development as previously approved.
 - b) The development is considered unacceptable having regard to State Environmental Planning Policy No. 64 – Advertising and Signage. The proposal is incompatible with the desired amenity and visual character of the area.
 - c) The development is inconsistent with the overall aims, objectives and rules of Hawkesbury Development Control Plan 2002. The proposal does not meet the multi-tenant signage requirements and maximum signage height requirements for the subject site.
 - d) The proposal would have an adverse impact on the amenity of the locality and support of the proposal has the potential to result in adverse cumulative impacts in terms of visual clutter and proliferation of signage on the subject site.
 - e) Approval would not be in the general public interest.
2. Staff initiate discussions with the landowner and tenants regarding the location and design of a single multi-tenant sign with a view to achieve an agreement that will meet the desired outcome for the site as envisaged in the Development Control Plan.

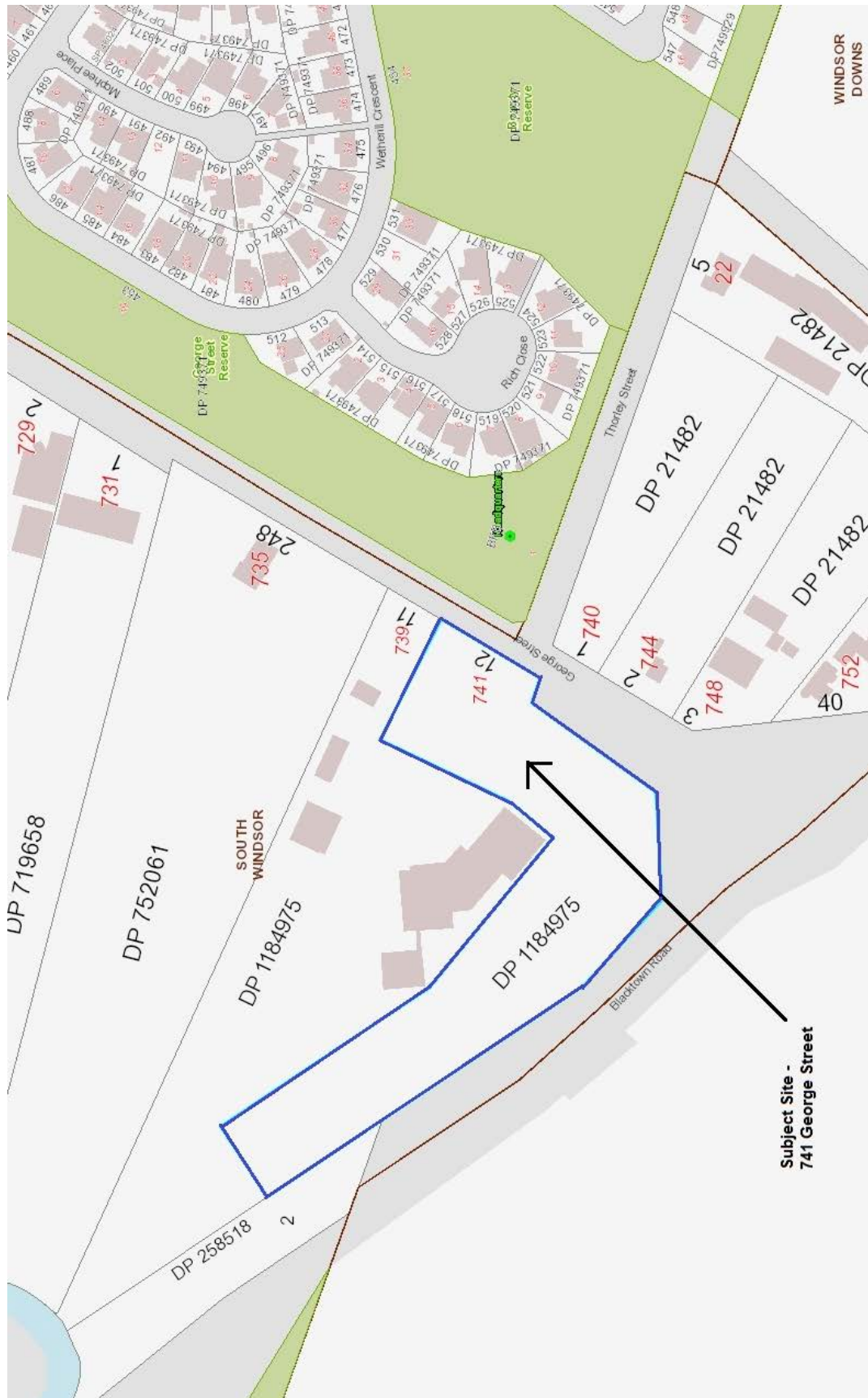
ATTACHMENTS:

- AT - 1 Locality Map
- AT – 2 Aerial Map
- AT – 3 Plans
- AT – 4 Approved Signage

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AT - 1 Locality Map



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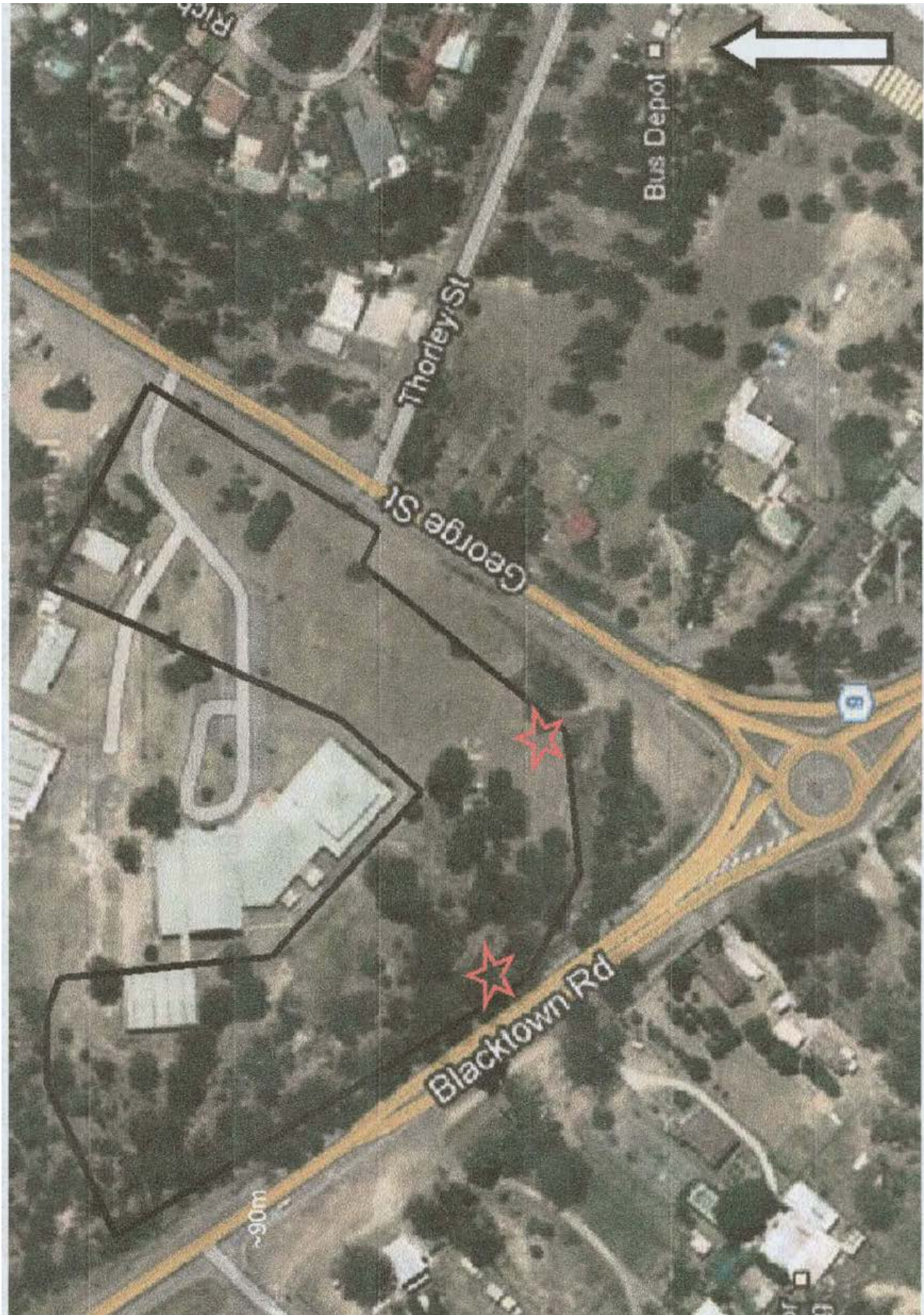
AT – 2 Aerial Map



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AT - 3 Plans



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Proposed pylon Sign along Blacktown Road



Proposed pylon sign along George Street



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AT – 4 Approved Signage

Signage approved along Blacktown Road frontage (not constructed)



Advertising sign and price board signage constructed along George Street frontage



oooO END OF REPORT Oooo

ORDINARY MEETING

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Item: 22 CP - DA0837/15 - Lot 12 DP 1184975 - 741 George Street, South Windsor - Signage - Two Business identification signs - (95498, 130370, 82572)

Previous Item: 146, Ordinary (8 September 2015)

Development Information

File Number: DA0837/15
Property Address: 741 George Street, South Windsor
Applicant: McDonald's Australia Limited, C/- Montgomery Planning Solutions
Owner: Dallat Pty Ltd
Proposal Details: Signage - Two business identification signs
Estimated Cost: \$55,000
Zone: RU4 primary Production Small Lots and SP2 Infrastructure
Date Received: 29 December 2015
Advertising:

Key Issues:

- ◆ Visual impact on amenity of locality
- ◆ Proliferation of signage along a key gateway site

Recommendation: Refusal

REPORT:

Executive Summary

This Development Application seeks consent for the construction of two business identification signs for the Food and Drink Premises - McDonalds approved at 741 George Street, South Windsor.

The proposal is a permitted use defined as business identification signs under Hawkesbury Local Environmental Plan (LEP) 2012 and the site is subject to a specific Development Control Plan under Part E Chapter 7 of Hawkesbury Development Control Plan (DCP) 2002.

It is recommended that the application not be supported as the proposal is inconsistent with Hawkesbury DCP 2002 which prescribes a multi-tenant sign for the site.

The application is being reported to Council as this site is in a key gateway location to the Hawkesbury and the development application for the Food and Drink Premises was previously determined by Council subject to the erection of a multi-tenant sign for the site.

Description of Proposal

This application seeks Council's approval for the erection of two illuminated pylon signs 6m high by 1.52m wide to identify the McDonalds restaurant approved at 741 George Street, South Windsor.

It is proposed that both signs would be installed along the edge of the property boundaries with one sign along the George Street frontage and the other sign along the Blacktown Road frontage.

History

The subject land is legally known as Lot 12 DP 1184975, has a site area of 2.497 Hectares, is subject to road widening and located on the northern intersection of Blacktown Road and George Street, South Windsor.

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The land contains a service station approved by Council under DA0631/12 and a Food and Drink Premises approved under DA0790/14. The service station is operational and the food and drink premises is currently under construction.

Issues Relevant to the Decision

- Visual impact on amenity of locality
- Proliferation of signage along a key gateway site

Council Policies, Procedures and Codes to Which the Matter Relates

- Hawkesbury Local Environmental Plan 2012 (LEP 2012)
- State Environmental Planning Policy No. 44 – Koala Habitat Protection
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP No. 64)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Development Control Plan 2002 (DCP 2002)

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

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

a. The provisions of any:

i. Environmental Planning Instrument:

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

The proposal is not contrary to the aims, objectives and recommended strategies of SREP No. 20. The site is not within a scenic corridor of local or regional significance as identified in this SREP and is not expected to significantly impact on the environment of the Hawkesbury-Nepean River in either a local or regional context.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The application does not involve the removal of potential or core Koala habitat as identified under this plan. It is therefore considered that the proposal is unlikely to disrupt any potential or core Koala habitat and that the proposal is consistent with the aims and objectives of this plan.

State Environmental Planning Policy No. 55 – Remediation of Land

The subject land has most recently been used in association with the existing Baptist Church on the adjoining property and there is no evidence to suggest that the site is contaminated to the extent that would prevent the development. With respect to the provisions of SEPP No. 55 the site is considered suitable for the proposed development.

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposal has been identified as business identification signage. An assessment in respect to pylon signage for the food and drink premises was previously considered by Council as part of development application No. DA0790/14. This assessment recommended that additional pylon signs for new tenants on the site not be supported as the DCP prescribes one multi-tenant sign per street elevation.

The proposal to erect two pylon signs for the food and drink premises in addition to the existing signage approved for the service station remains inconsistent with the overall aims and objectives of this SEPP as the proposal is incompatible with the desired amenity and visual character of the area which is directed by the DCP.

In addition to the above the consent authority is required to be satisfied that the proposal is acceptable in terms of its potential impacts as listed under Schedule 1 of the SEPP which is considered below:

1. *Character of the area*

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

The statement of environmental effects states that the DCP creates conflicting character statements having regard to commercial and rural amenity. The application considers that proposed signage is of a suitable scale for the site and compatible with the existing and future commercial character of the locality.

Whilst the area is undergoing change in appearance it is clear that the desired character of the locality is to limit the amount of signage that would be visible from the road by prescribing one multi-tenant sign for the site as opposed to that of the erection of individual signage for each tenant. Consequently it is considered that the proposal is contrary to the desired character of development of the area.

The application further states that Council has abandoned the multi-tenant signage requirement of the DCP when the service station development was approved by supporting individual signage for the tenant.

It is noted that multi-tenant signage was not required at the time the service station application was considered as there were no future tenants identified for the site and that it would be unreasonable to restrict signage for the service station until the future plans for the site were confirmed.

Since the service station approval Council received an application for a food and drink premises which provided an additional tenant on the land. Consequently the additional tenant has brought into consideration the need of a multi-tenant sign in accordance with requirements of the DCP. It is further noted that Council has received modification application No. S9600128/15 which identifies a location on the site which has been set aside for a future tenant. See Figure 1 below.

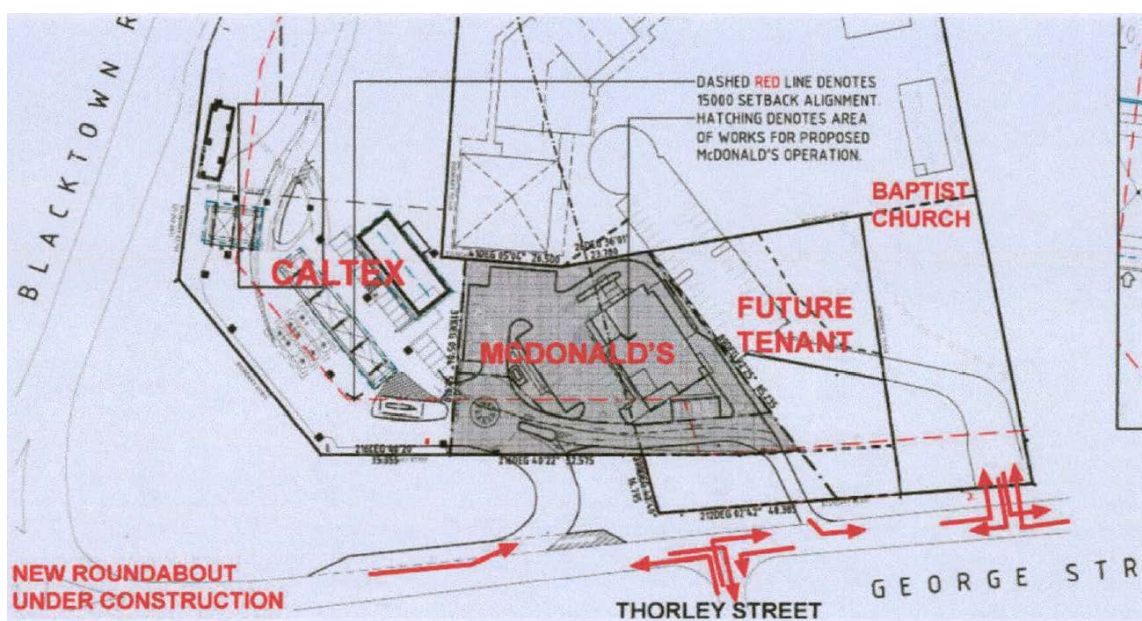


Figure 1 - Site location

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It is considered that it is entirely reasonable that any new signage for the subject site be designed in accordance with the requirements of the DCP in order to avoid the proliferation of signage on the site and within the locality.

2 *Special areas*

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

Support of the proposal has the potential to impact the amenity of the area by proposing additional signage along a main road corridor at a "Gateway" location for the Hawkesbury.

3 *Views and vistas*

- Does the proposal obscure or compromise important views?
- Does the proposal dominate the skyline and reduce the quality of vistas?
- Does the proposal respect the viewing rights of other advertisers?

Multi-tenant signage consistent with the DCP would ensure that the proposal will be less intrusive on the visual quality of the area. The statement of environmental effects states that, "The selective application of the DCP by Council effectively places severe trade restrictions on McDonalds for the site and, in our view, is not in the spirit of the Australian Competition and Consumer Act 2010".

It is noted that the DCP does not intend to prevent the advertising the food and drink premises on the property and, as such, is consistent with the spirit of the Act. The provision of a multi-tenant sign is intended to provide equal opportunity for the benefit all tenants onsite to ensure that viewing rights of both existing and future tenants are protected.

4 *Streetscape, setting or landscape*

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?
- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?
- Does the proposal reduce clutter by rationalising and simplifying existing advertising?
- Does the proposal screen unsightliness?
- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?
- Does the proposal require ongoing vegetation management?

The proposal does not seek to contribute to the visual interest of the streetscape. Supporting the proposal would result in multiple signs on one property inconsistent with the desired amenity of the locality.

Currently Council is in receipt of modification application No. s960024/15 which seeks to change pylon signage approved for the service station. It is considered that supporting this current proposal and any amendments to existing signage has the potential to result in an unacceptable level of impact on the amenity of the area. Furthermore it is considered that multiple signs for individual tenants on the one property have the potential to result in confusion, and potential safety risks, for motorists accessing the site via the common driveways.

5 *Site and building*

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?
- Does the proposal respect important features of the site or building, or both?
- Does the proposal show innovation and imagination in its relationship to the site or building, or both?

As previously discussed the proposal is considered to be incompatible with the desired amenity of the locality as the application is for additional signage inconsistent with the multi-tenant signage requirements of the DCP.

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6 *Associated devices and logos with advertisements and advertising structures*

- Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

The proposal does not raise any significant concerns regarding safety or logos.

7 *Illumination*

- Would illumination result in unacceptable glare?
- Would illumination affect safety for pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation?
- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

Whilst the proposed design could be erected without having any adverse impacts in terms of illumination it is considered that it would be more reasonable that lighting from any signage be restricted to one multi-tenant signage.

8 *Safety*

- Would the proposal reduce the safety for any public road?
- Would the proposal reduce the safety for pedestrians or bicyclists?
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

It is considered that a multi-tenant sign for the property would ensure that there is less confusion for people wanting to access the property via the same entrances and provide better direction, and hence safety, for motorists passing or entering the site.

Hawkesbury Local Environmental Plan 2012

The subject property is zoned part RU4 Primary Production Small Lots and part SP2 Infrastructure – Classified Road. The proposed development is best defined as ‘business identification signs’ and would be located wholly on part of the land zoned RU4.

The proposal is unlikely to interfere with any future acquisition of land intended to be acquired for road widening and the development remains outside of the land mapped SP2 Infrastructure – Classified Road.

The proposed development is generally consistent having regard to the following clauses of this plan:

- Clause 4.3 Height of Buildings
- Clause 5.1 Relevant Acquisition authority
- Clause 5.1 A Development on land intended to be acquired for public purposes
- Clause 6.1 Acid Sulfate soil controls
- Clause 6.7 Essential services
- Clause 6.3 Flood Planning
- Clause 6.4 Terrestrial biodiversity

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

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

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan (HDCP) 2002

The proposal is inconsistent with the signage requirements of Hawkesbury DCP. An assessment of the proposal against the relevant chapters of this DCP follows:

Part A Chapter 2 - General Information

The application provides adequate information for the assessment of the proposal and therefore complies with this chapter.

Part A Chapter 3 - Notification

Signage is not required to be notified under chapter 3.2.2.

Part C Chapter 3 – Signage

The application proposes one sign per street elevation in addition to the existing service station signage approved on the land under DA0631/12. Consequently the proposal is considered to be contrary to the objectives of this chapter which recommends a common structure signage, with signs to be designed in a manner that contributes to the streetscape and signage that avoids visual clutter through the proliferation of signs.

Support of this proposal has the potential to adversely impact the overall future appearance of the site and it is recommended that any signage for the property be designed to consider existing and potential tenants as part of one application in order to avoid the need for multiple signs.

Part E Chapter 7 – Windsor District Baptist Church Site

This chapter outlines specific design controls for 739 and 741 George Street, which are collectively known as the Windsor District Baptist Church site under the DCP.

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An assessment against the specific development controls for this development has been undertaken in the table below:

Development Controls	Comments
7.4.3 - Setbacks	
The setback area is to be used only for landscaping and associated landscaping structures, direct vehicular and pedestrian access to the site, and the placement of one multi-tenant sign per street frontage located near the entry/exit points.	The signage location is considered generally acceptable however this rule requires signage to be restricted to one multi-tenant sign per street frontage. Currently it is intended that the existing service station signage would be modified and it is considered reasonable that any changes to signage on site be modified to be incorporated into one multi-tenant sign consistent with this DCP.
7.4.6 - Signage	
Signage is to comply with the requirements set out in the Section 3.2 Signs in Commercial and Industrial Zones of Chapter 3 – 'Signs', Part C of this DCP.	The proposal is contrary to objectives of this chapter. Refer to assessment against chapter in report above.
Only one multi-tenant sign per street frontage is permitted. The sign is to be located near the entry/exit points and shall not be greater than six metres in height.	The proposal does not comply. The proposal to have multiple signs near the entry/exit points has the potential to result in confusion for customers accessing the site via the common driveways.

Approval of the current proposal would set an undesirable precedent in supporting individual signage for each of the tenants approved on the land contrary to what is anticipated and prescribed under the DCP.

One multi-tenant sign for the property would ensure that the future development of the site could be undertaken in a manner that avoids any visual clutter through the proliferation of signage.

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

N/A

v. Matters prescribed by the Regulations:

Should the proposal be supported the development would be subject to being completed in accordance with the requirements of the Building Code of Australia (BCA)/National Construction Code.

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

The application has not adequately taken into consideration the existing and future potential development to the land. Supporting individual tenant signage for each tenancy on the subject site has the potential to and result in an adverse visual impact on the locality by adding unnecessary visual clutter to the existing streetscape.

c. Suitability of the site for the development:

The site forms an important gateway site to the Hawkesbury, as one of the key entrances to the area from the Penrith and Blacktown Local Government Areas.

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As previously discussed it would be more appropriate that signage for the site be designed in a coordinated manner that considers both existing and future tenants of the site. It would be unsuitable that multiple pylon signs be approved on the subject site as this has the potential to result in unnecessary visual impacts on the locality.

It is considered that the site does not have the capacity to support multiple pylon signs of varying heights and locations for every tenancy to be established on the property. One common business identification sign would ensure that the overall appearance of the locality is improved and that any confusion regarding access via the common driveways is minimised.

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

No submissions have been received in response to the application.

e. The Public Interest:

The proposed development is considered to be contrary to the general public interest in that the proposal does not satisfy the overall objectives of SEPP 64 and the requirements of Hawkesbury DCP 2002.

Conclusion

The environmental impacts associated with the proposal relate to the proliferation of signage associated with the existing and potential future tenants on the site. The proposal to erect individual signage for the food and drink premises is considered inconsistent with the relevant planning policies and development control plans applying to the land. Consequently it is recommended that the proposal not be supported.

Planning Decision

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

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Meeting Date: 23 February 2016

RECOMMENDATION:

That:

1. Development Application DA0837/15 at Lot 12 DP 1184975, 741 George Street, South Windsor for Signage - Two business identification signs be refused for the following reasons:
 - a) The development is considered unacceptable having regard to State Environmental Planning Policy No. 64 – Advertising and Signage. The proposal is incompatible with the desired amenity and visual character of the area and would add to the clutter of signage along the streetscape.
 - b) The development is inconsistent with the overall aims, objectives and rules of Hawkesbury Development Control Plan 2002. The proposal does not meet the multi-tenant signage requirements for the subject site.
 - c) The proposal would have an adverse impact on the amenity of the locality and support of the proposal has the potential to result in adverse cumulative impacts in terms of visual clutter and proliferation of signage on the subject site.
 - d) Approval would not be in the general public interest.
2. Staff initiate discussions with the landowner and tenants regarding the location and design of a single multi-tenant sign with a view to achieve an agreement that will meet the desired outcome for the site as envisaged in the Development Control Plan.

ATTACHMENTS:

AT - 1 Locality Map

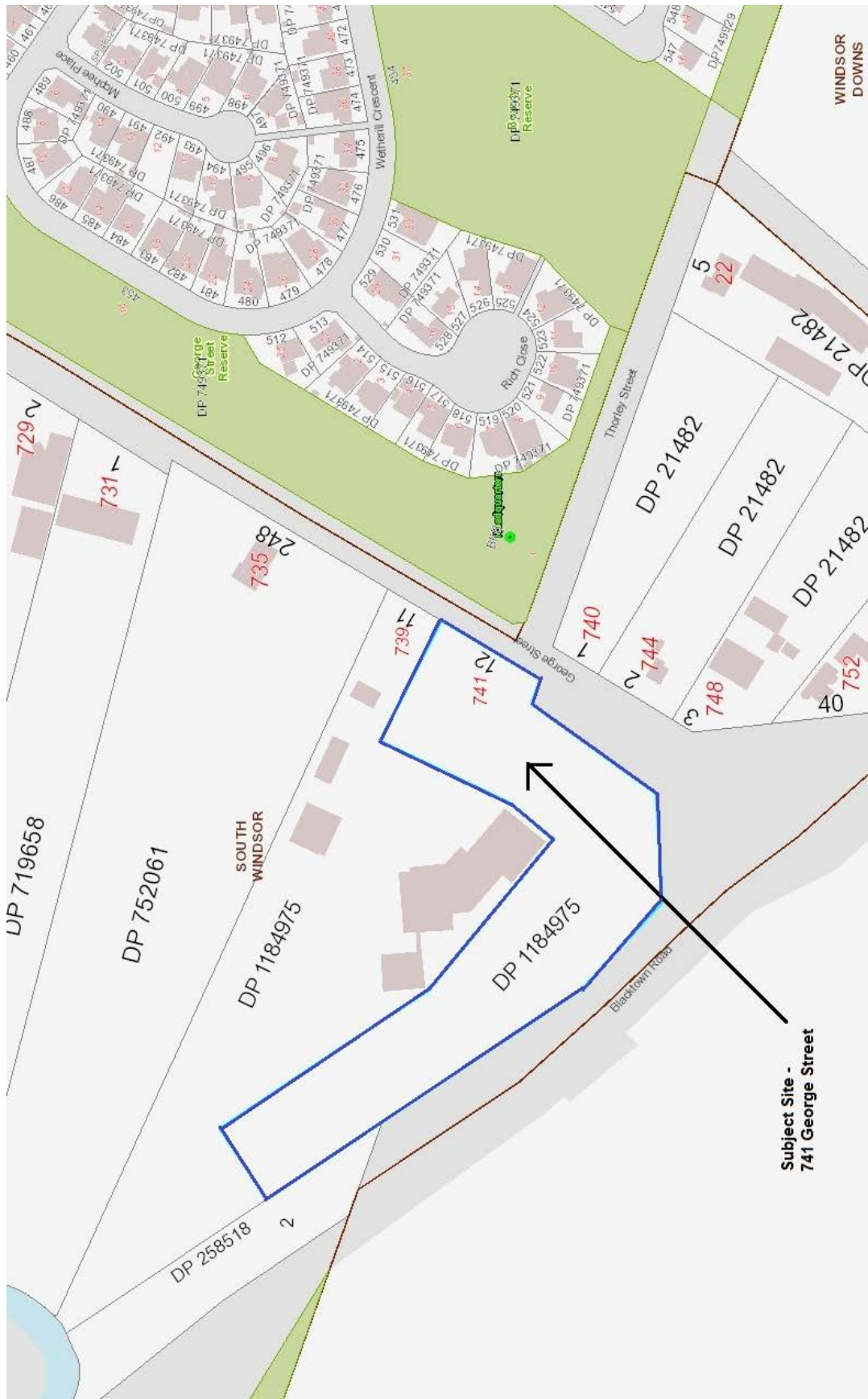
AT – 2 Aerial Map

AT – 3 Plans

ORDINARY MEETING

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AT - 1 Locality Map



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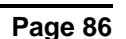
AT – 2 Aerial Map



Meeting Date: 23 February 2016

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Meeting Date: 23 February 2016



ORDINARY MEETING

Meeting Date: 23 February 2016

Item: 23 CP - S960128/15 - Lot 12 DP 184975 - 741 George Street, South Windsor - Section 96 Amendment - Modification of Development Consent DA0790/14 - (94598, 130370, 82572)

Previous Item: 146, Ordinary (8 September 2015)

Development Information

File Number: S960128/15 (DA0790/14)
Property Address: 741 George Street, South Windsor
Applicant: McDonald's Australia Limited C/- Montgomery Planning Solutions
Owner: Dallat Pty Ltd
Proposal Details: Section 96 Amendment - Modification of Development Consent DA0790/14 to delete condition 68
Estimated Cost: N/A
Zone: RU4 Primary Production Small Lots and SP2 Infrastructure
Date Received: 29/12/2015
Advertising: Not required

Key Issues:

- ◆ Non-compliance with site specific DCP
- ◆ Pedestrian Safety

Recommendation: Refusal

REPORT:

Executive Summary

This Development Application seeks consent to delete a condition from the original development consent relating to the construction of a 2.5m wide pedestrian and cycleway from the subject site to Colonial Drive to service the Food and Drink Premises – McDonalds approved at 741 George Street, South Windsor.

The land is subject to a site specific Development Control Plan under Part E Chapter 7 of Hawkesbury Development Control Plan (DCP) 2002.

It is recommended that the modification application not be supported as the proposal is inconsistent with the requirements of Hawkesbury DCP 2002.

The application is being reported to Council as this site is in a key gateway location to the Hawkesbury and that the development application for the food and drink premises was previously determined by Council with the requirement for the construction of a 2.5m shared pedestrian pathway from the site to Colonial Drive Bligh Park.

Description of Proposal

This application seeks Council's approval to modify Development Consent No. DA0790/14 for the construction and operation of a food and drink premises at 741 George Street, South Windsor.

The application for the food and drink premises was approved subject to condition number 68 which requires that:

"68. The development shall provide a 2.5m wide shared pedestrian and cycleway from the subject site to Colonial Drive, Bligh Park as required under the Hawkesbury Development Control Plan 2002. The pathway shall incorporate design features as agreed by the Council and RMS."

History of the Site

The subject site is legally known as Lot 12 DP 1184975, has a site area of 2.497 Hectares, is subject to road widening and located on the northern intersection of Blacktown Road and George Street, South Windsor.

The subject site and 739 George Street are collectively known as the Windsor District Baptist Church site under Part E Chapter 7 of Hawkesbury DCP. This DCP was adopted by Council on 13 December 2011 and became effective on 21 September 2012.

The site specific chapter of the DCP was developed at the same time Council considered a planning proposal for the property proposing to permit service stations on the land and rezone the land from 5(a) Special uses (Church) under Hawkesbury Local Environmental Plan (LEP) 1989 to RU4 Primary Production Small Lots under Hawkesbury LEP 2012 in order to allow for additional land uses such as food and drink premises.

At the ordinary meeting of 25 November 2008 Council resolved to support the planning proposal to permit service stations on the land and rezone the land to RU4 Primary Production Small Lots to allow for additional uses such as food and drink premises. Council resolved that the proposal be supported subject to safe pedestrian access being provided across George Street.

Subsequently the DCP was prepared and the land was rezoned to RU4 Primary Production Small Lots as part of the gazettal of Hawkesbury Local Environmental Plan 2012.

Following the gazettal of Hawkesbury LEP 2012 Development Application No. DA0631/12 for the construction and operation of the service station was lodged and granted approval on 17 September 2013. The service station has been constructed and is currently operational.

Development Application No. DA0790/14 for the construction and operation of the food and drink premises was lodged and granted approval on 15 September 2015. Building works have commenced.

Issues Relevant to the Decision

- Compliance with the DCP
- Pedestrian safety

Council Policies, Procedures and Codes to Which the Matter Relates

- Hawkesbury Local Environmental Plan 2012 (LEP 2012)
- State Environmental Planning Policy No. 44 – Koala Habitat Protection
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Development Control Plan 2002 (DCP 2002)

Assessment of section 96 (1A) of the Environmental Planning and Assessment Act 1979

The modification application seeks consent to delete condition 68 of Development Consent Notice No. DA0790/14 which requires the construction of a 2.5m shared pathway from the development site to Colonial Drive, Bligh Park on the following grounds:

- "1. The proposed pathway does not satisfy the objective of the DCP which requires safe, efficient pedestrian access to and from the development.*
- 2. There is no safe pedestrian crossing of George Street in the vicinity of the site/proposed pathway.*
- 3. The location of the proposed pathway does not represent any existing or proposed desired safe pedestrian route.*

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4. *No nexus has been demonstrated between the development and the need for the pathway.*
5. *The DCP has not been applied to the adjoining developments which are covered by the DCP provisions relating to pedestrian access to the site.*
6. *The condition requires an agreement between Council and the Roads and Maritime Services (RMS) in relation to design features. There is no mechanism by which the applicant can achieve compliance in this regard.*
7. *Development Control Plan provisions are not statutory requirements and are for guidance purposes only."*

The modification application is supported by a Traffic review prepared by Colston Budd Rodgers & Kafes Pty Ltd. This report states that discussions with the RMS has confirmed that this condition is not required by the RMS and that it is unreasonable for the developer to construct a shared footpath given the separation between the site and small number of pedestrians that would be anticipated to access the site.

An assessment of the information has confirmed that whilst the RMS has confirmed that they do not require the construction of the footpath it is Council's position that the pathway be provided as part of the development of the site. This requirement was previously considered by Council at the time the land was rezoned to permit uses such as food and drink premises.

The requirement for a shared footpath was not imposed on the service station development as Council decided that this was not required given that a service station does not provide the same level of pedestrian traffic than what would be expected with a take away food and drink premises. Given that the proposed food and drink premises are highly likely to attract pedestrian traffic as well as the proposed vehicular traffic it was considered reasonable that the developer formalise pedestrian access from the Bligh Park residential area to the site in order to ensure people have a safe route to the site.

Whilst there is no pedestrian crossing of George Street at this time, it is very likely, if not certain, that there will be in the future when George Street is further upgraded. In this regard it would be short sighted and inadequate long term planning to not require the highest potential pedestrian traffic generator in the locality to not provide for future pedestrian traffic to the site.

To date Council and the RMS have not received any formal application or plans showing how a shared pedestrian pathway could be designed in order to address this condition. Whilst documentation submitted with the application confirms that the RMS has not requested the footpath it is a Council resolution and DCP that has identified that a shared footpath should be provided to the site as part of the development of the site which would attract pedestrians from the Bligh Park residential area.

As a consequence it is considered that the proposal should comply with the original condition imposed on the development in order to ensure pedestrians accessing the site can do so in a safe and efficient manner. If it is not desirable to construct the path at this time the consent condition can remain and the works bonded until they are ready to be constructed.

Pursuant to Section 96(1A) of the EP&A Act, Council may consider an application to amend development consent subject to;

"(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*

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- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be."*

With respect to (a) it is considered that the proposal to not provide a pedestrian/cycleway from Colonial Drive to the subject site has the potential to result in adverse impacts in terms of pedestrian safety and that the deletion of the condition would have more than a minimal environmental impact. A footpath along the eastern side of George Street would provide a dedicated footpath for people who would be attracted to walk or cycle to the proposed food and drink premises.

Whilst this requirement of the DCP was not imposed on the service station or Baptist Church it is noted that:

- Customers of the service station is heavily based on vehicular traffic and not expected to attract significant pedestrian movements to the site from Bligh Park; and,
- The Baptist church was located on the site prior to the DCP and is generally serviced by families driving to the site for services.

It is clear that the construction of the food and drink premises would result in a substantial increase in pedestrian traffic to the site and that the construction of a shared pathway along the eastern side of George Street would provide a suitable path for customers and employees who would walk or cycle to the site than what is currently available. It is considered that the pathway would not be required if the site was not developed for the purposes of food and drink premise. Furthermore the information submitted with the current application confirms that there is an additional area on site dedicated to a future tenant which ultimately has the potential to attract more pedestrian traffic to the site.

With respect to (b) it is considered that the deletion of the condition would result in changing the development that was originally granted by Council. The DCP provision requiring a shared pathway to the site was considered as part of the assessment of the original application and determined that the development has the potential to attract a significant amount of pedestrian traffic to the site from Bligh Park to warrant the construction of a pathway to the site based on its location. An assessment of the proposal against the relevant matters referred to in Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken in the report below.

With respect to (c) & (d), the application was not required to be notified under Hawkesbury DCP and no submissions have been received to date.

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

In determining the application, Council is required to take into consideration the matters as identified under Section 79C of the Environmental Planning and Assessment Act 1979. Following an assessment of the application it is considered that the application has not adequately considered the suitability of the site for the proposed development and requirements of Hawkesbury DCP 2002.

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The application proposes a fast food and drink premises that would significantly increase the amount of pedestrian traffic to the site than what would be otherwise expected along George Street. Due to the increase in pedestrian traffic to the site with the proposed development it is considered necessary that a safe pathway and crossing be provided to the site to ensure that the site is suitable for the proposed development. This was previously considered with the rezoning of the property and the approval of the food and drink premises. Deletion of the pathway would potentially result in the site being considered to be unsuitable for the proposed food and drink premises on the basis that the development should be appropriately connected to nearby residential areas via a suitable pedestrian link. The site is in general walking distance to the nearby residential area of Bligh Park and pedestrian access to the site would therefore be significantly greater than what would otherwise be associated with the land if the food and drink premises were not to be located on the site.

The suggestion that there is no suitable location along George Street for pedestrians to cross is not considered sufficient rational to support the deletion of the requirement for the shared pathway. It is noted that recent road widening works along the George Street and Blacktown Road intersection have resulted in the construction of a footpath and associated pram crossings close to the roundabout and the George Street exit from the site. See Figures 1 and 2 below.



Figure 1 - Footpath pram-crossing along George Street roundabout intersection



Figure 2 - Termination of footpath with pram crossing along George Street after site exit (Thorley Street intersection highlighted in background)

In addition to the constructed pathways shown above there is currently an informal pathway (Figures 3 and 4) used by a few pedestrians which is not considered to be the safest way to cross George Street. The construction of the shared footpath and formalisation of a new road crossing would ensure that the current informal crossings are no longer used and that the pedestrian traffic attracted to the food and drink premises can be provided in a safe manner.



Figure 3 – Informal pathway between Bligh Park residential area and George Street



Figure 4 – Termination of informal path and crossing from Bligh Park residential area (Note: median strip along centre of George Street)

An assessment in respect to compliance with the DCP has been undertaken below.

Hawkesbury DCP 2002 Part E Chapter 7 – Windsor District Baptist Church Site

This chapter outlines specific design controls for both the subject site and 739 George Street, which are collectively known as the Windsor District Baptist Church site.

Rule 4 and 5 of Chapter 7.4.4 Parking and Access apply to the proposal and are listed below:

- "4. A pedestrian crossing on George Street is to be provided incorporating such design features as agreed by the Council and the RTA, near the entry/exit point to the site or near Thorley Street.
5. A 2.5m wide shared pedestrian and cycleway on the eastern side of George Street between Thorley Street and Colonial Drive Bligh Park is to be provided incorporating such design features as agreed by the Council and RTA."

The above rules were considered as part of the assessment of application number DA0790/14 where it was determined that the development be required to comply with rule 5. Whilst the RMS did not want a crossing to be created in accordance with rule 4 it is considered that there is suitable space available along the George Street section of road that would allow for a crossing to be provided, which will be more appropriate than what is currently available.

It is considered that the applicant be required to comply with condition number 68 imposed on the development as the current reasons to modify the proposal are contrary to this policy and the imposition of this condition would contribute to the safety of pedestrians who would be attracted to the proposed food and drink premises on the site.

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Conclusion

The environmental impacts associated with the proposal are those relating to pedestrian/cycling access associated with the food and drink premises. It is considered that the deletion of the condition relating to the construction of a shared pathway has the potential to result in adverse environmental impacts in terms of the safety for people who would be attracted to the site because of the proposed land use. It is recommended that the proposal not be supported as it is inconsistent with previous resolutions of Council, the requirements of the DCP and the proposal to not provide pedestrian access to the site is not substantially the same development as previously approved by Council.

At this time there is no firm information available as to whether any additional tenants are proposed for the overall site or the nature of any future tenants. Based on the current information available it is appropriate for the currently approved Food and Drink premises (McDonalds) to construct the path as proposed. Should another tenant be proposed by the landowner that would also generate pedestrian traffic to the site, compensation for the cost of the construction of the path should be a matter between the tenants and landowner.

Planning Decision

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

RECOMMENDATION:

That Section 96 modification application No. S960128/15 at Lot 12 DP 1184975, 741 George Street, South Windsor for Modification of Development Consent DA0790/14 to delete condition 68 be refused for the following reasons:

1. The proposal is considered to be inconsistent having regard to Section 96 (1A) of the Environmental Planning and Assessment Act 1979. The removal of condition 68 would have an adverse impact on the safety of pedestrians/cyclists accessing the site from Bligh Park and the modification application is not substantially the same development as previously approved.
2. The development is inconsistent with the overall aims, objectives and rules of Hawkesbury Development Control Plan 2002. The proposal does not comply with the site specific requirements to provide safe access to cyclists and pedestrians to the site from Bligh Park.
3. The proposal would have an adverse impact on the safety of people who would walk or cycle to the site from Bligh Park.
4. Approval would not be in the general public interest.

ATTACHMENTS:

AT - 1 Locality Map

AT – 2 Aerial Map

AT – 3 Plans

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AT – 2 Aerial Map



Subject site -
741 George Street

AT – 3 Plans



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 23 February 2016

GENERAL MANAGER

Item: 24 **GM - 2016 Australian Local Government Women's Association Conference - (79351, 95655)**

REPORT:

Executive Summary

The 2016 Australian Local Government Women's Association (ALGWA) Annual conference will be held from 10 to 12 March 2016 in Gunnedah, NSW. Due to its relevance to Council's business, it is recommended that the 2016 ALGWA be attended by Councillors and appropriate staff.

Consultation

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

Background

The 2016 ALGWA Annual Conference will be held from 10 to 12 March 2016 in Gunnedah, NSW. The conference aims to arm women in local government with the tools to bridge divides and achieve personal growth. Advice concerning this conference was received on 13 February 2016, so apologies are extended for the short notice.

Cost of attendance at the 2016 ALGWA Annual Conference will be approximately \$1,525 plus travel expenses per delegate.

Budget for Delegate Expenses - Payments made:

Total Budget for Financial Year 2015/2016	\$48,000
Expenditure to date	\$12,693
Outstanding Commitments as at 15/2/16 (approx.)	\$2,100
Budget balance as at 15/2/16 (approx. including outstanding commitments)	\$33,207

It should be noted that the outstanding commitments referred to above are in relation to Councillor attendance at the 2016 Local Government NSW Tourism Conference in March 2016 as previously authorised by Council.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions Statement;

- The Council be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services.

and is also consistent with the nominated strategy in the CSP being:

- Improve financial sustainability.

Financial Implications

Funding for the cost of attendance at this Conference will be provided from the Delegates Expenses within the 2015/2016 Budget.

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Meeting Date: 23 February 2016

RECOMMENDATION:

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the 2016 Australian Local Government Women's Association Annual Conference at an approximate cost of \$1,525 plus travel expenses per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 23 February 2016

Item: 25 GM - 2016 Local Government Professionals Australia National Congress and Business Expo - (79351, 130399)

REPORT:

Executive Summary

The 2016 Local Government (LG) Professionals Australia National Congress and Business Expo will be held from 4 to 6 May 2016 on the Gold Coast, Queensland. Due to its relevance to Council's business, it is recommended that the 2016 LG Professionals Australia National Congress and Business Expo be attended by Councillors and appropriate staff.

Consultation

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

Background

The 2016 LG Professionals Australia National Congress and Business Expo will be held from 4 to 6 May 2016 on the Gold Coast, Queensland. The 2016 LG Professionals Australia Congress and Business Expo will explore the concepts and key trends around the changing face of local government and reform.

Cost of attendance at the 2016 LG Professionals Australia National Congress and Business Expo will be approximately \$3,700 per delegate.

Budget for Delegate Expenses - Payments made:

Total Budget for Financial Year 2015/2016	\$48,000
Expenditure to date	\$12,693
Outstanding Commitments as at 15/2/16 (approx.)	\$2,100
Budget balance as at 15/2/16 (approx. including outstanding commitments)	\$33,207

It should be noted that the outstanding commitments referred to above are in relation to Councillor attendance at the 2016 Local Government NSW Tourism Conference in March 2016 as previously authorised by Council.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions Statement;

- The Council be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services.

and is also consistent with the nominated strategy in the CSP being:

- Improve financial sustainability.

Financial Implications

Funding for the cost of attendance at this Conference will be provided from the Delegates Expenses within the 2015/2016 Budget.

ORDINARY MEETING

Meeting Date: 23 February 2016

RECOMMENDATION:

That attendance of nominated Councillors and staff as considered appropriate by the General Manager, at the 2016 Local Government Professionals Australia National Congress and Business Expo at an approximate cost of \$3,700 per delegate be approved.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 23 February 2016

Item: 26 GM - 2017 NSW State Association of Caravanning Clubs Inc State Rally - Sponsorship by Council (79351)

REPORT:

Executive Summary

The 2017 NSW State Association of Caravanning Clubs Inc. State Rally (Rally) will be hosted by the Adventure Caravan Club Inc. (event organisers) at Hawkesbury Showground in March 2017. The Rally brings together caravanning clubs from across New South Wales.

The event organisers of the Rally approached Council in July 2015 to assess Council's interest in providing assistance to the event. Council staff requested the event organiser provide details of what assistance they required and a letter from the Event Organisers in this regard is provided as Attachment 1.

This report outlines details of the 2017 NSW State Association of Caravanning Clubs Inc. State Rally (Rally) and actions Council can undertake to assist the event.

Consultation

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

Background

The 2017 NSW State Association of Caravanning Clubs Inc. State Rally (Rally) will be hosted by the Adventure Caravan Club Inc. (event organisers) at Hawkesbury Showground in March 2017. The Rally will be run over three days with participants providing their own accommodation. A program of events over the three days will be run to promote the Hawkesbury and will include a welcome reception, morning teas, guest presentation, performances by local groups, tours of the local area as well as activities in the local area.

The event organisers of the Rally approached Council in July 2015 to assess Council's interest in providing assistance to the event. Council staff requested the event organisers provide details of what assistance they required. A letter from the Event Organisers requesting support for the Rally was received in December 2015 and is included as Attachment 1 to this report.

The Rally brings together Caravanning Clubs from across New South Wales. The event organisers will be opening the Rally to 300 participants. The Rally aims to provide an opportunity for individuals with an interest in caravanning to come together and enjoy beautiful places thereby injecting money into the local tourism sector. The event organisers have advised Council of the following goals of the Rally:

- inject over \$100,000 in the Hawkesbury area
- to showcase the Hawkesbury - through tourism thus bringing in more funds to the region
- to get local businesses involved - showcasing their wares
- to obtain a donation from Council of \$10,000 to help fund the event.

The 2015 NSW State Association of Caravanning Clubs Inc. State Rally was held in Manilla, New South Wales and was attended by over 100 caravans representing twenty Caravan Clubs from across NSW. Tamworth and District Caravan and Leisure Club who hosted the 2015 event estimate an injection of \$68,000 into the economy from the event.

Event organisers of the 2017 Rally estimate they will inject over \$100,000 into the Hawkesbury economy by increasing participant numbers compared to the 2015 event. Council is not aware of how event organisers have calculated this estimate and is unable to quantify the accuracy of the estimated injection into the local economy.

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Local business groups, Richmond Mainstreet Inc. and Windsor Business Group have already agreed to assist the event organisers in encouraging businesses in Windsor and Richmond to get involved in the Rally. The event organisers have advised Council that the Rally will be well received by the Hawkesbury business community.

Council's Visitor Information Centre is already assisting the event organisers in the development of tours and visits to historical sites within the Hawkesbury as part of the Rally.

Event organisers have requested Council consider a donation/sponsorship of the event to the value of \$10,000 consisting of:

- \$4,500 cash to fund entertainment for the event
- waived fees for the collection of garbage at Hawkesbury Showground for the event
- welcome banner for the 2017 NSW State Association of Caravanning Clubs Inc. State Rally on the Clarendon community banner pole.

The significance of this event in the Hawkesbury and its potential positive impact on the Hawkesbury's local business and tourism sector is acknowledged. It is also recognised that the event will be mainly out of area participants and it is a good opportunity to encourage repeat visits in the Hawkesbury after the event.

An assessment has been made of the request by the event organisers and in an effort to support the event it is suggested that Council provide a range of in-kind services to the value of \$5,000 for the event, as well as \$1,000 for the funding of entertainment for the Rally.

Assistance	Value
Assistance with promotion of the event through Council's promotional channels including: <ul style="list-style-type: none">• Inclusion in Mayoral Column• Placement on Council website• Media release Promotional on Hawkesbury Events Facebook page.	\$400
Printing and display of Welcome Banner on the Clarendon community banner pole.	\$400
Assistance of Council's Visitor Information Centre Coordinator for the development of tours and visit in the Hawkesbury.	\$1,000
Supply of tourism brochures deemed appropriate by Council's Visitor Information Centre Coordinator.	\$200
Waiving of fees for the collection of Council provided garbage services at Hawkesbury Showground for the Rally.	\$3,000
Monetary contribution for the funding of entertainment at the Rally.	\$1,000
Total	\$6,000

In return for the above provisions Council would require the following commitments from the event organisers:

- Council logo and recognition of support to be included on all promotional material, including but not limited to flyers, posters, banner, bags etc
- invitations issued to a Council representative for official activities.

Council has previously adopted a 'Sponsorship Policy' to manage arrangements whereby Council may receive a sponsorship for an event or activity or consider granting a sponsorship to another party "*in money or in kind, to support an activity or event for the benefit of residents and visitors*".

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Council's Policy defines the following in respect of a sponsorship the Council may provide:

"Sponsorship is not an unconditional grant. In providing sponsorship Council expects to receive an outcome for the benefit of the community which is consistent with the aims and objectives of its strategic, operational and community plans."

It is considered that the above proposal meets the above definition in that the Rally will provide economic benefits to local businesses and the tourism sector in the Hawkesbury.

It is also considered that the proposal achieves a majority of the relevant "Sponsorship Principles" contained within the applicable section of the Council's policy.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Directions Statement;

- Help create thriving town centres, each with its own character that attracts residents, visitors and businesses.

and is also consistent with the nominated strategy in the CSP being:

- Differentiate, brand and promote the Hawkesbury as a tourism destination.

Financial Implications

Provision for the proposed sponsorship to the value \$6,000 will be included in the draft 2016/2017 Operational Plan to allow for the provision of Council resources as detailed in the above report.

RECOMMENDATION:

That Council agree to:

1. Support the 2017 NSW State Association of Caravanning Clubs Inc. State Rally as outlined in the report.
2. Include an amount of \$6,000 towards the sponsorship in the draft 2016/2017 Operational Plan to allow for the provision of Council resources as outlined in the report.

ATTACHMENTS:

- AT - 1** Letter from the NSW State Association of Caravanning Clubs Inc. requesting support for the 2017 event.

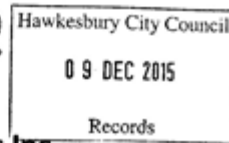
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AT - 1 - Letter from the NSW State Association of Caravanning Clubs Inc



Adventure Caravan Club Inc



NSW State Association of Caravanning Clubs Inc

APPLICATION FOR BUDGETARY CONSIDERATION

Dated: - 8.12.2015

Attention: Peter Jackson General Manager

CC: - Mayor Kim Ford, Deputy Mayor Dr Warwick McKay

Sonia Porter and Jillian Bentham

Councillors:- Jill Readon, Michael Creed, Patrick Conolley, Tiffany Tree,

Dear Peter

My name is Kerry Becroft and I am the Secretary of the Adventure Caravan Club Inc.

I wanted to firstly personally thank the Mayor Kim Ford and his staff for seeing myself and Bob Cairns President on the 14th July 2015 regarding the hosting/holding of the NSW State Association of Caravan Clubs Rally event to be held at the Hawkesbury Showground in March 2017.

As we previously discussed we are hosting the NSW State Association Caravan Rally in March 2017 and we appreciated the Mayor, Sonia and Jillian's valuable time and their insight into this beautiful area so rich in history.

We want to bring our NSW State Rally into the Hawkesbury area and we would like to invite business to be a part of this NSW State Rally.

The plan is to not only raise awareness as to what this historical area has to offer, but to also offer the opportunity for businesses to be part of this.

We are bringing tourism into the Hawkesbury area and we will taking our members, some 300 people, out into the beautiful Hawkesbury area and get them injecting their money into the local economy, but more importantly get them to come back and enjoy further experiences with in this wonderful region.

We are arranging with Belinda Mitrovich at the Information center at Clarendon to organising tours and visits to the local historical sites.

We are talking with Megan Storie from Richmond Main Street Committee, to involve the shop owners at Richmond.

Gae Kelly has been working us to involve Windsor shop owners in this event.

The Hawkesbury Showground has been booked for the Rally in March 2017.

The businesses in the Hawkesbury seem very receptive in helping us to achieve some our goals.

Our Goals being:-

- A. To inject over \$100,000 in the Hawkesbury area
- B. To showcase the Hawkesbury – through tourism thus bringing in more funds to the region



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- C. To get local businesses involved - show casing their wares
- D. To obtain a donation from Council of \$10,000 to help fund this event

Some initial Sponsors from the Hawkesbury area:-

1. Colby
2. Parravans
3. Boss Jockey wheels

The funds our Club are planning to generate in the Hawkesbury would be over the \$100,000,

We believe this is achievable as the last State rally held in Manilla NSW brought over \$68,000 to the town and this was achieved with 150 people attending.

At our NSW State Rally we are offering spaces for 300 people and we believe there is so much more on offer in the Hawkesbury region.

All five (5) of our Committee members are volunteers and are committed to making this State Rally "THE BEST EVER" We would appreciate all the help you can offer either in funds or donations.

We are asking for the Mayor Kim Ford and his Councillors to consider funding our NSW State Rally.

The figure we would appreciate them considering is a donation of up to \$10,000.

The in-kind donation we would ask for would be:-

- 1) Cash donation of \$4,500 to fund the entertainment
- 2) Regular garbage collections at the showground in 2017 Free of charges

We would also like to thank the Mayor Kim Ford and Sonia Porter for the donation of a Banner proudly welcoming us into the Hawkesbury.

We are creating a NSW State Rally with the view to suggesting a National Rally.

This of course would be on a much larger scale and would cater for over 500 caravans.

We believe that this event in 2017 would be something the Mayor Kim Ford, Councillor Jill Readon; Sonia Porter should be looking at with the Horizons Committee as an event that is attracting tourism and generating capital injection into the Hawkesbury as well as putting it on the map.

We are giving ample notice to Council for budgetary consideration as the event is in March 2017.

It is our plan to stimulate the economy for businesses within the Hawkesbury during these unsettled economic times.

Sonia requested that this submission be lodged to Council prior to Christmas for budgetary consideration.

Once again we thank you for your patience and interest and we look forward to a favourable response in due course.

Sincerely

Kerry Becroft Secretary Contact:-0458 47 1280 or 15 Winnifred Rd, McGraths Hill 2756

On behalf of the Adventure Caravan Club Inc

oooO END OF REPORT Oooo

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Meeting Date: 23 February 2016

Item: 27 **GM - Hawkesbury Sports Awards - Sponsorship by Windsor RSL (79351, 130641)**

Previous Item: 118, Ordinary (28 July 2015)

REPORT:

Executive Summary

In April 2015, a report was presented to the Hawkesbury Civic and Citizenship Committee outlining a detailed review of the Sports Awards undertaken by Council staff. Subsequently, at Council's Ordinary Meeting on 28 July 2015, Council agreed to the implementation of the reinvigorated Awards program during 2016.

On Thursday, 14 January 2016, Council's officers met with the General Manager and Marketing Manager from Windsor RSL to discuss the possibility of the RSL supporting the Awards.

A sponsorship agreement was negotiated and the following report outlines details of this arrangement.

Consultation

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

Background

On 15 April 2015 a report was presented to the Hawkesbury Civic and Citizenship Committee (Committee) outlining a detailed review of the Sports Awards (the Awards) undertaken by Council staff. The report identified issues affecting the overall success of the program and proposed the implementation of a reinvigorated program for 2016. The Committee discussed alterations to the proposed program including changes to length of service, nomination deadlines and changes to the presentation.

The Committee resolved:

"That the:

- 1. Alterations be made to the review of the Sports Award Program as discussed by the Committee.*
- 2. Review of the awards be reported to Council to be endorsed."*

Subsequently, at Council's Ordinary Meeting held 28 July 2015 Council resolved:

"That Council agree to the implementation of a reinvigorated Sports Award Program, as outlined in the report and that an award for Senior Sportsperson of the Year be included."

Council staff have commenced working on implementing the reinvigorated Awards.

On Thursday, 14 January 2016, Council's officers met with the General Manager and Marketing Manager from Windsor RSL to discuss the possibility of the RSL supporting the Awards.

A sponsorship agreement was negotiated which includes the Windsor RSL hosting a sit down dinner for the Awards Ceremony, as requested by the Committee. Correspondence from Windsor RSL accepting Council's proposal to sponsor the Awards is attached as Attachment 1 to this report.

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The sponsorship of the program would comprise of Windsor RSL:

- hosting the awards dinner (including room hire, linen, table decorations etc.)
- covering the cost of nominees to attend the awards dinner (food costs only – drinks by consumption)
- facilitating the sale of additional tickets to the ceremony for families and friends through the RSL's facilities.

In return for their sponsorship, Council will:

- acknowledge 'Windsor RSL' as a sponsor and include, where appropriate their logo in all media and promotional material in relation to the event.
- a board member delegated by the Windsor RSL may take the opportunity to address the ceremony. This delegated member will sit at the official table. The delegate will assist with the presentation of awards
- Board members and their guest will receive official invitations as well as the General Manager of Windsor RSL

Council will administer the Awards, arrange the guest speaker and will provide the trophies/gifts/medallions.

It is requested by the Committee that Council extend an invitation to a representative from the sponsorship organisation to sit on the Committee to assist in determining the Hawkesbury Sports Awards.

In relation to this matter Council will be aware that it has previously adopted a 'Sponsorship Policy' to manage arrangements whereby Council may receive a sponsorship for an event *"in money or in kind, to support an activity or event for the benefit of residents and visitors"*.

Council's Policy defines the following in respect of a sponsorship the Council may receive:

"Sponsorship is a commercial arrangement in which a sponsor provides a contribution in money or in kind to support a Council activity in return for certain specified benefits."

The policy goes onto explain:

"Council will not enter into a sponsorship agreement where there is not a clearly defined benefit to Council, or to the community deriving from the sponsorship. Such a benefit may include:

- a) enabling Council to undertake activities or works (as defined in clause 7.1) that could not otherwise be funded or undertaken to the same extent.*
- b) reducing the cost of a particular event or activity or enable it, in the public interest, to be expanded or enhanced.*
- c) achieve greater community awareness for a particular Council service, program, event or activity, than may otherwise have been possible."*

It is considered that the current proposal for Windsor RSL to sponsor the Awards is in line with Council's Sponsorship Policy. The agreement meets the above definitions in that the support of Windsor RSL for the awards enables improvements to the program which would otherwise not be funded by Council or would require additional funding from Council.

On implementing the reinvigorated Awards and entering the sponsorship agreement with Windsor RSL, no award program recognising sport in the Hawkesbury will have been run for two years. This provides the opportunity to fill a market gap and gain greater awareness of the program and recognition for Council.

As indicated in the "Conformance to Community Strategic Plan" section of this report the proposal also meets relevant aims and objectives of the Community Strategic Plan.

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Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions Statement;

- Have constructive and productive partnerships with residents, community groups and institutions

and is also consistent with the nominated strategy in the CSP being:

- Broaden the resources and funding available to our community by working with local and regional partners as well as other levels of government

Financial Implications

Funding to undertake this program is available in the adopted 2015/2016 Operational Plan - Service 168.

A formal sponsorship agreement would be signed with Windsor RSL to support the Awards through the hosting of the Awards Dinner.

RECOMMENDATION:

That:

1. Council agree to Windsor RSL being the major sponsor of the 2016 Hawkesbury Sports Awards as outlined in the report.
2. An invitation be extended to the sponsor organisation to provide a representative to sit on the Hawkesbury Civic and Citizenship Committee to determine the Sports Awards.
3. The General Manager be authorised to finalise arrangements and to execute an appropriate sponsorship agreement in this regard.

ATTACHMENTS:

AT - 1 Correspondence from Windsor RSL Accepting Sponsorship

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Meeting Date: 23 February 2016

AT 1 - Correspondence from Windsor RSL Accepting Sponsorship



30.01.16

Jillian Bentham
Events Coordinator
Hawkesbury City Council

Dear Jillian,

Further to our meeting on 14th January, I confirm the Windsor RSL Clubs offer to sponsor and hold the 2016 Hawkesbury Sports Award on Friday 13th May 2016 for approximately 150 people.

As agreed the Windsor RSL Club will provide the following as sponsorship for the awards event on 13th May 2016:

- Provision of the Clubs auditorium, AV and sound equipment for the event
- Provision of decoration of the Auditorium via clothing of tables and covering of chairs
- Provision of catering for the award nominees (approx. 30 people)
- Provision of ticketing sales for the event
- Provision of the Clubs function coordinator time to assist with organising the event

Clearly the above matters are very high end for an event of this nature, with a number of details for the event to be clarified prior to the date. As a general rule these matters are operational and in line with conduction an event of this nature. The Clubs function coordinator will endeavour to work with the council's representative, to ensure these operational matters are addressed and the event is a success for all concerned.

Should you require further information or clarification of this matter, please do not hesitate in contacting the writer.

Sincerely yours

Tony Jeffcott
General Manager

A Cnr Argyle St & Mileham St South Windsor NSW 2756 | PO Box 5618 South Windsor NSW 2756
T 02 4587 6900 | F 02 4587 6999 | ABN 87 000 811 290 | www.windsorrsl.com.au

oooO END OF REPORT Oooo

**Item: 28 GM - Office of Local Government - Towards New Local Government
Legislation - Proposed Phase One Amendments - (79351)**

REPORT:**Executive Summary**

It will be recalled, that as part of the State Government's Local Government reform process the Local Government Acts Taskforce issued a report in relation to a review of the Local Government Act and related legislation. The State Government via the Office of Local Government (OLG) has now released a subsequent document in this regard titled "*Towards New Local Government Legislation – Explanatory Paper: proposed Phase 1 Amendments*" for comment.

Proposed changes foreshadowed in this document are focused on civic governance and strategic planning processes of councils. A second phase of consultation has been foreshadowed with advice that it will focus on the way in which councils raise revenue and exercise their regulatory functions. It is currently anticipated that amending legislation could be introduced into and passed by NSW Parliament in 2016. Consultation on phase 1 concludes on 15 March 2016.

Consultation

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

Background

"*Towards New Local Government Legislation*" is a NSW local government reform initiative to remake the Local Government Act 1993 with a raft of significant changes. It follows on from work completed in recent years by the Independent Local Government Review Panel and the Local Government Acts Task Force. It has also been influenced by broader industry discussions in relation to these and concurrent local government review and reform initiatives. All of these initiatives are now being collectively considered as part of the Fit For The Future program of local government reform.

The State Government via the OLG has now released a document in this regard titled "*Towards New Local Government Legislation – Explanatory Paper: proposed Phase 1 Amendments*" for comment. A copy of this document is included as Attachment 1 to this report.

The proposed changes are focused on civic governance and strategic planning processes of councils. A second phase of consultation has been foreshadowed with advice that it will focus on the way in which councils raise revenue and exercise their regulatory functions. It is currently anticipated that amending legislation could be introduced into and passed by NSW Parliament in 2016. Consultation on phase 1 concludes on 15 March 2016.

As can be seen, the Explanatory Paper contains details of Phase 1 amendment proposals for 37 sets of changes grouped under eight themes, namely:

1. Guiding principles for the Act and local government
2. Structural framework of local government
3. The governing body of councils
4. Elections
5. Council's workforce
6. Ethical standards
7. Council's strategic framework
8. Council performance.

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The nature of the proposals varies considerably. Some proposals set out prescriptive changes to legislative clauses while others are expressed more as statements of principle and intent. The covering Circular from the OLG suggests that the proposed amendments will:

- clarify roles and responsibilities of councillors, mayors, administrators and general managers
- introduce new guiding principles for local government
- improve governance of councils and professional development for councillors
- expand on the framework for strategic business planning and reporting
- prioritise community engagement and financial accountability
- streamline council administrative processes, including in relation to delegations and community grants.

In releasing the Explanatory Paper for comment the OLG has chosen to adopt a survey approach for this stage of consultation. Respondents only have the option of completing an online web form choosing from 'Agree', 'Disagree' or 'Neutral' options. There is provision for the addition of relatively short comments below each response.

Review of the proposals suggest that the vast majority have merit, however, it is difficult to make a fully informed assessment on several proposals until Parliamentary Counsel drafts a Bill to reflect the policy positions.

Having regard to the above constraints, included as Attachment 2 to this report are suggested responses ('Agree', 'Disagree' or 'Neutral' in the form of the on-line response available) in respect of the 37 suggested changes. Whilst many of the suggested responses are 'Agree' additional comments have been suggested where considered appropriate.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions Statement;

- Have transparent, accountable and respected leadership and an engaged community
- Maintain its independent identity and voice through strong local government and community institutions

and is also consistent with the nominated strategy in the CSP being:

- Achieve community respect through good corporate governance and community leadership and engagement.

Financial Implications

There are no financial implications applicable to this report.

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RECOMMENDATION:

That Council endorse the proposed responses to the document issued by the Office of local Government titled "*Towards New Local Government Legislation – Explanatory Paper: proposed Phase 1 Amendments*" as outlined in Attachment 2 to the report in this regard.

ATTACHMENTS:

- AT - 1** Office of Local Government - Towards New Local Government Legislation – Explanatory Paper: proposed Phase 1 Amendments (*Distributed under separate cover*)
- AT - 2** Proposed responses to the document issued by the Office of local Government titled "*Towards New Local Government Legislation – Explanatory Paper: proposed Phase 1 Amendments*"

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AT - 2 Proposed responses to the document issued by the Office of local Government titled "Towards New Local Government Legislation – Explanatory Paper: proposed Phase 1 Amendments"

Explanatory Paper Details	Proposed Response (on-line format)
1. Guiding principles for the Act and local government	
1.1 Purposes of the Local Government Act <u>Proposed Amendment</u> The purposes of the <i>Local Government Act 1993</i> should be: <ul style="list-style-type: none"> to establish a legal framework for the NSW system of local government, in accordance with section 51 of the <i>Constitution Act 1902</i> (NSW); to describe the nature and extent of the responsibilities and powers of local government; and to create a system of local government that is democratically elected, engages with and is accountable to the community, is sustainable, flexible, effective and maximises value for money. 	<input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral
1.2 Role of local government <u>Proposed Amendment</u> The council charter in section 8 should be replaced by provisions that: <ul style="list-style-type: none"> describe the role of local government; and establish guiding principles for local government. The role of local government should be to enable local communities to be healthy and prosperous by: <ul style="list-style-type: none"> providing strong and effective elected representation, leadership, planning and decision making; working cooperatively with other bodies, including other levels of government, to pursue better community outcomes; effective stewardship of lands and other assets to affordably meet current and future needs; endeavouring to provide the best possible value for money for residents and ratepayers; strategically planning for and securing effective and efficient services, including regulatory services, to meet the diverse needs of members of local communities; and following the guiding principles of local government. 	<input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral

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Explanatory Paper Details	Proposed Response (on-line format)
<p>1.3 The guiding principles of local government</p> <p><u>Proposed amendment:</u></p> <p>The council charter in section 8 should be replaced by provisions that:</p> <ul style="list-style-type: none"> • describe the role of local government; and • establish guiding principles for local government. <p>The new guiding principles to be observed in local government should enable councils to:</p> <ul style="list-style-type: none"> • actively engage local communities, including through integrated planning & reporting; • be transparent and accountable; • recognise diverse needs and interests; • have regard to social justice principles; • have regard to the long term and cumulative effects of its actions on future generations; • foster ecologically sustainable development; • effectively manage risk; • have regard to long term sustainability; • work with others to secure services that are appropriate to meet local needs; • foster continuous improvement and innovation; • act fairly, ethically and without bias in the public interest; and • endeavour to involve and support its staff. 	<ul style="list-style-type: none"> ■ Agree □ Disagree □ Neutral
<p>2. Structural framework of local government</p>	
<p>2.1 The role of the governing body</p> <p><u>Proposed Amendment</u></p> <p>It is proposed to replace the current prescribed role of the governing body under section 223 which is focussed only on the board-like function of the body. The governing body is the elected representatives of the council (the councillors).</p> <p>It is proposed to use the Panel's more expansive list as a basis for describing the functions of the governing body:</p> <ul style="list-style-type: none"> • to provide effective civic leadership to the community; • to consult regularly with community organisations and other key stakeholders and keep them informed of council's activities and decisions; • to direct and control the affairs of the council in consultation with the general manager and in accordance with the Act; • to ensure as far as possible the financial sustainability of the council; • to determine and adopt the community strategic plan, delivery program and other strategic plans and policies; • to determine and adopt a rating and revenue policy and operational plans that ensure the optimum allocation of the council's resources to implement the community strategic plan and for the benefit of the area; • to make decisions in accordance with those plans and policies; • to make decisions necessary for the proper exercise of the council's regulatory functions; • to keep under review the performance of the council and its delivery of services; • to determine the process for appointment of the general manager and monitor his/her performance; and • to ensure that the council acts honestly, efficiently and appropriately in carrying out its statutory responsibilities. 	<ul style="list-style-type: none"> ■ Agree □ Disagree □ Neutral

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Explanatory Paper Details	Proposed Response (on-line format)
<p>2.2 The number of councillors</p> <p><u>Proposed Amendment:</u></p> <p>Section 224 prescribes the numbers of councillors a council may have (between 5 and 15) and the manner in which that number is to be determined.</p> <p>It is proposed to amend section 224 to require that councils must have an odd number of councillors and mayor.</p>	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p> <p>This proposal would generally remove the need for a mayor to use their casting vote which can be a controversial issue at times.</p>
<p>2.3 Rural councils</p> <p><u>Proposed Amendment</u></p> <p>It is proposed to allow for small rural councils to apply to the Minister for Local Government for one-off approval to:</p> <ul style="list-style-type: none"> • reduce councillor numbers and abolish wards without the need for a constitutional referendum; • omit the current restriction that prevents councils from making an application for a decrease in the number of councillors that would result in the number of councillors for each ward being fewer than 3; and • reduce the number of council meetings to be held in a year to below the minimum of 10 currently required under section 365. 	<p> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input checked="" type="checkbox"/> Neutral </p> <p>It is considered that the residents and ratepayers of small rural areas are better placed to provide relevant comment on this particular proposal.</p>
<p>3. The governing body of councils</p>	
<p>3.1 The role of the mayor</p> <p><u>Proposed Amendment</u></p> <p>It is proposed to describe the role of the mayor differently.</p> <p>The mayor should have all the prescribed responsibilities of a councillor in addition to the following additional responsibilities:</p> <ul style="list-style-type: none"> • to be the leader of the council and the community of the local government area, and advance community cohesion; • to promote civic awareness and, in conjunction with the general manager, ensure adequate opportunities and mechanisms for engagement between the council and the local community; • to be the principal member and spokesperson of the governing body and to preside at its meetings; • to ensure that the business of meetings of the governing body is conducted efficiently, effectively and properly in accordance with provisions of the Act; • to lead the councillors in the exercise of their responsibilities and in ensuring good governance; • to ensure the timely development of the governing body's strategic plans and policies, and to promote their effective and consistent implementation, including by promoting partnerships between the council and key stakeholders; • to exercise, in cases of necessity, the policy-making functions of the governing body between meetings of the council; • to represent the governing body on regional organisations and in inter-government forums at regional, State and federal levels; • to advise, manage and provide strategic direction to the general manager in accordance with the council's strategic plans and policies; • to lead performance appraisals of the general manager; • to carry out the civic and ceremonial functions of the mayoral office; and • to exercise such other functions as the governing body determines. 	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p> <p>Point 3.7 relates to the professional development of the mayor and councillors and if a requirement is to be introduced in this regard it is suggested that the mayor should have a role in developing this program in conjunction with the General Manager.</p>

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Explanatory Paper Details	Proposed Response (on-line format)
<p>3.2 The mayor's term of office <u>Proposed Amendment</u> The current length of term for a mayor is either:</p> <ul style="list-style-type: none"> • one year for mayors elected by councillors; or • four years for mayors popularly elected by the electors. <p>This would be changed so that mayors elected by councillors are to hold office for a minimum of two years, as recommended by the Panel, with the option of electing a person to the office for the whole four year term.</p> <p>Also in accordance with the Panel's recommendation, and the Government's response, it proposed that it be compulsory for councillors to vote in a mayoral election.</p> <p>Section 230 will also be amended to clarify that the office of mayor becomes vacant upon the person holding the office ceasing to hold civic office or on the occurrence of a casual vacancy.</p>	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p> <p>The certainty of a Mayor elected by the councillors being in place for a term of at least two years would enhance the strategic focus of the position which is important when long term strategic plans and strategies are being developed for the community.</p>
<p>3.3 The role of councillors <u>Proposed Amendment</u> It is proposed to recast section 232 so that it focuses on individual responsibilities of councillors, rather than their responsibilities as members of the governing body of a council. The role and responsibilities of an individual councillor, (including the mayor), should be:</p> <ul style="list-style-type: none"> • to be an active and contributing member of the governing body; • to make considered and well informed decisions; • to represent the collective interests of residents, ratepayers and the wider community of the local government area; • to facilitate communication between the community and the governing body; • to be accountable to the community for the local government's performance; and • to uphold and represent accurately the policies and decisions of the governing body. 	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p> <p>Section 8 of the proposed amendments deals with performance review of the Council rather than on an individual basis therefore perhaps consideration should be given as to how the performance of individual roles and responsibilities of councillors could be measured.</p>
<p>3.4 Councillors' term of office <u>Proposed Amendment</u> Section 234 prescribes the circumstances in which a civic office becomes vacant. Section 234 will be amended to clarify that a vacancy will occur in the civic office of a councillor where they are elected to another civic office in the council, (i.e. the office of a popularly elected Mayor) something that is currently not clear.</p>	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p>
<p>3.5 Oath or affirmation of office <u>Proposed Amendment</u> It is proposed to require all councillors, including the Mayor to take an oath or affirmation of office in the prescribed form before commencing duties.</p> <p>The oath or affirmation of office is to be taken within 1 month of election to office and councillors are not to undertake their duties until they do so. Where a councillor fails to take an oath or affirmation, his or her office will be declared vacant.</p>	<p> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input checked="" type="checkbox"/> Neutral </p>

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Explanatory Paper Details	Proposed Response (on-line format)
<p>3.6 Councillors' expenses and facilities <u>Proposed Amendment</u> Sections 252 to 254 relate to the payment of expenses and provision of facilities to councillors and the adoption of policies governing this. It is proposed to amend sections 252 and 253 to:</p> <ul style="list-style-type: none"> replace the requirement under section 252 for councils to annually adopt an expenses and facilities policy with one simply requiring councils to adopt a policy within the first 12 months of their terms; and remove the requirement under section 253 for councils to provide the Office of Local Government annually with a copy of their adopted policies and an assessment of public submissions made in relation to their adoption. 	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p>
<p>3.7 Mayor/councillor professional development <u>Proposed Amendment</u> New provisions are proposed to require the following:</p> <ul style="list-style-type: none"> Councils are to develop an induction program for newly elected and returning councillors and a specialist supplementary program for the mayor to assist them in the performance of their functions. The induction program is to be available for delivery within four months of the election. Each year, councils are to develop an ongoing professional development program for the mayor and each councillor to assist them in the performance of their functions to be delivered over the coming year. In determining the content of the induction and ongoing professional development programs, the council is to have regard to the specific needs of each individual councillor (including the mayor) and of the governing body as a whole and the requirements of any guidelines issued by the Office of Local Government. The content of the induction and ongoing professional development program is to be determined in consultation with the mayor, the council as a whole and individually with each of the councillors. Councils are to include details of the content of the induction and ongoing professional development offered to the mayor and each councillor and whether or not they participated in the training or development offered in the council's annual report. 	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p> <p>As indicated in its response to the Final report of the NSW Independent Local Government Review Panel (Panel), Council is generally supportive of the proposals relating to the roles and responsibilities of councillors and the mayor, however, still remains concerned regarding proposals for mandatory training.</p> <p>As previously indicated in response to the Panel Report, the provision of professional development for councillors, and the mayor, is supported and encouraged. However, it is considered that to suggest that this should be mandatory is not equitable and is a disproportionate response, particularly having regard to the lack of similar requirements for elected members in other levels of government.</p> <p>In addition, should provisions such as this be introduced it must be recognised that additional costs will be placed upon local government which needs to be taken into account when determining relevant rate pegging limits.</p>
<p>3.8 Role and functions of administrators <u>Proposed Amendment</u> Several provisions of the Act provide that the administrator is to exercise the functions of the council without articulating what the nature of their role is within a council.</p> <p>It is proposed to address this ambiguity and align the role of the administrator with the proposed prescribed role of the mayor and councillors by amending these sections to provide that:</p> <ul style="list-style-type: none"> Where a sole administrator is appointed to a council, they are to exercise the role and responsibilities of the mayor and a councillor as prescribed under the Act. Where more than one administrator is appointed, all administrators are to exercise the role and responsibilities of councillors as prescribed under the Act and one, as specified by the relevant instrument of appointment, is to exercise the role and responsibilities of the mayor as prescribed under the Act in addition to those of a councillor. 	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p>

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Explanatory Paper Details	Proposed Response (on-line format)
<p>3.9 Financial controllers <u>Proposed Amendment</u> A financial controller is responsible for implementing financial controls and related duties. Where a financial controller is appointed, a council may only make payments that are authorised or countersigned by the financial controller.</p> <p>It is proposed to allow the Minister for Local Government to appoint a financial controller to a council that is performing poorly with respect to its financial responsibilities and/or is at high financial sustainability risk, in conjunction with issuing a performance improvement order.</p> <p>A financial controller would only be appointed through the existing performance improvement order process after information is gathered or an investigation undertaken that shows the council is not performing, a notice of the proposed remedial action has been issued to a council and the Minister has considered the council's submissions with respect to the notice.</p>	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p> <p>It is noted that these proposals are to be utilised in conjunction with the existing performance improvement order process.</p>
<p>3.10 Meetings <u>Proposed Amendment</u> In relation to conduct of meetings, amendments consistent with the following are proposed:</p> <ul style="list-style-type: none"> • provide that the Regulation may prescribe a Model Code of Meeting Practice (a Model Meeting Code); • provide that the Model Meeting Code may include mandated and non-mandatory "best practice" provisions; • require councils to adopt a Code of Meeting Practice (an adopted meeting code) that at a minimum incorporates the mandated provisions of the Model Meeting Code; • allow a council's adopted meeting code to supplement the provisions contained in the Model Meeting Code; • provide that a provision of a council's adopted meeting code will be invalid to the extent of any inconsistency with the mandated provisions of Model Meeting Code; • require council and committee meetings to be conducted in accordance with the council's adopted meeting code; • require councils to review and adopt a meeting code within 12 months of each ordinary election; and • retain the existing requirements under sections 361 - 363 in relation to the adoption and amendment of a meeting code and public consultation in relation to this. <p>Aspects of the current meetings provisions in the Act and the Regulation will be updated and incorporated into a new Model Meeting Code.</p>	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p>

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Explanatory Paper Details	Proposed Response (on-line format)
<p>3.11 Delegation of functions</p> <p><u>Proposed Amendment</u></p> <p>It is proposed to include amendments to section 377, which were introduced into Parliament previously but lapsed prior to the 2015 election, to remove the restriction on the delegation of the acceptance of tenders.</p> <p>It is also proposed to allow councils to delegate the provision of community financial assistance for the purpose of exercising its functions where:</p> <ul style="list-style-type: none"> the financial assistance is part of a specific program; the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given; the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year; and the program applies uniformly to all persons within the council's area or to a significant proportion of all persons within the area. <p>Amendments may be required facilitate the proposal to allow councils to delegate a regulatory function to another council or a joint organisation of councils, to support future collaboration and resource sharing.</p>	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p> <p>These proposed amendments will address a number of issues surrounding the acceptance of tenders and will meet contemporary business needs.</p>
<p>4. Elections</p>	
<p>4.1 Extension of the option of universal postal voting to all councils</p> <p><u>Proposed Amendment</u></p> <p>It is proposed to amend section 310B to provide that the option of universal postal voting is available to <i>all</i> councils after the next ordinary election.</p>	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p>
<p>5. Council's workforce</p>	
<p>5.1 Determination of the organisation structure</p> <p><u>Proposed Amendment</u></p> <p>It is proposed to amend the Act to provide that:</p> <ul style="list-style-type: none"> the organisation structure is to be determined on the advice of the general manager; the adopted structure must accord with the priorities set out in the council's community strategic plan and delivery program; the adopted structure may only specify the roles and relationships of the general manager, designated senior staff and other staff reporting directly to the general manager; and the general manager is to be responsible for determining the balance of the organisation structure but must do so in consultation with the governing body. 	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p> <p>Further clarification should be provided regarding processes to be utilised when the General Manager is "<i>determining the balance of the organisation structure but must do so in consultation with the governing body</i>" so as to avoid any confusion or conflict in this regard.</p>

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Explanatory Paper Details	Proposed Response (on-line format)
<p>5.2 The role of general managers</p> <p><u>Proposed Amendment</u></p> <p>It is proposed to describe the role and responsibilities of the general manager in the Act consistent with the following:</p> <ul style="list-style-type: none"> • to conduct the day-to-day management of the council in accordance with the governing body's strategic plans and policies; • to advise the mayor and the governing body on the development and implementation of policies and programs, including the appropriate form and scope of community consultation; • to prepare, in consultation with the mayor and governing body, the community strategic plan and the council's resourcing strategy, delivery program and operational plan, annual report and community engagement strategy; • to certify that Integrated Planning and Reporting requirements have been met in full, and that council's annual financial statements have been prepared correctly; • to ensure that the mayor and councillors receive timely information, advice and administrative and professional support necessary for the effective discharge of their responsibilities; • to implement lawful decisions of the governing body in a timely manner; • to exercise such of the functions of the governing body as are delegated by the governing body to the general manager; • to appoint staff in accordance with an organisation structure and resources approved by the governing body • to direct and dismiss staff; • to implement the council's workforce management strategy; and • to undertake such other functions as may be conferred or imposed on the general manager by or under the Act or any other Act. 	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p>
<p>5.3 The requirement to report annually to the council on senior staff contractual conditions</p> <p><u>Proposed Amendment</u></p> <p>It is proposed to omit the requirement under section 339 for general managers to report annually to the council on the contractual conditions of senior staff.</p>	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p> <p>All 'senior staff' are required to be engaged under a standard contract approved by the Office of Local Government the content of which is publicly available. Also, provisions for the content of the Annual report require the reporting of 'senior staff' remuneration details which effectively makes this section redundant.</p>
<p>6. Ethical standards</p>	
<p>6.1 Consolidation of the prescription of ethical standards</p> <p><u>Proposed Amendment</u></p> <p>Provisions in the Act and the Regulation relating to the disclosure of pecuniary interests and the management of pecuniary conflicts of interests will be replicated in the Model Code of Conduct.</p>	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p>

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Explanatory Paper Details	Proposed Response (on-line format)
<p>6.2 Investigation of pecuniary interest breaches</p> <p><u>Proposed Amendment</u></p> <p>It is proposed to omit the provisions relating specifically to the investigation of complaints alleging breaches of the pecuniary interest provisions. These will instead be dealt with under the existing misconduct provisions.</p> <p>General managers (and mayors in the case of allegations concerning general managers) will continue to be obliged to refer pecuniary interest breaches to the Office of Local Government under the prescribed Model Code Procedures. These will continue to be investigated by the Office and referred to the NSW Civil and Administrative Tribunal (NCAT) under the misconduct provisions where appropriate. As is currently the case with respect to misconduct matters, it will also be open to the Chief Executive to take disciplinary action with respect to less serious pecuniary interest breaches instead of referring them to the Tribunal.</p> <p>The Tribunal's powers to take disciplinary action against council staff, committee members and advisors with respect to pecuniary interest breaches are to be retained. The provisions that apply to proceedings before the NCAT generally and the NCAT's consideration of misconduct matters will also be retained.</p>	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p>
<p>7. Councils' strategic framework</p>	
<p>7.1 Integrated planning and reporting principles</p> <p><u>Proposed Amendment</u></p> <p>New provisions will be included to establish overarching Integrated Planning and Reporting principles and require councils to undertake strategic business planning in accordance with those principles.</p> <p>The proposed Integrated Planning and Reporting principles will provide that councils (together with their communities, other councils and stakeholders) are proposed to include:</p> <ul style="list-style-type: none"> • lead and inspire residents, businesses and others to engage with their council; • identify and prioritise key community needs and aspirations; • develop strategic goals to meet these needs and aspirations; • identify activities and prioritise actions to work towards these strategic goals; • plan holistically to deliver on strategic goals within their resources; • foster community participation to better inform local and state decision making; • manage council's current and future financial sustainability; • appropriately adapt to changing circumstances, evidence and priorities; • proactively manage risks to the community and its council; • be transparent and accountable for decisions and omissions; • maintain an integrated approach to planning, delivery, monitoring and reporting; • collaborate to maximise achievement of key community outcomes; and • honestly review and evaluate progress on a regular basis. 	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p>

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Explanatory Paper Details	Proposed Response (on-line format)
<p>7.2 Streamlining the existing integrated planning and reporting provisions</p> <p><u>Proposed Amendment</u></p> <p>The current Integrated Planning and Reporting provisions are contained in sections 402 to 406. These provisions will be amended so that they are confined to setting out the purpose of each document and when they must be delivered. Detailed process requirements for how this must be done will be moved to the Regulation.</p>	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p>
<p>7.3 Council's integrated planning and reporting to reflect regional priorities</p> <p><u>Proposed Amendment</u></p> <p>Amendments are proposed to ensure that regional priorities are reflected in individual councils' strategic business planning. In particular, amendments are proposed to:</p> <ul style="list-style-type: none"> • require council's community strategic plans to identify key regional priorities and strategies for the council, developed with adjoining councils and agencies; and • require delivery programs to address key regional strategies including council actions and any proposed joint programs agreed regionally. 	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p> <p>In proposing this amendment it must be recognised that the establishment of regional priorities often requires the input and support of Stage Government agencies which at times in the past has not been evident or agreement has been difficult to achieve.</p>
<p>7.4 Expanded scope of delivery programs</p> <p><u>Proposed Amendment</u></p> <p>Section 404 will be amended to clarify that delivery programs are to capture all council activities.</p>	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p>
<p>7.5 Fiscal sustainability</p> <p><u>Proposed Amendment</u></p> <p>The <i>Local Government (General) Regulation 2005</i>, which provides for an annual statement of revenue policy in each operational plan, will be amended to require councils to:</p> <ul style="list-style-type: none"> • establish revenue policies with a view to ensuring fiscal sustainability; and • provide a clear rationale for how rating systems are structured and what they are designed to achieve. <p>The Regulation will also set out in more detail what is required of councils' resourcing strategy to clarify the purpose and objectives of workforce, asset and long term financial planning. This will draw on the essential elements in the current Integrated Planning and Reporting guidelines to help councils produce more robust and useful strategies in these key areas.</p>	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p>

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Explanatory Paper Details	Proposed Response (on-line format)
<p>7.6 Expanded scope of councils' community engagement strategies</p> <p><u>Proposed Amendment</u></p> <p>It is proposed to broaden the existing requirement that a council must adopt a community engagement strategy to inform the development of its community strategic plan. If amended, the Act would require the adoption of a community engagement strategy to inform <i>all</i> council activities (other than routine business-as-usual operations), not only those directly associated with development of the council's Integrated Planning and Reporting framework.</p> <p>This would be done by making the adoption of a community engagement strategy a general legislative obligation.</p> <p>A council's community engagement strategy would need to meet minimum prescribed requirements. It is anticipated, for example, that guidelines would prescribe minimum public consultation requirements for specific activities including the development of the components of a council's Integrated Planning and Reporting framework, and include a requirement to periodically evaluate the efficacy of consultation methodologies.</p> <p>It is proposed to accommodate the existing provisions relating to community polls within the proposed standalone community engagement provisions.</p>	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p>
<p>8. Council performance</p>	
<p>8.1 Annual reports</p> <p><u>Proposed Amendment</u></p> <p>It is proposed to require the information reported in councils' annual reports to be endorsed as factually accurate by an internal audit committee. As noted below (at [8.4]), councils will be required to establish internal audit committees with a majority of independent members and an independent Chair.</p>	<p> <input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p> <p>Annual reports include information regarding the status of Delivery Program and Operational Plan actions. Therefore, this proposal broadens the role and responsibilities of the committee which may not reasonably or practicably be the domain of the committee.</p> <p>The level of commitment this may require of committee members and the potential for the need for them to become involved in detailed daily operational matters may deter many potential applicants when difficulty is already encountered in attaching potential members.</p> <p>Perhaps the committee could endorse certain financial factual details contained within the annual report rather than deal with areas where subjective views and/or opinions are involved.</p>
<p>8.2 State of the environment reports</p> <p><u>Proposed Amendment</u></p> <p>It is proposed to remove the requirement under section 428A for a council to include a State of the environment report in its annual report every four years. Councils would instead be required to report on environmental issues relevant to the objectives established by the community strategic plan in the same way they are currently required to report on the achievement of other objectives set in their community strategic plans (that is, through their annual reports and the four-yearly end of term report).</p>	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p>

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Explanatory Paper Details	Proposed Response (on-line format)
<p>8.3 Performance measurement <u>Proposed Amendment</u> It is proposed to allow for the introduction of a performance management and reporting framework that should:</p> <ul style="list-style-type: none"> • provide a statutory basis to establish new indicators and benchmarks for reporting purposes; • expressly require councils to collect and report against these indicators in accordance with guidelines; • establish annual performance statements as part of council annual reports, which will be subject to oversight and attestation requirements; • align performance reporting to the Integrated Planning and Reporting cycle; and • provide the capacity to establish a state-wide community satisfaction survey. 	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p>
<p>8.4 Internal audit <u>Proposed Amendment</u> It is proposed to introduce a mandatory requirement for councils to have an internal audit function. To this end, it is proposed that new provisions will require all councils to have an internal audit function:</p> <ul style="list-style-type: none"> • with broad terms of reference covering compliance, risk, fraud control, financial management, good governance, performance in implementing their community strategic plan and delivery program, service reviews, collection of required indicator data, continuous improvement and long term sustainability; and • that focuses on councils adding value to, and continuous improvement in, the performance of their functions. <p>All councils will be required to comply with guidelines issued by the Chief Executive of the Office of Local Government with respect to the implementation of their internal audit functions. All councils will appoint an audit, risk and improvement committee that meets the following requirements:</p> <ul style="list-style-type: none"> • audit committees must have a majority of independent members and an independent chair; • general managers may not be members of audit committees (but may attend meetings unless excluded by the committee); and • the Chair of the audit committee must report at least biannually to a council meeting on the organisation's performance in financial management, good governance and continuous improvement. <p>Councils will be permitted to have joint arrangements for internal audit and share audit committees.</p>	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p> <p>Council's existing Internal Audit Committee already complies with current requirements and the basis of the proposed requirements for the committees' establishment and operation are not considered to be unreasonable.</p> <p>In referring to the functions of the committee it is not clear if it is intended to be a driving force behind business improvement or have a role in assurance and potential for improvement. The Internal Audit Committee is currently seen as being independent and it will be necessary this independence is maintained by not becoming involved in operational activities.</p>
<p>8.5 Sector-wide performance audits by the Auditor-General <u>Proposed Amendment</u> To identify trends and opportunities for improvement across the sector as a whole, it is proposed to compliment the mandated requirement for internal audit by empowering the Auditor-General to conduct issue-based performance audits in key areas of local government activity.</p>	<p> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input checked="" type="checkbox"/> Neutral </p> <p>More information is required concerning this proposal to enable informed comment.</p>

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Explanatory Paper Details	Proposed Response (on-line format)
<p>8.6 Financial management <u>Proposed Amendment</u> It is proposed to adopt a more 'principles-based' approach to the management of council funds by moving detailed requirements to the Regulation and the <i>Local Government Code of Accounting Practice and Financial Reporting</i>, which is prescribed under the Act.</p> <p>New provisions in the Act will set out objectives and principles that are to inform councils' financial management practices and that align them with the objectives set through councils' Integrated Planning and Reporting frameworks. These provisions will ensure that the financial targets for councils are to be those reflected in their long term financial plans, delivery programs and operational plans. They will also establish the following principles of sound financial management:</p> <ul style="list-style-type: none"> • responsible and sustainable spending, aligning general revenue and expenses as per the councils' planning documents. • responsible and sustainable infrastructure investment for the benefit of its community. • effective financial and asset management, including sound policies and processes for: <ul style="list-style-type: none"> ○ performance management and reporting, and ○ asset maintenance and enhancement, and ○ funding decisions, and ○ risk management practices. • achieving intergenerational equity, including ensuring that: <ul style="list-style-type: none"> ○ policy decisions are made having regard to their financial effects on future generations, and ○ the current generation funds the cost of its services. 	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p> <p>While there is general agreement with these proposals more detail is required in relation to proposals aimed at "<i>achieving intergenerational equity</i>" as it may be too narrowly focused if this aim is to be simply related to the financial management principals of the Act.</p>
<p>8.7 Financial reporting <u>Proposed Amendment</u> Consistent with the proposal that councils' financial obligations be recast to establish a "principles-based" approach in the Act detailed reporting requirements should be specified instead in the Regulation and the <i>Local Government Code of Accounting Practice and Financial Reporting</i>.</p>	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p>
<p>8.8 External audit <u>Proposed Amendment</u> It is proposed to place Local Government audits under the aegis of the NSW Auditor-General.</p> <p>There will also need to be transitional arrangements in the Bill to ensure that existing auditor appointments can be brought to an orderly conclusion, with minimal disruption to councils, current auditors and the Audit Office of New South Wales.</p>	<p> <input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neutral </p> <p>While Council agrees with this approach the transitional arrangements will be important to ensure minimal disruption as to the External Audit process and to also have due regard to existing contractual arrangements that have been entered into in "good faith" based on existing legislative requirements.</p>

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 23 February 2016

CITY PLANNING

Item: 29 **CP - Delivery Program 2013-2017 Progress Report - 1 July 2015 to 31 December 2015 - (95498, 124414)**

REPORT:

Executive Summary

The purpose of this report is to inform Council of progress in implementing Council's Delivery Program 2013-2017 for the period 1 July to 31 December 2015.

Consultation

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

Background

Council's Delivery Program 2013-2017 details the principal activities to be undertaken by Council over a four year period to implement the strategies of the Hawkesbury Community Strategic Plan 2013-2032.

Section 404 of the Local Government Act 1993 requires that "regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months". The Delivery Program states that the projects, programs and activities of the relevant Operational Plan will be used as the basis of this report.

The Operational Plan 2015/2016 commenced on 1 July 2015. The table attached to this report shows the progress in achieving the Delivery Program activities for the period 1 July to 31 December 2015.

Conformance to Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement:

- Have transparent, accountable and respected leadership and an engaged community.

and is also consistent with the nominated strategy in the CSP being:

- Achieve community respect through good corporate governance and community leadership and engagement

Financial Implications

There are no funding implications from the preparation of this report.

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RECOMMENDATION:

That the information be received.

ATTACHMENTS:

AT - 1 Delivery Program 2013-2017 Progress Report: 1 July-31 December 2015 - (*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 23 February 2016

Item: 30 **CP - Natural Hazards Study - (95498, 124414))**

Previous Item: 98, Ordinary (26 June 2012)

REPORT:

Executive Summary

The purpose of this report is to seek Council's adoption of the *Adaption Action Plan - Planning for Climate and Natural Hazards*, February 2016.

Consultation

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

Background

In May 2012 Council commissioned GHD to prepare a report focusing on planning for climate and natural hazards. The report identified 27 risks to Council across the following nine theme areas:

- Flooding of Urban and Built Areas
- Building Resilience and Coordinated Emergency Management
- Managing Development to Consider Climate Changes in Growth Areas
- Bushfire Risk Management
- Maintaining Roads and Bridges
- The Natural Environment's Response to Temperature, Rainfall and other Climate Changes
- Protecting the Region's Heritage and Community Infrastructure, especially from Storms
- Stormwater, Drainage, Infrastructure and Water Quality
- The Built Environment's Response to Temperature, Rainfall and other Climatic Changes.

The report, being the *Draft Hawkesbury City Council Planning for Climate and Natural Hazards Initial Risk Assessment*, was considered by Council at the Ordinary Meeting of 26 June 2012 and subsequently Council resolved:

"That:

1. *The report titled "Draft Hawkesbury City Council Planning for Climate and Natural Hazards Initial Risk Assessment" be adopted by Council and forwarded to the Office of Environment and Heritage, in accordance with the Waste and Sustainability Improvement Payment (WaSIP) Program, to comply with their funding standard.*
2. *A formal letter of request be forwarded to Ku-ring-gai Council requesting the use of their cost benefit analysis model and support services to effectively prioritise measures in accordance with the quadruple bottom line principle.*
3. *Council provide a formal letter to the UWS- Hawkesbury to reinforce our support for their recent NSW Trust grant application entitled "Re-thinking Peri-Urban Governance: Management of Extreme Events".*

Resolutions 1 and 3 were actioned. This report is in response to resolution 2.

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Consideration of Ku-ring-gai Council's Cost Benefit Analysis Model

In March 2013, Hawkesbury and Ku-ring-gai Council staff met to discuss Ku-ring-gai Council's model. As a result of these discussions it was concluded that the Ku-ring-gai model's methodology was overly complex and not readily transferrable to the risks identified in the above mentioned GHD report.

Quotes were then sought from various companies to undertake alternative cost benefit assessments however the subsequent quotations were well above the available WaSIP funding.

Council staff subsequently developed an alternative methodology for an Adaption Action Plan and engaged Cardno Pty Ltd to prepare the action plan.

Adaption Action Plan

Cardno's *Adaptation Action Plan Planning for Climate and Natural Hazards*, February 2016 (the Plan) is provided as Attachment 1 to this report. The Plan contains 16 individual Adaption Actions responding to the theme areas identified in the GHD report. Note: Adaption Actions were not prepared for the theme *Flooding of Urban and Built Areas* as this issue is being addressed by the Hawkesbury - Nepean Valley Flood Management Review currently being undertaken by the NSW Government. That theme can be addressed when the State Government report and direction is known.

The remaining eight theme areas that the Plan addresses include:

- Building Resilience and Coordinated Emergency Management
- Managing Development to Consider Climate Change in Growth Areas
- Bushfire Risk Management
- Maintaining Roads and Bridges
- The Natural Environment's Response to Temperature, Rainfall and Other Climatic Changes
- Protecting the Region's heritage and Community Infrastructure, especially from Storms
- Stormwater Drainage, Infrastructure and Water Quality
- The Built Environment's Response to Temperature, Rainfall and other Climatic Changes.

An example of five Adaption Actions which have been prepared to address the theme Building Resilience and Coordinated Emergency Management is shown below.

Summary of Actions – Building Resilience and Coordinated Emergency Management

Adaptation Action	Requisite Research & Management	Secondary Response Measures
<ol style="list-style-type: none">1. Provision of off-grid utilities (including static water supply) (144)2. Business Continuity Plan (143)3. Engineering Controls for Landslip (42)4. Retrofitting of existing buildings (80, 102)5. Maintenance support for residents in high risk areas (29)	<ul style="list-style-type: none">▪ On-going communication on environmental risks (2)▪ Provision of an up-to-date DISPLAN that considers climate change risks (5, 8) – to be regularly updated▪ Undertake disaster risk assessment of key infrastructure (27, 58) and determine an Asset Management Plan (7).▪ Review of emergency access routes (10, 38, 39)▪ Mapping of static water supply (25)▪ Utilisation of grey-water systems (71)▪ Monitoring performance of sewage and stormwater systems (93)▪ Use of design standards that consider change in natural hazard (11, 17, 18, 40, 90)▪ Heat emergency plans (56)▪ Consideration of vegetation storm resilience around assets (60, 61, 127)	<ul style="list-style-type: none">▪ Public drinking fountains (122)▪ Shading (53)▪ Additional RFS facilities (31)▪ House Buddy Program (119)▪ Establishment of new safe refuge areas (34)▪ Establishment of new access roads (35)▪ Water Security storage and access plans (87)▪ Development of an irrigation plan (106)▪ Review of recreational space and consolidation (118, 130)▪ Increase static water supply (30)▪ Encourage adoption of fire resilient property standards and installations for residents (16, 21)▪ Invest in R&D projects (23, 134)▪ Provision of transport options in extreme conditions (123)

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In summary, the Adaption Actions are a series of recommended actions, typically infrastructure works or policies that effectively and directly mitigate current and future natural hazards. Each Adaption Action includes:

- A title
- Its applicability to other focus areas
- Timeframe
- Council's role
- Type of action
- Risks addressed
- Description
- Links to other actions
- Performance indicator

An example for an Adaption Action for Off-Grid Utilities is shown below.

Adaptation Action: Off-Grid Utilities

1									
Applicability to other focus Area	Flooding	Emergency Management	Growth Areas	Bushfire Risk Management	Roads and Bridges	Natural Environment Response	Heritage and Community Infrastructure	Stormwater, Drainage and Water Quality	Built Environment Response
		✓		✓					✓
Timeframe	Short			Council's role			Facilitator		
Type of Action	Structural Works			Risks Addressed			1, 3, 5, 6, 7, 8, 22, 24, 25		
Description	Provision of off-grid utilities at safe refuge areas and at key Council properties. A scheme may involve subsidies for private residents. Off-grid utilities will lower the cost to the community following emergency events. Utilities to be provided should consider water, power, waste and telecommunications.								
Link to other Actions	Action 2, 4 and 5								
Performance Indicators	Number and distribution of off-grid systems.								

The list of the 16 Adaption Actions is shown in the table below.

Theme	ID #	Adaption Actions	Time-frame	Key Performance Indicators
Building Resilience and Emergency Management	1	Provision of off-grid utilities at safe refuge areas and key Council properties	Short	Number and distribution of off grid systems
Building Resilience and Emergency Management	2	Business Continuity Plan to ensure that Council activities can continue during an emergency event	Short	Implementation of Business Continuity Plan
Building Resilience and Emergency Management	3	Engineering controls for landslip which may include an audit of existing and potential locations	Medium	Reduction in frequency of associated landslip and associated damage/delays
Building Resilience and Emergency	4	Retrofitting of existing buildings with insulation and	Medium	Proportion of Council facilities with

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Theme	ID #	Adaption Actions	Time-frame	Key Performance Indicators
Management Built Environment's Response		cooling systems		sustainable insulation and cooling
Building Resilience and Emergency Management	5	Maintenance support for residents in high risk areas	Medium	Provision of services to at risk facilities. Reduction in average damage costs or insurance claims
Managing Development to Consider Climate Changes in Growth Areas	6	Reduction in use of hard stand areas	Medium	Reduction in proportionate presence of hard stand in new development design
Managing Development to Consider Climate Changes in Growth Areas Built Environment's Response	7	Implementations of Water Sensitive Urban Design Standards into development assessment criteria	Medium	Number of WSUD systems developed; Measurable reduction in temperature; Increased water storage capacity
Bushfire Risk Management	8	Establishment of Council disaster management fund	Medium	Costs associated with bushfire clean up
Bushfire Risk Management Built Environment's Response	9	Encourage adoption of fire resilient property standards and installations for residents	Medium	Number of properties compliant AS3959 as a minimum. Reduction in fire damage costs
Maintaining Roads and Bridges Built Environment's Response	10	Use of road materials to minimize the maintenance costs	Short	Annual maintenance costs
Maintaining Roads and Bridges	11	Relocation of key asset crossing locations	Medium	Frequency of asset closure
Natural Environment's Response Stormwater Drainage, Infrastructure and Water Quality	12	Erosion control and rehabilitation of watercourses	Medium	Increase in the number of water courses in good condition. Overall improvement in water course condition
Natural Environment's Response Stormwater Drainage, Infrastructure and Water Quality	13	Water quality monitoring	Medium	Development in water quality database. Improvement in water quality
Heritage and Community Infrastructure	14	Emergency response protection for key heritage assets	Medium	Lowered maintenance costs to heritage assets

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Theme	ID #	Adaption Actions	Time-frame	Key Performance Indicators
Stormwater Drainage, Infrastructure and Water Quality	15	Utilisation of grey-water systems	Medium	Grey water recycling systems installed on Council assets
Stormwater Drainage, Infrastructure and Water Quality	16	Encourage the uptake of stormwater harvesting systems	Short	Number of stormwater harvesting systems installed on new developments

The information discussed above has been presented in Figure 1.

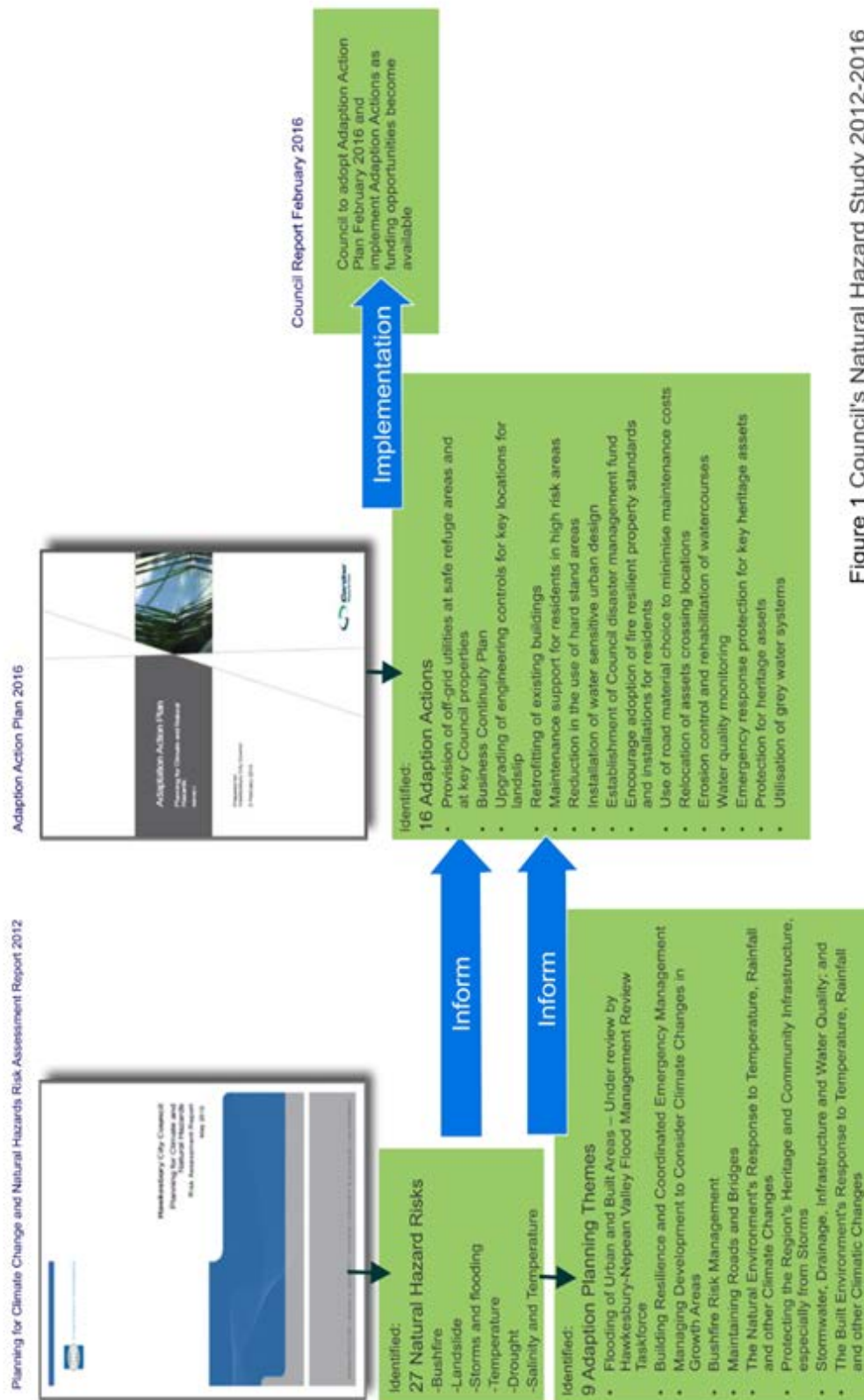


Figure 1 Council's Natural Hazard Study 2012-2016

Figure 1

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In addition to the Adaption Actions three additional types of recommended actions are proposed. These are:

- requisite research
- requisite management
- secondary measures.

Requisite Research and Requisite Management tasks, shown in Attachments 2 and 3 to this report may directly mitigate natural hazards and enable Council to implement Adaption Actions. The research tasks typically involve ongoing compliance, education and further investigation aimed at improving the resilience to threats, increasing preparedness and decision making ability now and in the future. They should be pursued as part of normal Council day to day duties.

The Secondary Response Measures, shown in Attachment 4 to this report, may directly or indirectly contribute to reductions in the current and future natural hazards and warrant further investigation by Council.

It is recommended that these plans be reviewed at intervals consistent with the rate of change of natural hazards (i.e. between 5 and 10 years) to ensure that any changes in conditions are considered.

Conformance to the Hawkesbury Community Strategic Plan

The Adaption Action Plan is consistent with the Community Strategic Plan, Directions and Strategies:

Caring for the Environment Direction statements:

- To look after the cultural and environmental assets for future generations so that they too can enjoy, and benefit from, a clean river and natural eco-systems, rural and cultural landscape.

and is also consistent with the nominated strategy in the CSP being:

- Effective management of our rivers, waterways, riparian land, surface and groundwaters, and natural eco-systems through local action and regional partnerships.

Financial Implications

The preparation of the Adaption Action Plan was wholly funded by the NSW's Government's Waste and Sustainability Improvement Payment (WaSIP) Program 2011/2012.

The Adaption Action Plan identified 11 items which would require either grant funding or Council funding prior to being undertaken. These include:

- provision of off-grid utilities
- upgrading of engineering controls for key locations for landslip
- retrofitting of existing buildings
- maintenance support for residents in high risk areas
- reduction in the use of hard stand areas
- installation of water sensitive urban design
- road material choice
- relocation of assets crossing locations
- water quality monitoring
- protection for heritage assets
- utilisation of grey water systems.

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Grant funding maybe sought, if available from the following sources:

- Estuary Management Program
- National Landcare Program
- Community action grants
- Heritage grants.

RECOMMENDATION:

That Council adopt the *Adaption Action Plan Planning for Climate Change and Natural Hazards*, prepared by Cardno on behalf of Hawkesbury City Council, February 2016 attached as Attachment 1 to the report.

ATTACHMENTS:

- AT - 1 Adaption Action Plan Planning for Natural Hazards - (*Distributed Under Separate Cover*)
- AT - 2 Requisite Research
- AT - 3 Requisite Management
- AT - 4 Secondary Response Measures

ORDINARY MEETING**Meeting Date:** 23 February 2016**AT - 2 Requisite Research**

Sub Plan Theme	Description
Building Resilience and Emergency Management Maintaining Roads and Bridges Stormwater Drainage, Infrastructure and water Quality	Undertake disaster risk assessment of key infrastructure and determine an Asset Management Plan
Building Resilience and Emergency Management	Review of emergency access routes
Building Resilience and Emergency Management	Mapping of static water supply
Building Resilience and Emergency Management Stormwater Drainage, Infrastructure and Water Quality	Monitoring performance of sewage and stormwater systems
Building Resilience and Emergency Management	Consideration of vegetation and storm resilience around assets
Bushfire Risk Management	Review location of fire breaks
Bushfire Risk Management Maintaining Roads and Bridges	Review emergency access routes
Bushfire Risk Management Natural Environment's Response to Temperature, Rainfall and Other Climatic Changes	Mapping of fire tolerant and intolerant vegetation communities
Natural Environment's Response to Temperature, Rainfall and Other Climatic Changes	Undertake disaster risk assessment of natural assets and develop a management plan
Stormwater Drainage, Infrastructure and Water Quality	Model stormwater impact from increased storm activity and incorporate design guidelines
Built Environment's Response	Shade audits of public areas
Built Environment's Response	Develop inspection regimes for Council asset and infrastructure

ORDINARY MEETING**Meeting Date:** 23 February 2016**AT - 3 Requisite Management**

Sub Plan Theme	Description
Building Resilience and Emergency Management	On-going communication on environmental risks
Building Resilience and Emergency Management	Provision of up-to-date DISPLAN that considers climate change risks- to be regularly updated
Building Resilience and Emergency Management	Utilisation of grey-water systems
Building Resilience and Emergency Management Bushfire Risk Management	Use of design standards that consider change in natural hazard
Building Resilience and Emergency Management	Heat emergency plans
Managing Development to Consider Climate Changes in Growth Areas Built Environment's Response	Use of design standards that consider change in the natural hazard
Managing Development to Consider Climate Changes in Growth Areas	Strengthen DCP standards for ESD (particularly in growth areas)
Bushfire Risk Management	Installation of fire danger signs across the LGA
Bushfire Risk Management	Community engagement relating to fire safety
Bushfire Risk Management	Maintenance and upgrade of Council recreational and public vegetated space that minimises the risk of fire starting
Maintaining Roads and Bridges	Adoption and continuous review of the design standards to be applied
Natural Environments Response to Temperature, Rainfall and other Climatic Changes Stormwater Drainage, Infrastructure and Water Quality	Strengthen DCP standards for WSUD
Built Environment's Response	Use design standards that consider subsidence/heave in infrastructure foundation design

ORDINARY MEETING**Meeting Date:** 23 February 2016**AT - 4 Secondary Response Measures**

Sub Plan Theme	Secondary Response Measures
Building Resilience and Emergency Management	Provide access to public drinking fountains for people and pets in hot weather
Building Resilience and Emergency Management The Built Environment's Response to Temperature, Rainfall and other Climatic Changes	Shade provision policies for street furniture, shelters and awnings
Building Resilience and Emergency Management	Additional RFS facilities in vulnerable locations
Building Resilience and Emergency Management	House Buddy Program to assist neighbours to monitor vulnerable residents during extreme risks
Building Resilience and Emergency Management	Establishment of safe refuge areas with off grid facilities
Building Resilience and Emergency Management	Establishment of new access roads
Building Resilience and Emergency Management	Water security storage and access plans
Building Resilience and Emergency Management	Development of an irrigation plan
Building Resilience and Emergency Management	Review of recreational space and consolidation
Building Resilience and Emergency Management	Increase in static water supply via the use of rainwater tanks and stormwater harvesting
Building Resilience and Emergency Management	Encourage the adoption of fire resilient property standards for residents
Building Resilience and Emergency Management	Invest in R&D projects to identify adaption actions for use in the Hawkesbury
Building Resilience and Emergency Management	Provision of transport options in extreme conditions
Managing Development to Consider Climate Change in Growth Areas Bushfire Risk Management Protecting the Region's Heritage and Community Infrastructure, Especially from Storms Stormwater, Drainage, Infrastructure and Water Quality The Built Environment's Response to Temperature, Rainfall and other Climatic Changes	Review insurance on Council's assets to ensure adequacy
Managing Development to Consider Climate Change in Growth Areas Bushfire Risk Management Protecting the Region's Heritage and Community Infrastructure, especially from Storms The Built Environment's Response to Temperature, Rainfall and other Climatic Changes	Review emergency management fund based on disaster damages assessment
Bushfire Risk Management The Natural Environments Response to Temperature, Rainfall and Other Climatic Changes The Built Environment's Response to Temperature, Rainfall and other Climatic	Invest in R&D projects

ORDINARY MEETING**Meeting Date:** 23 February 2016

Sub Plan Theme	Secondary Response Measures
Changes	
Bushfire Risk Management	Additional RFS facilities
Bushfire Risk Management	Establishment of Bushfire Neighbourhood Watch systems
Bushfire Risk Management	Council coordination and cooperation within and between local and regional landcare / gardening associations to promote integration of bushfire management practices
Maintaining Roads and Bridges	Establishment of new access roads
Maintaining Roads and Bridges	Council consider the feasibility of upgrading existing assets to lower maintenance cost options
The Natural Environments Response to Temperature, Rainfall and Other Climatic Changes	Invest in R&D projects
The Natural Environments Response to Temperature, Rainfall and Other Climatic Changes	Develop pest, weed and invasive species management strategy that takes into account changed climatic conditions
Protecting the Region's heritage and community infrastructure especially from storms	Encourage adoption of storm resilient installations on properties
Protecting the Region's Heritage and Community Infrastructure, especially from Storms	Undercover parking for Council fleet
Emergency Response Protection for Key Heritage Assets	Consideration of vegetation storm resilience around assets
Emergency Response Protection for Key Heritage Assets	Retrofitting of existing buildings
Protecting the Region's heritage and community infrastructure, especially from storms	Consideration of vegetation storm resilience around assets
Stormwater Drainage, Infrastructure and Water Quality	Development of an Irrigation Plan
The Built Environment's Response to Temperature, Rainfall and other Climatic Changes	Review emergency management fund based on disaster damages assessment
The Built Environment's Response to Temperature, Rainfall and other Climatic Changes	Provision of additional public shading

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 23 February 2016

Item: 31 CP - Representations to Nepean Blue Mountains Local Health District - Planning for Health Services in the Hawkesbury - (124414)

REPORT:

Executive Summary

This report has been prepared at the request of the Human Services Advisory Committee (HSAC).

At the February meeting of HSAC, the Committee resolved to request that Council make representations to the Chief Executive of the Nepean Blue Mountains Health District (NBMLHD) regarding the NBMLHD Business Plan 2015-2016. The Committee was concerned at the lack of information within the Business Plan regarding health services provided for residents of the Hawkesbury and the possible impact this omission may have on the equitable provision of health services to residents.

The Committee has requested that Council forward correspondence to the NBMLHD and authorise representatives of the Committee to meet with the CEO of the St John of God/Hawkesbury District Health Service (HDHS) to identify specific issues relating to the provision of health services to residents of the Hawkesbury which would then be reported to Council for its information and consideration of the need for further action and/or representations in relation to this matter.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. The report advises Council of a request from one of its community advisory committees which was established to provide a mechanism by which issues relating to the provision of human services to residents could be communicated to Council. The resolution of the HSAC to request that Council consider making representations in relation to the matters canvassed in this report is consistent with this brief.

Background

In August 2012, HSAC reviewed a submission prepared by Council staff in response to a draft Strategic Plan forwarded to Council by the NBMLHD. The submission drew attention to the lack of detail in the Strategic Plan regarding the provision of services to residents of the Hawkesbury.

In November 2012, a response was received from the NBMLHD indicating that Council's detailed submission would be considered in the development of the NBMLHD Healthcare Services Plan.

Current Situation

In August 2015, Council received a copy of the NBMLHD Business Plan 2015-2016 (Attachment 1) which was reviewed by HSAC at its November 2015 meeting. In reviewing the Business Plan the Committee once again expressed concern at the lack of information within the Business Plan about health services provided to Hawkesbury residents. The Committee expressed a view that this omission may point to the continued inequitable provision of services to Hawkesbury residents. The Committee resolved that further representations should be made to the NBMLHD and at its February 2016 meeting, endorsed draft correspondence to this effect (Attachment 2).

ORDINARY MEETING

Meeting Date: 23 February 2016

The Committee also suggested that a meeting with the CEO of St John of God /HDHS may be useful in identifying specific issues relating to the provision of health services to Hawkesbury residents within the NBMLHD. As Council will be aware, St John of God /HDHS operate public and community health services within the Hawkesbury under a contract with NBMLHD. This contract is due for renewal and it may be useful for Council to be made aware of specific issues relating to the distribution of health services across the NBMLHD and the access of resident to these services. This information may assist Council in determining if further and more specific representations are required to ensure that as far as possible, Hawkesbury residents are being provided with the access to the same level of health services which are available to all other residents in the NBMLHD.

To this end, HSAC has requested that Council authorise a small delegation of Committee members to meet with the CEO of St John of God/HDHS on Council's behalf to discuss these matters and provide a further report to Council for its consideration.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Theme:

- Maintain its independent identity and voice through strong local government and community institutions.

and is also consistent with the nominated strategy in the CSP being:

- Broaden the resources and funding available to our community by working with local and regional partners as well as other levels of government.

Financial Implications

There are no financial implications arising from this report.

RECOMMENDATION:

That Council:

1. Forward the draft correspondence attached to this report as Attachment 2, to the CEO of the Nepean Blue Mountains Local Health District, with copies of the correspondence to be forwarded to the NSW Minister for Health, and the Member for Hawkesbury.
2. Authorise a small delegation of members of the Human Services Advisory Committee to meet with the CEO of St John of God/HDHS on Council's behalf to discuss the equitable provision of health services to residents of the Hawkesbury, and to provide a further report to Council for its consideration in relation to this matter.

ATTACHMENTS:

- AT - 1** Nepean Blue Mountains Local Health District Business Plan 2015-2016 - *(Distributed Under Separate Cover)*
- AT - 2** Draft correspondence to the Chief Executive, Nepean Blue Mountains Local Health District

ORDINARY MEETING

Meeting Date: 23 February 2016

**AT - 2 Draft Correspondence to Chief Executive, Nepean Blue Mountains
Local Health District**

Your Ref: 15/9419
Our Ref: 5147025

[Insert Date]

Ms Kay Hyman
Chief Executive, Nepean Blue Mountains Local Health District
PO Box 63
PENRITH NSW 2751

Attention: Ms Kay Hyman, Chief Executive, Nepean Blue Mountains Local Health District

Dear Ms Hyman

Re: Nepean Blue Mountains Local Health District Business Plan 2015-2016

Thank-you for your correspondence to the Mayor, Cr Kim Ford (25/8/15) regarding the Nepean Blue Mountains Local Health District Business Plan 2015-2016, which was forwarded to Council's Human Services Advisory Committee (HSAC) for consideration at its meeting on 5 November 2015.

The Committee has provided advice to Council to the effect that while it appreciates receiving a copy of the Business Plan it is nevertheless disappointed at the lack of information within the Plan about health services for residents in the Hawkesbury area. The committee is concerned that this may reflect a lack of consideration for the equitable provision of, and planning for, allied health and medical services to cover the Hawkesbury area.

At its meeting of the 5 November 2015 the HSAC received information about demands on Hawkesbury District Health Services and unmet needs for specialised medical services placing pressure on medical transport to Nepean Hospital. Some areas of concern are the unmet transport needs of renal patients and poor access to public mental health services.

The committee would like to request that, in future, the Hawkesbury area be given greater consideration in the organisation's planning for, and reporting of, allied and medical health services across the NBMLHD.

Council would like to offer its assistance in the future planning and placement of public health services across the NBMLHD region which currently disadvantages residents of the Hawkesbury area due to poor road and public transport linkages in the region.

To this end, Council will seek to meet with the CEO of St. John of God/HDHS to identify specific health issues and services needed by Hawkesbury residents in the NBMLHD area. Council will then receive a report to determine if further and more detailed representations may be required to ensure that Hawkesbury residents are provided with the access to the same level of health services which are available to all other residents in the NBMLHD

If you require further information please contact Council's Senior Strategic Planner (Community), Michael Laing on 4560 4437.

Council looks forward to working with you to improve the health outcomes and medical needs of all Hawkesbury residents.

Yours faithfully

Peter Jackson
General Manager

cc: The Hon. Jillian Skinner, NSW Minister for Health
cc: The Hon. Dominic Perrottet, Member for Hawkesbury

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 23 February 2016

INFRASTRUCTURE SERVICES

Item:32 **IS - Acquisition of Crown Land Under Councils Management by Roads and Maritime Services - Lot 7008 in DP 1029964 and Lot 345 in DP 752061 (Bridge Street, Windsor) - (95495, 14893)**

REPORT:

Executive Summary

Roads and Maritime Services (RMS) propose to commence the construction of the replacement of Windsor Bridge. This will necessitate the acquisition of Crown Land, currently under Council's Management, within Deposited Plans 1029964 and 752061. NSW Trade and Investment (Crown Lands) has provided owners' consent to the acquisition, subject to notification of Council as the Reserve Trust Manager.

This report recommends Council note the concurrence of NSW Trade and Investment (Crown Land) for the acquisition to proceed in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and concur with an RMS request for a shortened Proposed Acquisition Notice period subject to satisfactory arrangements for wharf access.

Consultation

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

Background

RMS propose to commence the construction of the replacement of Windsor Bridge and the construction of the project will necessitate the acquisition of Crown Land, currently under Council's Management, being Lot 7008 in Deposited Plan 1029964 and Lot 345 in Deposited Plan 752061 as shown on the attachment.

The subject properties form part of Terrace Wharf Reserve Trust (R77883) and Thompson Square Reserve Trust (R74215). Council was appointed the Trust Manager of each Reserve by way of Government Gazettal dated 20 December 1996.

NSW Trade and Investment (Crown Lands) as the owner have consented to the acquisition of the land parcels proceeding under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, subject to the notification of Council as the Reserve Trust Manager.

As required RMS has now notified Council of its intention to undertake the compulsory acquisition.

This acquisition will be in accordance with the Land Acquisitions (Just Terms Compensation) Act 1991, which provides for any compensation payable to be independently determined by the Valuer General. RMS has requested that, under the acquisition process, Council give its concurrence to the acquisition or alternatively agree to a reduced (seven day) period of the Proposed Acquisition Notice (PAN). In either case any compensation will still be assessed by the Valuer General and payable.

The latter option, of a reduced PAN period, is considered a more appropriate response as this also preserves a right of appeal (on compensation only). The requested reduction of the PAN period does however have potential implications for arrangements for access to Windsor Wharf and approval should be conditional on arrangements for continued access to be finalised.

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In previous discussions RMS have indicated that they would seek to maintain access to Windsor Wharf during construction. The current request does not formally address this issue. It is recommended that Council only concur with a reduction in the PAN period subject to satisfactory and ongoing arrangements being made for wharf access. This may involve relocation or alternative access.

It should be noted however that even if a reduction in the PAN period is not given the compulsory acquisition would still occur upon gazettal (between 90 and 120 days after issuing of the PAN).

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Linking the Hawkesbury Directions Statement;

- Have a comprehensive system of transport connections which link people and products across the Hawkesbury and with surrounding regions

Financial Implications

There are no immediate financial implications arising from this.

RECOMMENDATION:

That:

1. Council note the concurrence of NSW Trade and Investment (Crown Lands) for the compulsory acquisition to proceed in accordance with the Land Acquisitions (Just Terms Compensation) Act 1991 including the issuing of a Proposed Acquisition Notice (PAN) for Lot 7008 DP 1029964 and Lot 345 DP 752061 for which Council is the Reserve Trust Manager.
2. Council consent to the acquisition of the land referred to in part 1 by the Roads and Maritime Services by compulsory acquisition process including the reduction of the Proposed Acquisition Notice period to seven days, subject to satisfactory arrangements being put in place to maintain wharf access.
3. The Seal of Council be affixed to any relevant documentation.

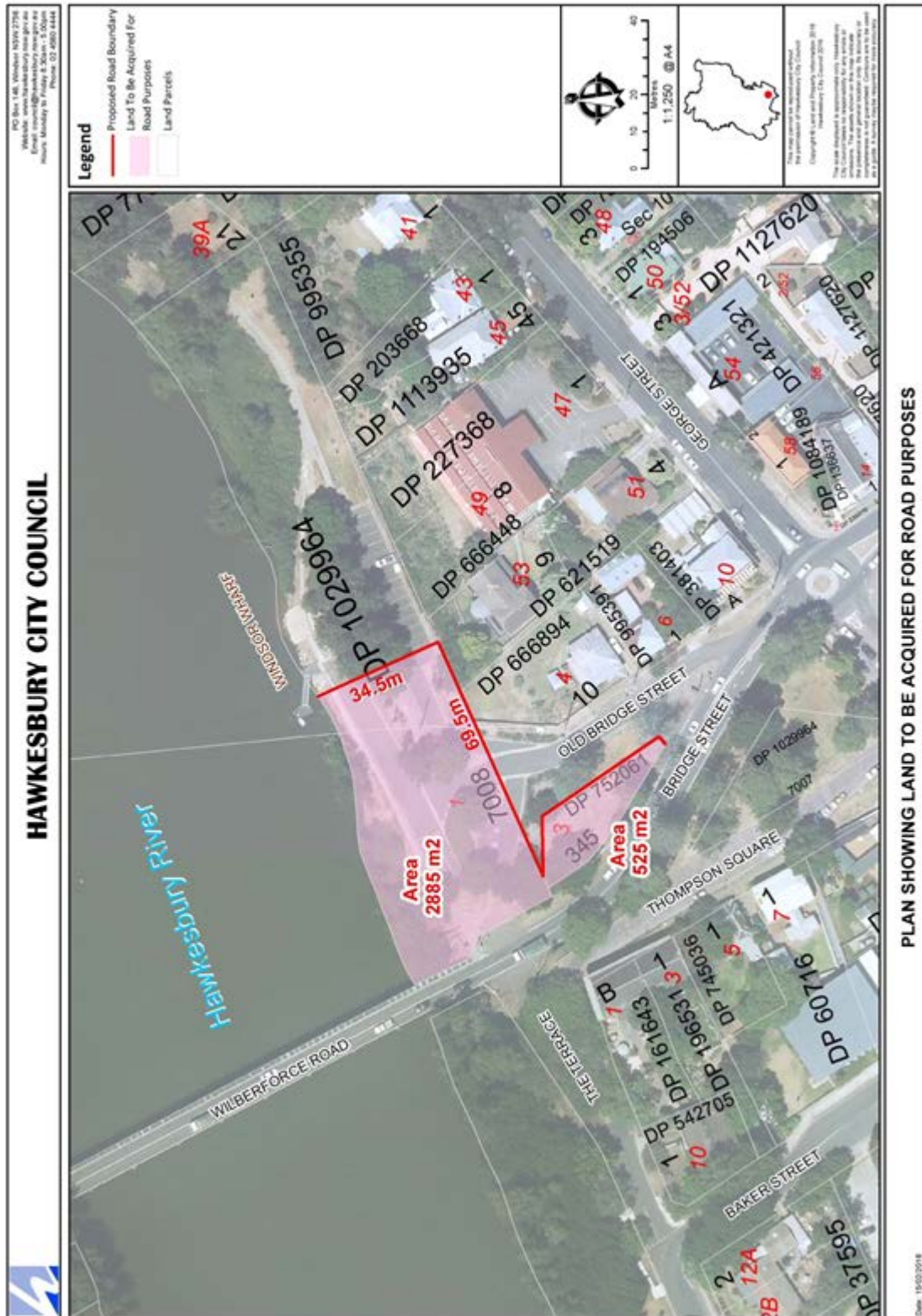
ATTACHMENTS:

AT - 1 Plan Showing Land to be Acquired for Road Purposes

ORDINARY MEETING

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AT - 1 Plan Showing Land to be Acquired for Road Purposes



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 23 February 2016

Item: 33 **IS - Exclusive Use of Governor Phillip Reserve - The Hawkesbury 120 Ski Race Classic 2016 - (95495, 79354, 92138)**

REPORT:

Executive Summary

Ski Racing NSW Inc. are seeking exclusive use of Governor Phillip Reserve for the 2016 Hawkesbury 120 Water Ski Classic to be held on Saturday, 27 August 2016 and Sunday, 28 August 2016.

The race has been conducted annually over the last ten years and contributes positively to the local economy in addition to providing a high profile sporting event for the area. It has recently been included as the first event in the National Ski Racing Australia Classic Series, attracting support from local and interstate competitors. It is recommended that approval be given for the exclusive use of the Reserve in accordance with applicable conditions.

Consultation

Although the issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy, public notification of the event will be undertaken through signage and advertisements.

Background

Ski Racing NSW Inc have requested exclusive use of Governor Phillip Reserve on Saturday, 27 August 2016 and Sunday, 28 August 2016 to conduct the annual Hawkesbury 120 Water Ski Classic, with non-exclusive use for set up on Friday, 26 August 2016.

This event is a regular fixture at Governor Phillip Reserve. It is well coordinated, receives good attendance, and is considered to provide positive benefits to both the community and local businesses as well as providing a high profile sporting event for the area.

The event will be required to obtain approval for traffic management, which is to be undertaken as part of the Special Event Application.

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Supporting Business and Local Jobs Directions Statement;

- Help create thriving town centres, each with its own character that attracts residents, visitors and businesses

and is also consistent with the nominated strategy in the CSP being:

- Differentiate, brand and promote the Hawkesbury as a tourism destination

Financial Implications

Income will be generated through user charges for use of the Reserve in accordance with the Draft 2016/2017 Operational Plan.

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RECOMMENDATION:

That:

1. Approval be granted to Ski Racing NSW Inc for “exclusive use” of Governor Phillip Reserve for the 2016 Hawkesbury 120 Ski Race Classic to be held on Saturday, 27 and Sunday, 28 August 2016.
2. The approval be subject to the following conditions/documents:
 - a) Council's General Park Conditions.
 - b) Council's Fees and Charges.
 - c) The Windsor Foreshore Plan of Management.
 - d) The Governor Phillip Exclusive Use Policy.
 - e) The Governor Phillip Noise Policy.
 - f) A Traffic Management Plan which has been approved as part of the Special Event Application.
3. As the applicant has not advised alternative dates in the event of inclement weather or other circumstances, the General Manager be given authority to negotiate exclusive use on an alternate date, if required by the applicant.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date:** 23 February 2016**SUPPORT SERVICES****Item: 34****SS - Monthly Investments Report - January 2016 - (95496, 96332)****REPORT:****Executive Summary**

According to Clause 212 of the Local Government (General) Regulation 2005, the Responsible Accounting Officer must provide the Council with a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must include a certificate as to whether or not investments have been made in accordance with the Act, the Regulation and the Council's Investment Policy.

This report indicates that Council held \$43.80 million in investments at 31 January 2016.

It is recommended that this report be received and noted.

Consultation

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

Background

The following table indicates that Council held \$43.80 million in investments as at 31 January 2016. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
On Call								
CBA	A1+	AA-			1.75%	3,000,000	6.85%	
Total On-call Investments								3,000,000
Term Investments								
ANZ	A1+	AA-	26-Aug-15	17-Feb-16	2.90%	1,000,000	2.28%	
ANZ	A1+	AA-	02-Sep-15	27-Apr-16	2.90%	1,000,000	2.28%	
ANZ	A1+	AA-	02-Sep-15	27-Apr-16	2.90%	1,000,000	2.28%	
ANZ	A1+	AA-	18-Nov-15	18-May-16	3.00%	500,000	1.14%	
ANZ	A1+	AA-	18-Nov-15	18-May-16	3.00%	1,000,000	2.28%	
ANZ	A1+	AA-	18-Nov-15	08-Jun-16	3.00%	2,000,000	4.57%	
ANZ	A1+	AA-	19-Aug-15	15-Jun-16	2.95%	2,000,000	4.57%	
ANZ	A1+	AA-	19-Aug-15	17-Aug-16	2.95%	2,000,000	4.57%	
ANZ	A1+	AA-	02-Dec-15	04-May-16	3.00%	2,500,000	5.71%	
ANZ	A1+	AA-	04-Nov-15	16-Mar-16	2.88%	1,500,000	3.42%	
Bankwest	A1+	AA-	24-Feb-15	24-Feb-16	3.15%	1,000,000	2.28%	
CBA	A1+	AA-	24-Feb-15	24-Feb-16	3.15%	1,000,000	2.28%	
NAB	A1+	AA-	04-Mar-15	02-Mar-16	3.13%	2,000,000	4.57%	
NAB	A1+	AA-	06-May-15	04-May-16	2.93%	2,000,000	4.57%	
NAB	A1+	AA-	22-Dec-15	15-Jun-16	3.04%	1,000,000	2.28%	
NAB	A1+	AA-	08-Jul-15	06-Jul-16	3.00%	2,000,000	4.57%	

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Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
NAB	A1+	AA-	13-Jan-16	20-Jul-16	3.10%	1,000,000	2.28%	
NAB	A1+	AA-	27-Jan-16	03-Aug-16	3.00%	1,500,000	3.42%	
NAB	A1+	AA-	04-Feb-15	04-Feb-16	3.40%	1,000,000	2.28%	
NAB	A1+	AA-	27-May-15	02-Mar-16	3.05%	1,300,000	2.97%	
NAB	A1+	AA-	20-May-15	16-Mar-16	3.05%	2,000,000	4.57%	
NAB	A1+	AA-	02-Jun-15	30-Mar-16	3.05%	2,000,000	4.57%	
Westpac	A1+	AA-	10-Jun-15	06-Apr-16	3.05%	2,000,000	4.57%	
Westpac	A1+	AA-	04-Nov-15	15-Jun-16	2.85%	1,000,000	2.28%	
Westpac	A1+	AA-	02-Oct-15	05-Oct-16	3.00%	1,000,000	2.28%	
Westpac	A1+	AA-	02-Oct-15	05-Oct-16	3.00%	1,000,000	2.28%	
Westpac	A1+	AA-	07-Oct-15	19-Oct-16	3.00%	1,000,000	2.28%	
Westpac	A1+	AA-	07-Oct-15	19-Oct-16	3.00%	1,500,000	3.42%	
Westpac	A1+	AA-	10-Dec-15	14-Dec-16	3.00%	1,000,000	2.28%	
Total Term Investments								40,800,000
TOTAL INVESTMENT AS AT 31 January 2016								43,800,000

Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	3,000,000	1.75%	Reserve Bank Cash Reference Rate	2.00%	-0.25%
Term Deposit	40,800,000	3.01%	UBS 90 Day Bank Bill Rate	2.27%	0.74%
Total	43,800,000	2.93%			

Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	7,227,921
External Restrictions - Other	2,068,378
Internal Restrictions	21,299,802
Unrestricted	13,203,899
Total	43,800,000

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

In addition to funds being fully allocated to fund the Operational Plan activities, funds relating to closed self-funded programs, and that are subject to legislative restrictions, cannot be utilised for any purpose other than that specified. Externally restricted funds include funds relating to Section 94 Contributions, Domestic Waste Management, Sewerage Management, Stormwater Management and Grants.

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

Investment Commentary

The investment portfolio decreased by \$2.20 million for the month of January 2016. During January 2016, income was received totalling \$3.10 million, including rate payments amounting to \$1.30 million, while payments to suppliers and staff costs amounted to \$6.09 million.

The investment portfolio currently involves a number of term deposits and on-call accounts. Council's current investment portfolio is not subject to share market volatility.

Council has a loan agreement for an amount of \$5.26 million under the Local Government Infrastructure Renewal Scheme (LIRS). The full amount was drawn down upon signing the agreement in March 2013, with funds gradually being expended over the period during which the program of works is being delivered. The loan funds have been placed in term deposits, with interest earned on unexpended invested loan funds being restricted to be used for works relating to the LIRS Program projects.

As at 31 January 2016, Council's investment portfolio is all invested with major Australian trading banks or wholly owned subsidiaries of major Australian trading banks and in line with Council's Investment Policy.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Independent advice is sought on new investment opportunities, and Council's investment portfolio is independently reviewed by Council's investment advisor each calendar quarter.

Council's investment portfolio complies with Council's Investment Policy, adopted on 30 June 2015.

Investment Certification

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

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement:

- The Council be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services.

Financial Implications

Funds have been invested with the aim of achieving budgeted income in Service 121 – Investments within the 2015/2016 Adopted Operational Plan.

RECOMMENDATION:

The report regarding the monthly investments for January 2016 be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING**Meeting Date:** 23 February 2016

Item: 35 **SS - Consultants Utilised by Council - 1 July 2015 to 31 December 2015 - (95496, 96332)**

Previous Items: 187, Ordinary (14 June 2005)

REPORT:**Executive Summary**

At the meeting of Council held on 14 June 2005, consideration was given to a report regarding the consultants utilised by Council in 2003/2004 and 2004/2005. Subsequently, in recent years Council has been provided with reports outlining consultants utilised by Council on a six monthly basis.

The purpose of this report is to provide details of the various firms, or persons, the Council has utilised as consultants for the period from July to December 2015.

Consultation

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

Background

At the meeting of Council held on 14 June 2005, consideration was given to a report regarding the consultants utilised by Council. The report detailed various consultants, the purpose of the engagement, and the expenditure in 2003/2004 and 2004/2005.

Subsequently, in recent years Council has considered reports outlining consultants utilised by Council for six monthly periods, being January to June and July to December each year.

The following table provides details of the various firms, or persons, the Council has utilised as consultants for the period from July to December 2015, detailing the purpose of the consultancies and the amount (excluding GST) paid in this period:

Firm	Purpose	Branch	Authorising Officer	Funding Source	External Requirement	6 Months to 31/12/2015
AAM Pty Ltd	EPA Volume Reporting - HWMF	Waste Management	Manager Waste Management	Internal Reserve	Environment Protection Authority	\$12,000.00
Altstadt	Heritage Advice	Strategic Planning	Director City Planning	General Funds/Grant Funds	No	\$2,778.75
Assetic	Asset Management – Roads Assets Advice	Construction and Maintenance	Manager Construction and Maintenance	General Funds	No	\$10,000.00
R & M Brown Consultancy	Condition Audits of Council Properties	Building Services	Manager Building Services	General Funds	No	\$4,500.00
Computer Systems Australia	IT Consultancy Services	Information Services	Manager Information Services	General Funds	No	\$4,645.70

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Firm	Purpose	Branch	Authorising Officer	Funding Source	External Requirement	6 Months to 31/12/2015
Consulting Earth Scientists Pty Ltd	WMF monthly and quarterly environmental monitoring & Annual Report & Return	Waste Management	Manager Waste Management	Internal Reserve	Environment Protection Authority	\$26,597.01
Graham Edds and Associates	Preparation of Heritage Inventory Sheets	Strategic Planning	Director City Planning	General Funds/Grant Funds	No	\$6,560.00
Floth Sustainable Building Consultants	Mechanical, Electrical and Hydraulic Services for Richmond Seniors Centre Upgrade	Building Services	Manager Building Services	External Reserve	No	\$2,000.00
GLN Planning	Preparation of Draft S94 & S94A Contribution Plans	Community Services	Executive Manager Community Partnerships	External Reserve	No	\$2,660.00
David G Hart Consulting Pty Ltd	Workers Compensation Claim Liabilities	Risk Management	Manager Risk Management	General Funds	No	\$10,500.00
Kevin Hennah	Library Strategy Implementation	Cultural Services	Manager Cultural Services	General Funds	No	\$1,450.00
International Conservation Services	Condition Assessment and conservation advice for the Krupp Field Gun restoration	Parks and Recreation	Manager Parks and Recreation	General Funds	No	\$1,450.00
KPMG	Sewerage Scheme Business Review	Waste Management	Manager Waste Management	External Reserve	No	\$19,285.00
Justin Long Design	Professional advice – Kable Street Amenities upgrade	Building Services	Manager Building Services	General Funds and External Reserve	No	\$475.00
	Preparation of DA documentation for Oasis Change Room Upgrade	Building Services	Manager Building Services	External Reserve	No	\$3,000.00
Lunney Watt & Associates Pty Ltd	Valuations for Ham Street and Colonial Drive property sales	Corporate Services & Governance	Manager Corporate Services & Governance	Internal Reserve	No	\$5,000.00
McKinlay Morgan and associates	Survey Consultancy Services – Property	Corporate Services & Governance	Manager Corporate Services & Governance	General Funds	No	\$2,415.00
	Survey Consultancy Services – Building Services, various locations	Building Services	Manager Building Services	General Funds/ External Reserve	No	\$13,150.00
	Survey Consultancy – Webbs Creek Rd	Design & Mapping	Manager Design and Mapping	General Funds	No	\$2,000.00

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Firm	Purpose	Branch	Authorising Officer	Funding Source	External Requirement	6 Months to 31/12/2015
	Survey and Acquisition Plan – Upper McDonald Rd	Construction and Maintenance	Manager Construction and Maintenance	General Funds	No	\$14,500.00
Micromex Research	Community Survey	Strategic Planning	Director City Planning	General Funds	No	\$22,350.00
Ndevr Environmental	ERF Project Registration and Advice	Waste Management	Manager Waste Management	Internal Reserve	No	\$6,980.00
OCP Architects	Heritage Advice	Strategic Planning	Director City Planning	General Funds / Grant Funds	No	\$21,476.50
OHS Australia Trust	WHS Training	Risk Management	Manager Risk Management	General Funds	No	\$29,779.40
The Playground Doctor	Playground Inspections and safety surfacing July – October 2015	Parks & Recreation	Manager Parks & Recreation	General Funds	No	\$5,280.00
Jeff Roorda and Associates Pty Ltd.	Review of Asset Revaluations Methodology and Advice	Executive Management	Director Infrastructure Services	General Funds	No	\$11,440.00
SGS Economics and Planning	Housing Demand Assessment	Strategic Planning	Director City Planning	General Funds	No	\$21,187.50
Spectra Financial Services Pty Ltd	Investment Advisory Services January – December 2015	Financial Services	Chief Financial Officer	General Funds	Office of Local Government	\$17,000.00
SLR Consulting Australia Pty Ltd	Acoustic services South Windsor STP	Waste Management	Manager Waste Management	External Reserve	No	\$5,900.00
Technology One Ltd	IT Consultancy services	Information Services	Manager Information Services	General Funds	No	\$26,884.41
Taylor Lauder Bersten Pty Ltd	Engineering Services Richmond Seniors Centre Upgrade	Building Services	Manager Building Services	External Reserve	No	\$1,980.50
Travers Environmental Pty Ltd.	Flora and Fauna Assessment – Colonial Drive, Bligh Park	Corporate Services and Governance	Manager Corporate Services and Governance	Internal Reserve	No	\$7,750.00
KD Wood Valuations (Aust) Pty Ltd	Valuation Services for Council owned properties	Corporate Services & Governance	Manager Corporate Services & Governance	General Funds	No	\$14,500.00
Workplace Navigation Pty Ltd	Workers Compensation Management Services June – November 2015	Risk Management	Manager Risk Management	General Funds	No	\$13,625.00

ORDINARY MEETING**Meeting Date:** 23 February 2016

Firm	Purpose	Branch	Authorising Officer	Funding Source	External Requirement	6 Months to 31/12/2015
Worley Parsons	Pitt Town Development SMP Review and Dredging Business Case	Strategic Planning	Director City Planning	General Funds	No	\$71,490.00
TOTAL						\$422,589.77

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement:

- Have transparent, accountable and respected leadership and an engaged community.

Funding

This is an information report requested by Council and costs detailed have been met within existing budgets.

RECOMMENDATION:

That the information concerning consultancies utilised by Council during the period July to December 2015 be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 23 February 2016

Item: 36 **SS - December 2015 Quarterly Budget Review Statement - (95496, 96332)**

Previous Item: 84, Extraordinary (23 June 2015)

REPORT:

Executive Summary

Within two months of the end of each quarter, Council is required to review its progress in achieving the financial objectives set out in its Operational Plan. This report and the relevant attachment provide information on Council's financial performance and financial position for the second quarter of the 2015/2016 financial year, and the resulting financial position including the Budget variations proposed.

The Quarterly Budget Review Statement - December 2015 (QBRS) recommends a number of variations that result in a balanced budgeted position being maintained.

Consultation

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

Background

Council adopted its Operational Plan for 2015/2016 on 23 June 2015.

Clause 203 of the Local Government (General) Regulation 2005 stipulates that the Responsible Accounting Officer of a council must prepare and submit to the Council a Budget Review Statement within two months after the end of each quarter (except the June quarter).

The QBRS has been prepared in accordance with the Division of Local Government Circular 10/32 dated 10 December 2010 and is attached as Attachment 1 to this report.

Financial Position

Clause 203 of the Local Government (General) Regulation 2005 requires a revised estimate of income and expenditure for the year to be prepared by reference to the estimate of income and expenditure set out in the Operational Plan for the year.

The QBRS recommends Budget adjustments that result in a balanced adjustment for the quarter, and in the opinion of the Responsible Accounting Officer, maintains a satisfactory short term financial position for Council. The Responsible Accounting Officer Statement is included in the attachment to this report.

The report and attachment provide details on the major Budget variations proposed in this QBRS and provide a list of variations requested.

The more significant items of the December 2015 QBRS include:

Favourable Adjustments

- ***Plant Replacement – Net Favourable Variance \$402K***

Adjustments have been made to reflect a timing difference between the sale and purchase of plant being replaced (\$301K). A fleet procurement review resulted in a further favourable budget variance of \$101K. These adjustments have been incorporated in this QBRS.

ORDINARY MEETING

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- **General Rates Income – Favourable Variance \$165K**

The amount budgeted for rates income for 2015/2016 was based on the number of properties and associated land values at the time the Original Budget was being developed. A favourable adjustment of \$165K has been included in this QBRs in relation to general rates income. This variance has resulted from the generation of additional rateable assessments as a result of subdivisions and new development since that time.

- **Westpool Equity Fund Distribution – Favourable Variance \$109K**

Westpool, Council's public liability insurer, closed one of its equity funds and returned these funds to member councils. Council's share of this distribution is \$109K. The receipt of these funds was not budgeted and has been included in this QBRs as a favourable variance.

- **Utilities and Street Lighting – Net Favourable Variance \$157K**

In line with the projected end of year results for various utilities, based upon the expenses observed as at the end of the reporting period, a favourable variance of \$157K is included in this QBRs. This variance is attributable to lower costs associated with the replacement of street lighting with more efficient LED bulbs under WSROC's Light Years Ahead project; and savings as a result of a suite of other energy efficiency initiatives undertaken.

Unfavourable Adjustments

- **Rural Fire Service (RFS) – Net Unfavourable Variance \$316K**

The 2015/2016 Original Budget relating to RFS was developed in accordance with advice from Hawkesbury RFS as per the report considered by Council at the Ordinary Meeting on 9 December 2014. In accordance with advice received from the Ministry of Police and Emergency Services, RFS grant funding and the reimbursement attributable to Council are less than budgeted, and contributions to be paid by Council to RFS are greater than budgeted. These variations have a total negative financial impact of \$355K. A minor favourable variation arising from surplus funds relating to plant purchases partially offsets this impact. An unfavourable variance of \$316K has been included in the QBRs to reflect the net impact of these adjustments.

- **Sealed Roads Maintenance – Unfavourable Variance \$157K**

Based on the expenditure trend as at the end of the reporting period, expenditure on sealed road maintenance is forecasted to reach \$1.9M by year end, which is greater than the Budget of \$1.8M. This trend has been addressed in this QBRs.

- **Regulatory Services Income – Net Unfavourable Variance \$44K**

Included in this QBRs is a net unfavourable variance of \$65K in relation to car-parking fines, mainly due to reduced activity resulting from staff vacancies, which have since been addressed. This is partly offset by penalty income in relation to regulatory infringements exceeding projected levels by \$21K. The car-parking income line will be closely monitored and, if necessary, adjusted in the next QBRs.

- **Plant and Equipment Maintenance – Unfavourable Variance \$39K**

In line with effective asset management processes, scheduled routine maintenance for plant and equipment within Council's buildings is being progressively implemented across Council's asset portfolio. As progress continues to be made in relation to asset information, maintenance programs and associated funding is allocated accordingly. In this QBRs, an additional \$39K has been allocated to Plant and Equipment maintenance funding to reflect current maintenance programs.

ORDINARY MEETING

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- **Development Services Income – Net Unfavourable Variance \$25K**

Increased development activity has resulted in favourable variances for subdivision fees of \$44K and development application income \$35K. As a result of the redirection of resources to meet this additional demand, the swimming pool inspection program has not progressed as anticipated, resulting in an income shortfall of \$104K. These adjustments, resulting in a net income shortfall of \$25K relating to Development Services, are included in this QBRs.

- **Postage – Unfavourable Variance \$21K**

Late in 2015, advice was received from Australia Post regarding substantial increases in postage costs applying at different stages during the current financial year. Due to the timing of the advice, these cost escalations were not factored in the 2015/2016 Original Budget. The projected impact of these price increases is \$21K, and is incorporated in this QBRs.

Other Adjustments

A number of cost neutral adjustments involving unbudgeted income and/or expenditure have been included in this QBRs.

- **South Windsor Tennis Courts**

In accordance with Council's resolution of 10 November 2015, Hawkesbury Sports Council will be managing the South Windsor Tennis Courts as part of their portfolio. To enable basic office occupancy to support the management of the courts, refurbishment of some facilities is necessary. Associated funding of \$20K has been allocated from available infrastructure renewal funds.

- **Windsor CWA and Richmond CWA / Community Building Partnership Grants**

Council has received advice that both Windsor CWA and Richmond CWA were successful in obtaining Community Building Partnership grants in the amounts of \$20K and \$50K respectively. These grants are for the refurbishment and internal improvements of the CWA buildings. Both organisations have requested that Council manage the works on their behalf and have agreed to forward the grant payments to Council to cover the costs involved. The necessary adjustments have been included in this QBRs.

Grants

A number of adjustments relating to grant funding successfully secured by Council, are included in this QBRs. These adjustments have a nil effect on the budget position, as amounts included for income have a corresponding amount for expenditure. The securing of grant funding assists Council to undertake works otherwise not funded through Council's available funds.

The major adjustments relating to grant funding are outlined below:

- **2016 Annual Arts Program** – Council has received advice from Arts NSW that funding of \$105K has been approved under the Arts and Cultural Development Program as part of the Create in NSW Framework.
- **Hawkesbury River Biodiversity Restoration Project** – Council has received additional grant funding of \$96K for the restoration of the Hawkesbury River from the Department of the Sustainability, Environment, Water, Populations and Communities.
- **Community Recycling Centre** – Included in this QBRs is additional grant funding of \$22K in regard to the final instalment of a grant from the NSW Environmental Trust for the establishment of a Community Recycling Centre.

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- **Governor Phillip Reserve Playground Upgrade** – Grant funding for \$20K was allocated to Council by the Department of Family and Community Services as part of the Community Building Partnership Program.
- **Community Sharps Disposal Bins** – In accordance with Council resolution of 29 September 2015, Council has accepted an offer of a grant for \$4K from the NSW Ministry of Health, as part of the Community Sharps Management Program, for the purchase and installation of community sharps disposal bins.

Reserve Funded Adjustments

The following adjustments are within internally or externally restricted funds, and consequently have nil impact on Council's overall position:

- **Section 94 Reserve** – Works totalling \$198K in line with the S94 Plan adopted in June 2015, and a reallocation of \$25K for the Hawkesbury Learning and Leisure Centre Extension, have been included in this QBRS. Adjustments for S94 Contributions received as at the end of the reporting period, \$405K, and interest income of \$174K, in line with the projected reserve balance as at 30 June 2016, are included in this QBRS.
- **Section 94A Reserve** – Adjustments for S94A Contributions received as at the end of the reporting period, \$163K, and interest income of \$38K, in line with the projected reserve balance as at 30 June 2016, are included in this QBRS. Also included is a reallocation of \$220K to the Hawkesbury Learning and Leisure Centre Extension project.
- **Section 64 Reserve** – In line with S64 Contributions received, an adjustment of \$85K is included in this QBRS.
- **Local Infrastructure Renewal Scheme (LIRS) Reserve** – As a result of securing grant funding for the West Portland Bridge project, part of the project's funding within the LIRS Program will not be required for this project in the current financial year. An amount of \$466K has been reallocated from this project and restricted within the LIRS Reserve for other LIRS projects as determined.
- **Property Development Reserve** – An amount of \$321K is included in this QBRS for the net proceeds in relation to the recent sale of 128 Eather Lane, South Windsor. These proceeds have been restricted to replenish the Property Development Reserve.
- **Domestic Waste Management Reserve** – Included in this QBRS, is a favourable variance of \$37K, in line with income received as at the end of the reporting period. Funding of \$26K for the installation of scales on Council's garbage trucks, is also included.
- **Sullage Reserve** – An unfavourable variance for sullage income of \$22K has been included as a result of further connections to the Sydney Water Sewerage Scheme.
- **Sewerage Reserves** – Unfavourable variances are included in this QBRS for emergency, or unforeseen works relating to Sewerage assets and operations, with \$47K relating to costs associated with rectification works from a sewerage sludge spill, \$121K in relation to reactive operational works, and \$43K for reactive capital works required at the South Windsor Treatment Plant. An adjustment of \$299K reflecting a receipt of income relating to dumping of unreported mass volumes by a third party is also included in this QBRS.

The QBRS includes a number of minor adjustments and reallocation of funds that have not been detailed above. Further details can be found in the attachment to this report.

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Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Shaping Our Future Together Directions statement:

- The Council be financially sustainable to meet the current and future needs of the community based on a diversified income base, affordable and viable services.

Funding

Funding and budget impacts have been specified within this report and attachment.

RECOMMENDATION:

That:

1. The information contained in the report be received.
2. The Quarterly Budget Review Statement – December 2015, be adopted.

ATTACHMENTS:

AT - 1 The Quarterly Budget Review Statement – December 2015 - *(Distributed under separate cover)*

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 23 February 2016

ordinary

section 4

reports
of committees

ORDINARY MEETING
Reports of Committees

ORDINARY MEETING
Reports of Committees

SECTION 4 - Reports of Committees

ROC **Hawkesbury Access and Inclusion Advisory Committee - 26 November 2015 - (124569, 96328)**

The meeting commenced at 4pm.

Present: Mr Alan Aldrich, Community Representative
 Mr Robert Bosshard, Community Representative
 Ms Debbie Court, Community Representative
 Mr Desmond Crane, Community Representative
 Mr Gary London, Community Representative
 Ms Carolyn Lucas, Community Representative
 Councillor Barry Calvert, Hawkesbury City Council

Apologies: Mr Ken Ferris, Community Representative
 Ms Mary-Jo McDonnell, Community Representative
 Ms Melanie Oxenham, Community Representative
 Ms Alison Baidon, District Health Service Representative
 Councillor Leigh Williams, Hawkesbury City Council

In Attendance: Joseph Litwin - Executive Manager - Community Partnerships
 Meagan Ang - Community Development Co-ordinator
 Jan Readford - Minute Secretary

REPORT:

RESOLVED on the motion of Mr Desmond Crane and seconded by Mr Gary London that the apologies be accepted.

Attendance Register of Hawkesbury Access and Inclusion Advisory Committee

Member	22/10/2015	26/11/2015		
Councillor Barry Calvert	A	✓		
Councillor Leigh Williams	✓	A		
Mr Alan Aldrich	A	✓		
Ms Alison Baidon	✓	A		
Mr Robert Bosshard	✓	✓		
Ms Debbie Court	✓	✓		
Mr Desmond Crane	✓	✓		
Mr Ken Ferris	A	A		
Ms Carolyn Lucas	✓	✓		
Mr Gary London	✓	✓		
Ms Mary-Jo McDonnell	A	A		
Ms Melanie Oxenham	✓	A		

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

It was noted on Page 4 of the minutes, under the second bullet point, that the wording by Ms Lucas should state that the NDIS will refer people who do not have any assistance.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr Desmond Crane and seconded by Ms Debbie Court that the Minutes of the Hawkesbury Access and Inclusion Advisory Committee held on the 22 October 2015, be confirmed.

SECTION 3 - Reports for Determination

Item: 1 HAIAC - Master Locksmith Access Key System - (124569, 96328)

DISCUSSION:

- Ms Ang indicated that as Council's contractor is not a member of the Master Locksmith Association, she spoke with other contractors about the introduction and/or changeover to a MLAK key system. Feedback indicates that Council's current key system, including the state of toilet doors, would be factors to be considered likely to impact on cost. Ms Ang noted that the contractors did not report any more vandalism using this system.
- Ms Ang advised that Council's Building Services provides updates on the provision of toilet facilities to the National Public Toilet map. Council's Building Services have provided a list of accessible toilets in the Hawkesbury that are open all the time, including afterhours, and Ms Ang will email the list of these facilities to the Committee.
- Ms Ang advised that the need for improved accessible toilet facilities has been identified in the Access and Inclusion Plan, with the inclusion of an activity to investigate the cost and feasibility of installing MLAK to public facilities by a working group.
- Cllr Calvert enquired if the Committee would like to recommend to Council that there must be one of these in each Community Centre.
- Mr Aldrich referred to a comment in the past made by a sports organisation that indicated they do not provide out of hours toilet access because of vandalism and the need to clean the toilets.
- Cllr Calvert indicated it seems a sensible approach that visitors to the area be able to use their MLAK key.
- Mr Crane requested that Council be asked to install at least one MLAK key accessible toilet in major shopping areas.
- Mr Litwin suggested he prepare a report for the Committee providing relevant costs, including evidence based information, to enable the Committee to make a recommendation on the type of system to be installed, so that Council can assess available funds.
- Cllr Calvert suggested that the Committee strongly recommend the MLAK Key System to Council. A further report can then be provided with the list of toilets to target.
- Ms Court indicated that Council be asked to adopt the MLAK Key System and to automatically, in future, include the System in any of new accessible toilet facilities.
- Mr Litwin will prepare a report for Council's first meeting in 2016. Mr Litwin will develop an implementation program and will also prepare the list of toilets to target and email it to the Committee for comment.

RECOMMENDATION TO COMMITTEE:

That:

1. That the information be received.
2. The Committee consider a report to Council for implementation of the MLAK key system.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr Gary London, seconded by Ms Debbie Court.

That:

1. The information be received.
2. A report be prepared to Council recommending the implementation and progressive roll-out of the MLAK key system in public accessible toilets throughout the Hawkesbury.

Item: 2 HAIAC - Access and Inclusion Policy - (124569, 96328)

DISCUSSION:

- Ms Ang advised the Access and Inclusion Policy is to be reviewed every two years, and that the report details all feedback received from the Committee to date.
- Ms Ang referred to the points raised by Ms Oxenham and advised they are straight forward in terms of implementation, noting also that the change in legislation resulting in the name change to the Disability Inclusion Act 2014 had been included.
- Ms Ang referred to the request received from Mr Aldrich for further discussion on Principles 2 and 3 and called for comments on these items.
 - Mr Aldrich referred to Principle 2 and suggested that adherence to the relevant Code should be included. Mr Litwin advised that anything now that is built or constructed requires adherence to the relevant Code. The requirement could be added, however Principle 2 is about how we implement it in practice.
 - Mr Aldrich referred to Principle 3 and indicated it means that places are to be made more suitable for people who are using them, however believes at the moment they are just add-ons. Mr Litwin advised the actions listed are not meant to be exhaustive; rather they are ways in which it can be implemented.
 - Mr Litwin enquired if there was a specific issue to which Mr Aldrich was referring. Mr Aldrich referred to the problems associated with the various car parks, noting specifically issues relating to Kable Street. Cllr Calvert moved this item for further discuss to General Business.
- Cllr Calvert enquired if the Access and Inclusion Policy is given to developers when they want to build a new centre.
 - Mr Litwin advised that construction falls under the relevant Building Code. However, it may be possible to include reference to Council's Access and Inclusion Policy in tender documentation for building works.

ORDINARY MEETING
Reports of Committees

- Mr Litwin advised that if we change the Policy, we would have to report to Council, and depending on the change, may have to go on public exhibition.
- Ms Lucas agreed with the changes proposed by Ms Oxenham.
- Mr Litwin will prepare the revised draft Policy and email it to Committee for comment. A report will then be prepared for Council.

RECOMMENDATION TO COMMITTEE:

That:

1. The information be received.
2. The Committee adopt the proposed changes to the Access and Inclusion Policy, as determined at the meeting on 26 November 2015.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Barry Calvert, seconded by Mr Desmond Crane.

That:

1. The information be received.
2. The Committee adopt the proposed changes to the Access and Inclusion Policy, as determined at the meeting on 26 November 2015.
3. A report be prepared for Council incorporating the revised draft Access and Inclusion Policy.

Item: 3 HAIAC - Progress on Access and Inclusion Plan - (124569, 96328)

DISCUSSION:

- Ms Ang provided an update on progress as follows:
 - The report in this business paper regarding the MLAK Key System will progress Requirement 2.7 under Focus Area - Participation in Community Life.
 - The organisers of the Hawkesbury Business Awards have been requested to include accessible access as part of the awareness. The Awards will next be held in April 2016.
 - The Working Group has conducted an awareness campaign as part of the audit process to advise participants of financial assistance available through Council's Community Sponsorship Program.
 - Ms Ang gave a presentation on accessibility to the Hawkesbury City Chamber of Commerce (HCCC) which included access for employees and the disabled. The HCCC agreed to include accessible awareness in their Chamber and will take the discussions back to their Committee. The Chamber has a business guide similar to the Committee's Audit Checklist.

ORDINARY MEETING
Reports of Committees

- Ms Ang contacted the Centre Manager of Richmond Market Place who has agreed to meet with Mr Aldrich and Ms Ang to discuss accessibility in the marketplace. The Centre Manager agreed to contact Mr Aldrich to discuss arrangements.
 - Mr Aldrich advised the Centre Manager did contact him and will discuss a suitable day for Ms Ang to meet during the next week.
 - Mr Aldrich indicated that discussions will include the under height of tables, the position of the legs of the tables, spaces between tables, and distance between tables to ensure a wheelchair can move easily between tables.
 - Ms Ang would like to arrange training for stallholders.
 - Ms Ang advised that council will provide funding to stallholders on a \$ for \$ basis for related access improvements.
- Ms Ang now sits on a national disability committee.
- Cllr Calvert thanked Ms Ang for her work in getting the accessibility message out to the business community.

RECOMMENDATION TO COMMITTEE:

That the matters raised by the Committee relating to the progress of the Access and Inclusion Plan, be noted.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr Desmond Crane, seconded by Ms Carolyn Lucas.

That the matters raised by the Committee relating to the progress of the Access and Inclusion Plan, be noted.

Item: 4 HAIAC - Access and Inclusion Advisory Committee Audits - (124569, 96328)

DISCUSSION:

- Ms Ang advised that an audit had been conducted at the Richmond Market Place.
- Ms Court enquired if the edge of the gutters had also been audited. Ms Ang advised the gutters were audited and some of the works have already been undertaken.
- Ms Court referred to South Windsor Shopping area and advised that recently a person had been seen driving down the centre of the road on a mobility scooter as there is no ramp access to footpaths at that location. Ms Ang advised an audit of the gutters at South Windsor Shopping Centre will be added to the audit list.
- Mr Crane noted there appears to be no progress to date with the identified disability issues in the car parks of both the Glossodia and Wilberforce Shopping Centres. Ms Ang will follow-up progress with relevant Council staff.
- Ms Court has been advised that Hawkesbury Hotel does not provide an accessible toilet, which necessitates male patrons with a disability to use the female facilities. Ms Court asked if Council would write to local businesses requesting they address this issue.

ORDINARY MEETING
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- Mr Litwin advised that unfortunately businesses are only required to install accessible facilities if they are making changes to their premises/facilities.
- Mr Aldrich noted the difficulty in educating businesses about accessibility requirements in Heritage listed buildings.

RECOMMENDATION TO COMMITTEE:

That matters raised by the Committee in relation to Access and Inclusion Advisory Committee audits, be noted.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Barry Calvert, seconded by Ms Debbie Court.

That the matters raised by the Committee in relation to Access and Inclusion Advisory Committee audits be noted for action, where required.

SECTION 4 - General Business

- **Kable Street**

Mr Aldrich referred to the problems associated with accessibility to the various car parks, in particular to the carpark in Kable Street, where this is a variation in the width and level of the various parking bays making disabled access difficult. Mr Aldrich has requested in the past on a number of occasions that this be addressed.

Clr Calvert suggested that this is a maintenance issue and can be followed up from this Committee. Mr Litwin will discuss the issues at Kable Street with the Manager, Buildings and Associated Services and report back to the Committee on next steps.

- **Disabled Parking**

Mr Aldrich will prepare a list of the car parks that require accessibility attention and provide it to the Committee.

Mr Litwin advised that it is the purpose of this Committee to review accessibility car parks. The issue for Council is prioritising the works. Mr Litwin will invite the manager responsible for car parks to attend a Committee meeting to provide the opportunity for the Committee to raise the various points.

Mr London advised that the visibility of disabled parking signage could be improved if it was a different colour.

- **Council Website - Promotion of NDIS Scheme**

Ms Ang referred to the NDIS website and advised that Council will also provide information on its website for people trying to access the NDIS Scheme.

ORDINARY MEETING
Reports of Committees

- **Shopfront Accessibility Sticker**

Mr Aldrich advised that Auburn City Council has provided a sticker to local businesses for display in shopfront windows demonstrating that disabled access is provided. The recognition system works well in Auburn for the disabled and would work well here in the Hawkesbury. Mr Aldrich has raised this matter previously.

Ms Ang advised she has spoken with Auburn City Council. The sticker was provided by an external access consultant to a select group of businesses, as part of an initiative with the council. The sticker was designed to highlight accessible businesses to the public, people with a disability, including people using prams and those who use mobility aids. Participating businesses were promoted in Council's accessible guide, showing all the accessible areas in the LGA. Various challenges were encountered including accessibility to business premises.

Clr Calvert enquired if Council is on track to introduce a similar system. Ms Ang advised that the concern is that if Council promotes a business accessible and they do not do accessibility correctly, then Council could rightly be criticised for providing misleading information.

Clr Calvert enquired how Auburn City Council gets around this and Ms Ang advised they used a disclaimer. Everyone got on board to put the sticker out there and the program was launched earlier this year.

Mr Bosshard enquired what happens when the business owner changes. Mr London advised that it is like any other business - if you are not providing the service, you remove the sticker.

Mr Aldrich suggested that the Hawkesbury Chamber of Commerce (HCCC) be requested to come on board and recommend it to their businesses as a good thing to promote. Ms Ang advised that she has spoken with the HCCC several times.

The item on the Shopfront Accessibility Sticker will be placed on the agenda for the next Committee meeting to promote further discussion on the best way to implement the program.

- **Accessibility Equipment - Ham Common**

Mr Litwin advised that Council will launch the recent installation of accessibility equipment at Ham Common in the near future. Details will be provided.

The meeting terminated at 5:15pm.

Submitted to and confirmed at the meeting of the Hawkesbury Access and Inclusion Advisory Committee held on 25 February 2016.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC Local Traffic Committee - 8 February 2016 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Large Committee Room, Windsor, on 8 February 2016, commencing at 3pm.

Present:	Councillor Kim Ford (Chairman) Snr Constable Rob Wright, NSW Police Force Mr James Suprain, Roads and Maritime Services Mr Steve Grady, Busways
Apologies:	Inspector Ian Woodward, NSW Police Force Snr Constable Debbie Byrnes, NSW Police Force Ms Jill Lewis, NSW Taxi Council
In Attendance:	Mr Chris Amit, Manager, Design and Mapping Services Ms Judy Wong, Community Safety Coordinator Ms Cathy Mills, PA, Infrastructure Services Mr Ralph Harlander, Taxi Driver, Local Taxi Companies Representative

RESOLVED on the motion of Senior Constable Rob Wright, seconded by Mr James Suprain that the apologies be accepted.

SECTION 1 - Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the motion of Councillor Kim Ford, seconded by Mr James Suprain that the minutes from the previous meeting held on Monday, 11 January 2016 be confirmed.

Item 1.2 Business Arising

There was no Business Arising.

SECTION 2 - Reports for Determination

Item: 2.1 LTC - Convict 100 Mountain Biking Event 2016 - St Albans (Hawkesbury) - (80245, 85193)

REPORT:

An application has been received from Maximum Adventure Pty Ltd seeking approval (in traffic management terms) to conduct the Convict 100 Mountain Biking Event 2016 - St Albans, on Saturday, 30 April 2016.

The event organiser has advised:

- The event is a Mountain Bike (Cycling) Endurance Race in and around the St Albans and Macdonald Valley areas;

ORDINARY MEETING
Reports of Committees

- The event has been held for 11 years and was previously known as the Dirk Works 100 Kilometre Classic;
- The event gets its name from the old Convict trail it traverses;
- The event will be undertaken between 6:30am and 6pm;
- Approximately 1,200 participants are expected for the event;
- Approximately 100 spectators and their vehicles are expected. Parking will be available on private land;
- There are three courses for the event; 100, 68 and 44 kilometres;
- The start and finish of the race will be in the town of St Albans, on Wharf Street;
- The event route is similar to previous years;
- It is proposed to close a section of Wharf Street, between Bulga Street and Wollombi Road, St Albans (100 metre long sealed section), commencing from 8am on Friday, 29 April 2016, through to 6pm on Saturday, 30 April 2016;
- Consultation has been undertaken with the adjoining property owners relating to the proposed road closure. Arrangements will be made with these residents to allow access when requested;
- Participants will compete on a two-leaf clover route format, covering approximately 100 kilometres of fire trail, single track and dirt roads through the National Parks, private properties and public roads;
- The course will be clearly marked for riders to follow;
- Marshalls with high visibility vests and radios will be positioned at junctions, warning cyclists of on-coming traffic and the track ahead;
- Signs will be positioned throughout the course to warn other users of the event;
- The event route will cross the Macdonald River at the two points shown on the Event Route Plans contained in Attachment 1, 2 and 3. Crossing of the Macdonald River will be undertaken either by walking across if the water level is ankle deep and safe to do so or alternatively utilising a 'pontoon bridge' configuration at each location. Permission will be obtained from the adjoining property owners on either side of the River.

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 the Roads and Maritime Services - RMS (formerly RTA) as the event may impact minor traffic and transport systems, which includes the proposed road closure along the specified route, and there may be a low scale disruption to the non-event community.

The endurance mountain biking event is predominantly on tracks within the Parr State Conservation Area, Yengo National Park, private properties and on the following public roads;

- Bulga Street – Sealed Road.
- Settlers Road – Sealed and Unsealed Road.
- Shepherds Gully Road – Unformed Road.
- St Albans Road – Sealed Road.
- Upper Macdonald Road – Unsealed Road.
- Webbs Creek Mountain Road - Unsealed Road
- Wharf Street – Sealed Road.
- Wollombi Road – Sealed and Unsealed Road.

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- Wrights Creek Road - Unsealed Road.
- Macdonald River – Two river crossing points

The event is also traversing along the Great Northern Road, which is under the care and control of the National Parks and Wildlife Service - (Office of Environment and Heritage).

The Transport Management Plan (TMP) and the associated Traffic Control Plan (TCP) is to be submitted to the Transport Management Centre (TMC) for authorisation due to the proposed road closure of Wharf Street, between Bulga Street and Wollombi Road, St Albans (100 metre long sealed section).

The event organiser has submitted the following items in relation to the event: Attachment 6 (ECM Document Set ID No. 5266273):

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 (Roads and Maritime Services - RMS),
4. Emergency Management Plan, and Traffic Control Plans (TCP),
5. Event Route Plans,
6. Road Closure/Detour Plan,
7. Copy of Insurance Policy which is valid to 11 February 2016,
8. Copy of the Advertisement for the Event – which does not mention the proposed road closure.

RECOMMENDATION TO COMMITTEE:

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Convict 100 Endurance Mountain Biking Event 2016 - St Albans, event planned for Saturday, 30 April 2016 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 the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted – which includes the road closure of a section of Wharf Street between Bulga Street and Wollombi Road, St Albans commencing from 8am on Friday, 29 April 2016, through to 6pm on Saturday, 30 April 2016; and the following conditions:

Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health 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 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 the Transport Management Centre – TMC as a road closure is proposed for a section of Wharf Street between Bulga Street and Wollombi Road, St Albans commencing from 8am on Friday, 29 April 2016, through to 6pm on Saturday, 30 April 2016; **a copy of the Transport Management Centre – TMC approval to be submitted to Council;**
- 4e. the event organiser is to **submit a Transport Management Plan (TMP) for the entire route/event to Council, the Roads and Maritime Services - RMS and the Transport Management Centre (TMC)** for acknowledgement;
- 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 the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4g. as the event involves the closure of a public road and the traverse of public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the road;
- 4h. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be addressed and outlined in the TMP;
- 4i. the event organiser is to obtain the relevant approval to cross the Macdonald River from the Roads and Maritime Services - RMS (formerly NSW Maritime); **a copy of this approval to be submitted to Council;**
- 4j. the event organiser is to obtain the relevant approval from the Office of Environment and Heritage to access and cross the Macdonald River; **a copy of this approval to be submitted to Council;**

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- 4k. the event organiser is to obtain approval from the National Parks and Wildlife Service (Office of Environment and Heritage) for the use the Parr State Conservation Area, Yengo National Park and the Great Northern Road; **a copy of this approval to be submitted to Council;**
- 4l. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of a Council Park/Reserve;
- 4m. the event organiser is to obtain approval from the NSW Department of Primary Industries for the use of any Crown Road or Crown Land; **a copy of this approval to be submitted to Council;**
- 4n. the event organiser is to obtain approval from the respective Land Owners for the use of their land as part of the route for the event; **a copy of this approval to be submitted to Council;**
- 4o. 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 closure, detour route 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);
- 4p. 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;**
- 4q. 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;**
- 4r. 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 to be submitted to Council;**
- 4s. 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:

- 4t. access is to be maintained for businesses, residents and their visitors;
- 4u. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4v. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4w. the cyclists are to be made aware of and are to follow all the general road user rules whilst cycling on public roads;
- 4x. 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, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);

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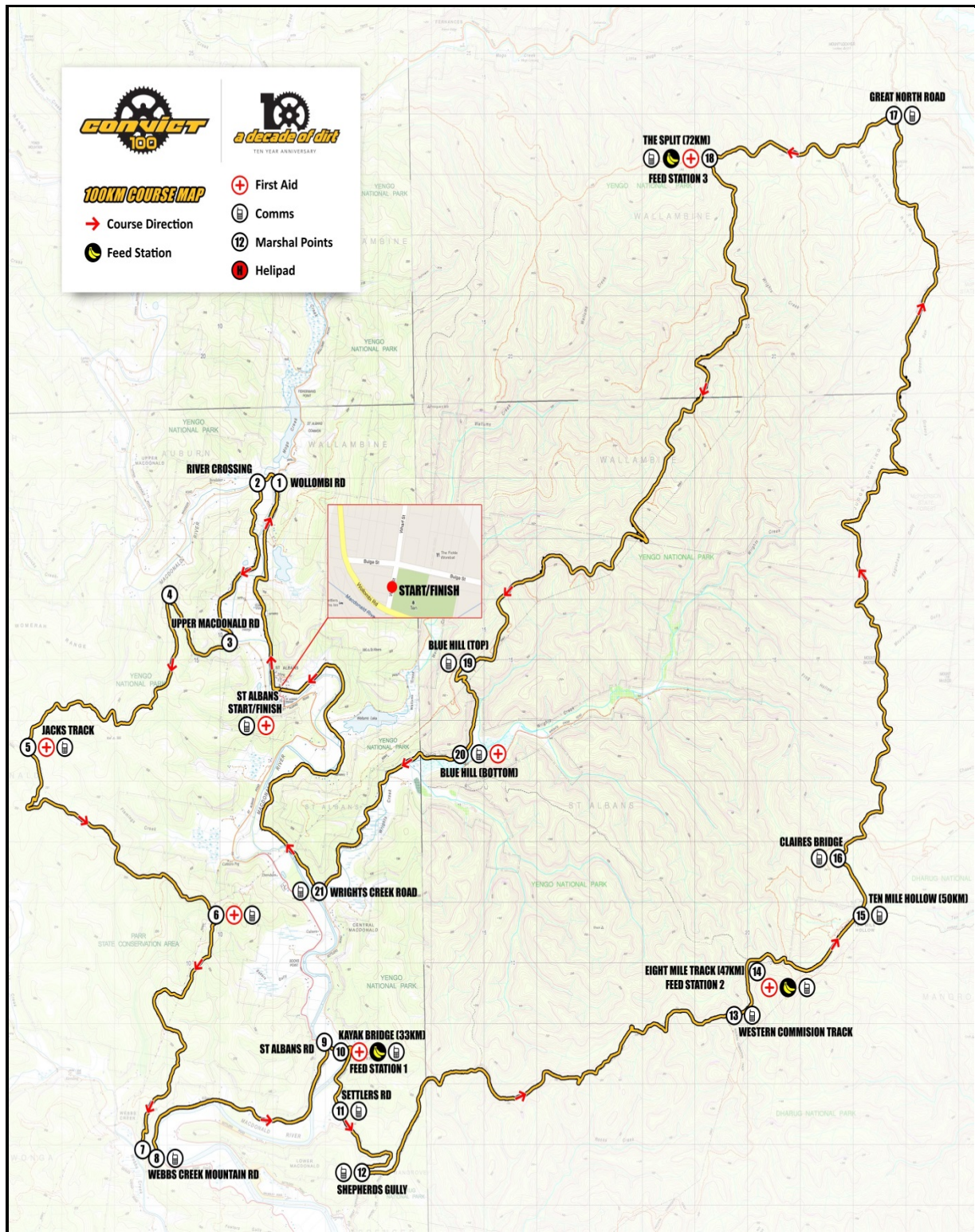
- 4y. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4z. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity, and,
- 4aa. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be undertaken as outlined in the TMP.

APPENDICES:

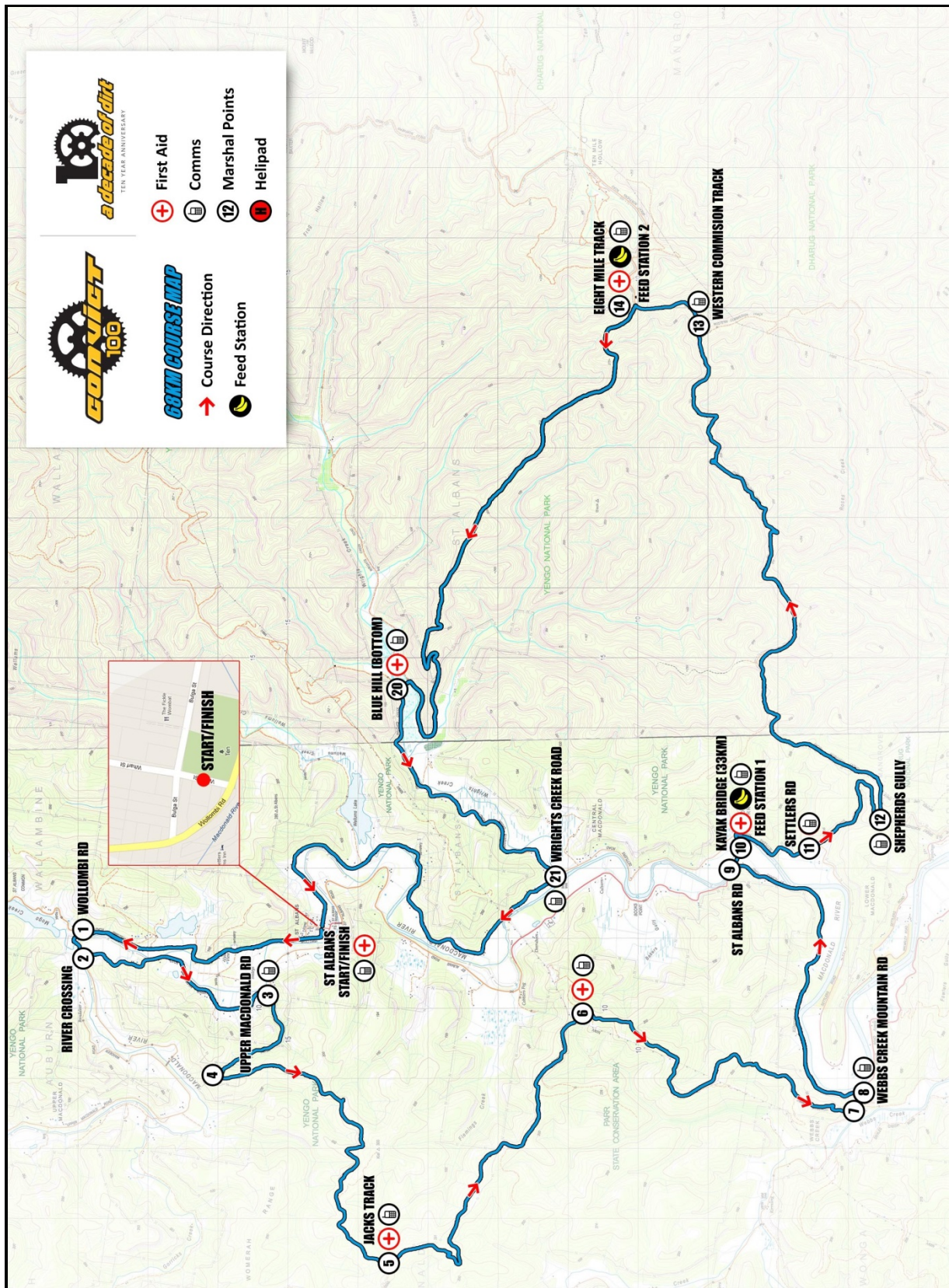
- AT - 1** Event Route Plan – 100 Kilometre Route - Convict 100 Mountain Biking Event 2016 - St Albans.
- AT - 2** Event Route Plan – 68 Kilometre Route - Convict 100 Mountain Biking Event 2016 - St Albans.
- AT - 3** Event Route Plan – 44 Kilometre Route - Convict 100 Mountain Biking Event 2016 - St Albans.
- AT - 4** Event Centre Plan - Convict 100 Mountain Biking Event 2016 - St Albans.
- AT - 5** Wharf Street Road Closure Plan - Convict 100 Mountain Biking Event 2016 - St Albans
- AT – 6** Special Event Application - (ECM Document Set ID No. 5266273) - *see attached.*

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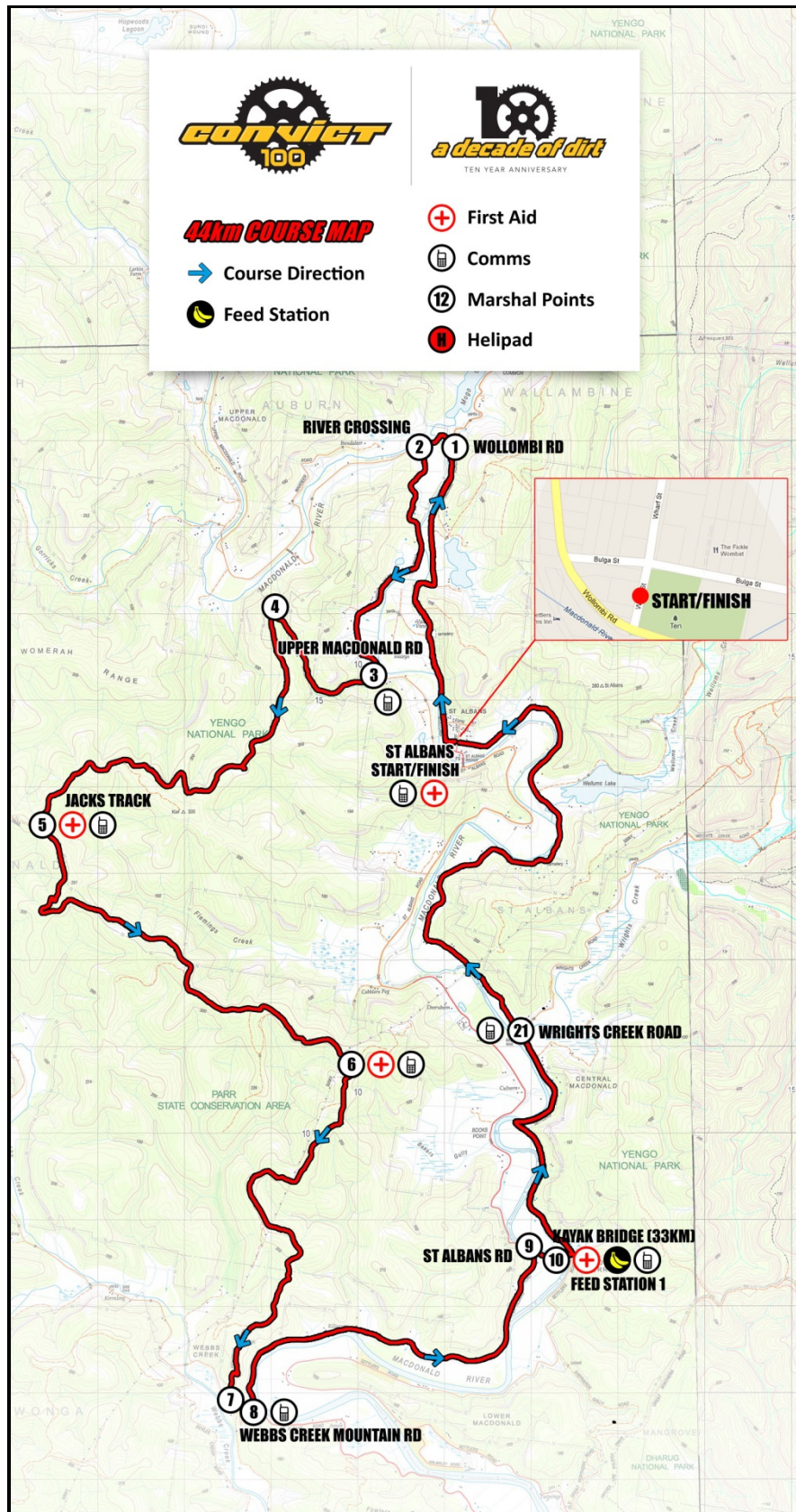
**AT – 1 Event Route Plan – 100 Kilometre Route - Convict 100 Mountain Biking Event 2016 -
St Albans**



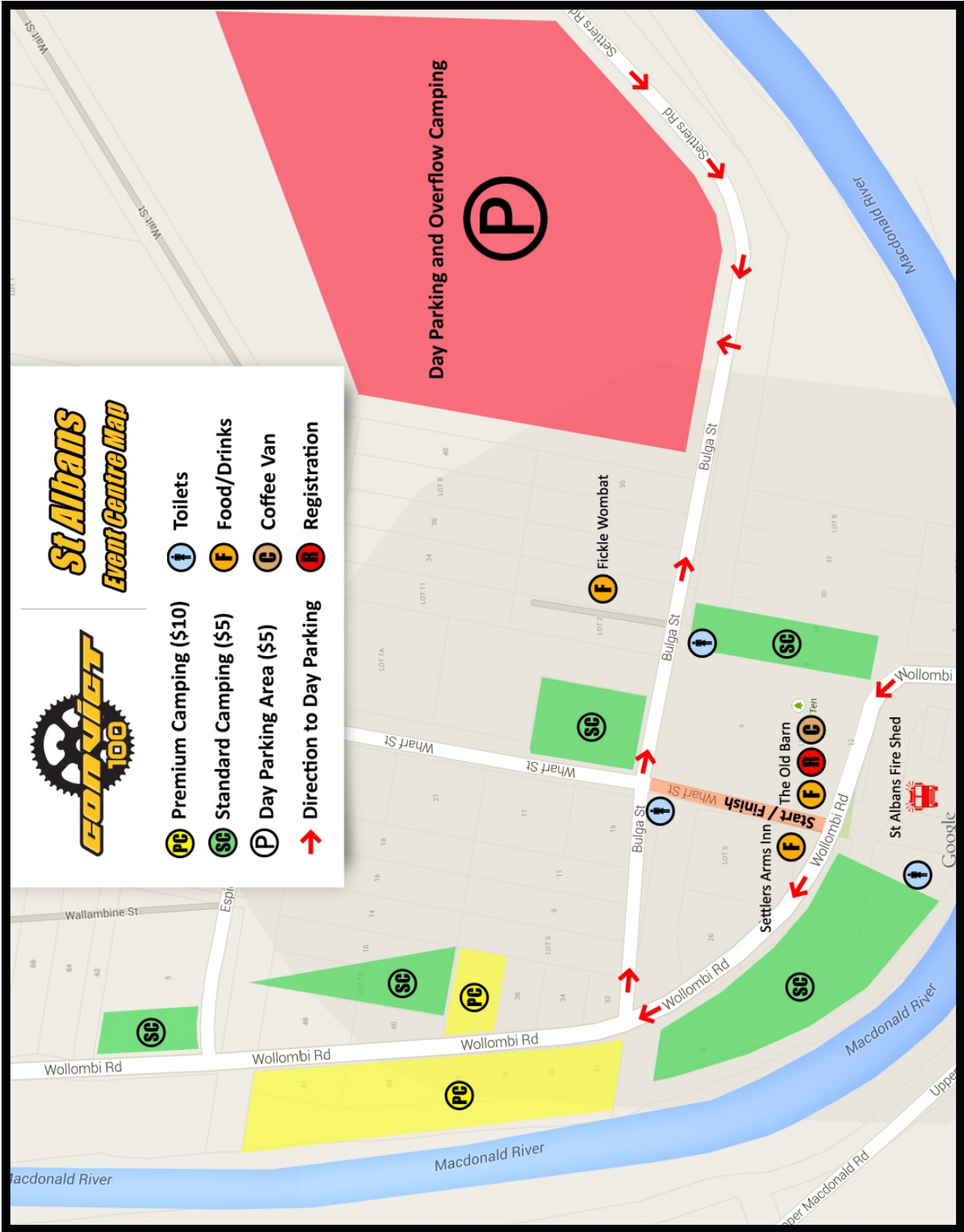
**AT – 2 Event Route Plan – 68 Kilometre Route - Convict 100 Mountain Biking Event 2016 -
St Albans**



**AT - 3 Event Route Plan – 44 Kilometre Route - Convict 100 Mountain Biking Event 2016 -
St Albans**



AT - 4 Event Centre Plan - Convict 100 Mountain Biking Event 2016 - St Albans



COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr James Suprain, seconded by Senior Constable Rob Wright.

Support for the Recommendation: Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Convict 100 Endurance Mountain Biking Event 2016 - St Albans, event planned for Saturday, 30 April 2016 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 the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted – which includes the road closure of a section of Wharf Street between Bulga Street and Wollombi Road, St Albans commencing from 8am on Friday, 29 April 2016, through to 6pm on Saturday, 30 April 2016; and the following conditions:

Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health 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 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;**

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- 4d. the event organiser is to obtain approval from the Transport Management Centre – TMC as a road closure is proposed for a section of Wharf Street between Bulga Street and Wollombi Road, St Albans commencing from 8am on Friday, 29 April 2016, through to 6pm on Saturday, 30 April 2016; **a copy of the Transport Management Centre – TMC approval to be submitted to Council;**
- 4e. the event organiser is to **submit a Transport Management Plan (TMP) for the entire route/event to Council, the Roads and Maritime Services - RMS and the Transport Management Centre (TMC)** for acknowledgement;
- 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 the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activities;**
- 4g. as the event involves the closure of a public road and the traverse of public roads, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the road;
- 4h. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be addressed and outlined in the TMP;
- 4i. the event organiser is to obtain the relevant approval to cross the Macdonald River from the Roads and Maritime Services - RMS (formerly NSW Maritime); **a copy of this approval to be submitted to Council;**
- 4j. the event organiser is to obtain the relevant approval from the Office of Environment and Heritage to access and cross the Macdonald River; **a copy of this approval to be submitted to Council;**
- 4k. the event organiser is to obtain approval from the National Parks and Wildlife Service (Office of Environment and Heritage) for the use the Parr State Conservation Area, Yengo National Park and the Great Northern Road; **a copy of this approval to be submitted to Council;**
- 4l. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of a Council Park/Reserve;
- 4m. the event organiser is to obtain approval from the NSW Department of Primary Industries for the use of any Crown Road or Crown Land; **a copy of this approval to be submitted to Council;**
- 4n. the event organiser is to obtain approval from the respective Land Owners for the use of their land as part of the route for the event; **a copy of this approval to be submitted to Council;**
- 4o. 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 closure, detour route 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);
- 4p. 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;**

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- 4q. 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;**
- 4r. 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 to be submitted to Council;**
- 4s. 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:

- 4t. access is to be maintained for businesses, residents and their visitors;
- 4u. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4v. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4w. the cyclists are to be made aware of and are to follow all the general road user rules whilst cycling on public roads;
- 4x. 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, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4y. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4z. 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, and,
- 4aa. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be undertaken as outlined in the TMP.

Item: 2.2 LTC - Hawkesbury Triathlon Club Races, July 2016 to June 2017 - (Hawkesbury) - (80245, 89093)

REPORT:

Introduction:

An application has been received from the Hawkesbury Triathlon Club seeking approval (in traffic management terms) to conduct nine Triathlon/Duathlon races between July 2016 and June 2017, utilising Deerubbin Park, Cornwallis, as a base area.

The event organiser has advised;

- The Triathlon and Duathlon Club races involve Swimming, Cycling and Running,
- The event has been held for the past 19 years,
- Maximum of 50 participants are expected,
- The event is a race,
- Approximately 20 spectators are expected,
- Event Schedule:
 - Sunday – July 31, 2016; Duathlon 8am to 11:30am,
 - Sunday – August 28, 2016; Duathlon 8am to 11:30am,
 - Sunday – September 25, 2016; Triathlon 7am to 10:30am,
 - Sunday – December 11, 2016; Triathlon 7am to 10:30am,
 - Sunday – February 05, 2017; Triathlon 7am to 10:30am,
 - Sunday – March 26, 2017; Triathlon 7am to 10:30am,
 - Sunday – April 30, 2017; Triathlon 7am to 10:30am,
 - Sunday – May 28, 2017; Duathlon 8am to 11:30am,
 - Sunday – June 25, 2017; Duathlon 8am to 11:30am.
- Event Description:

Triathlon:

Swim: 500 metres -Two laps within the Hawkesbury River,

Cycle: 20 kilometres -Two laps of the following route;

 - Commencing at Deerubbin Park, Cornwallis, and entering Cornwallis Road,
 - Travel along Cornwallis Road and turn left into Cupitts Lane,
 - Travel along Cupitts Lane and turn left into Percival Street,
 - Travel along Percival Street and turn left into Hawkesbury Valley Way - RMS road (Formerly Richmond Road),
 - Travel along Hawkesbury Valley Way (across Rickabys Creek Bridge) and turn left into Moses Street,
 - Travel along Moses Street and turn left into Greenway Crescent,
 - Travel along Greenway Crescent into Cornwallis Road and back to Deerubbin Park.

Run: 5 kilometres - Two laps (within Deerubbin Park and Howe Park extending along and adjacent to The Terrace towards Windsor Bridge and back to Deerubbin Park).

Duathlon:

Run: 2.5 kilometres - One lap (within Deerubbin Park and Howe Park extending along and adjacent to The Terrace towards Windsor Bridge and back to Deerubbin Park),

Cycle: 20 kilometres - Similar to the Triathlon,

Run: 5 kilometres - Two laps (within Deerubbin Park and Howe Park extending along and adjacent to The Terrace towards Windsor Bridge and back to Deerubbin Park).

- No road closures are required,
- The Triathlon and Duathlon cycle legs are to run in an anti-clockwise direction to allow only left hand turns,
- The competitors are to remain in the cycle lane where there is a cycle lane marked on the roadway,
- Road Marshalls will be positioned along the route,
- The course is to be checked by the race director or authorised delegate prior to each ride being started,
- All competitors must be briefed of any hazards and course direction prior to the event starting,
- An application has been made to the Hawkesbury Sports Council Inc for the use of Deerubbin Park.

Refer to Attachment 1: Event Route Plan – Hawkesbury Triathlon and Duathlon Club Races 2016-2017.

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 the Roads and Maritime Services - RMS (formerly RTA) as the event may disrupt minor traffic and transport systems along the specified route and there may be a low scale disruption to the non-event community.

The event organiser has submitted the following items in relation to the event: Attachment 2 (ECM Document Set ID No: 5299515):

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 (Roads and Maritime Services - RMS),
4. Club Race Dates and the Event Route Plan for the 2016-2017 events,
5. Copy of correspondence forwarded to the Hawkesbury Sports Council Inc.

RECOMMENDATION TO COMMITTEE:

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Hawkesbury Triathlon and Duathlon Race events, utilising Deerubbin Park, Cornwallis, as a base area planned for;
 - Sunday – July 31, 2016; Duathlon 8am to 11:30am,
 - Sunday – August 28, 2016; Duathlon 8am to 11:30am,
 - Sunday – September 25, 2016; Triathlon 7am to 10:30am,
 - Sunday – December 11, 2016; Triathlon 7am to 10:30am,
 - Sunday – February 05, 2017; Triathlon 7am to 10:30am,
 - Sunday – March 26, 2017; Triathlon 7am to 10:30am,
 - Sunday – April 30, 2017; Triathlon 7am to 10:30am,
 - Sunday – May 28, 2017; Duathlon 8am to 11:30am,
 - Sunday – June 25, 2017; Duathlon 8am to 11:30am,

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 the Roads and Maritime Services - RMS (formerly RTA).

3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health 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);

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- 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 the Roads and Maritime Services - RMS (formerly RTA) as the event will traverse across Rickabys Creek Bridge along Hawkesbury Valley Way which is under the care and control of the Roads and Maritime Services - RMS (formerly RTA); **a copy of the Roads and Maritime Services - RMS (formerly RTA) approval to be submitted to Council;**
- 4e. the event organiser is to **submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP) to Council and the Roads and Maritime Services - RMS (formerly RTA)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4f. as the event will traverse across Rickabys Creek Bridge located along Hawkesbury Valley Way which is under the care and control of the Roads and Maritime Services - RMS (formerly RTA), 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 the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activity;**
- 4g. as the event will traverse public roads and require traffic control, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4h. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from the Roads and Maritime Services - RMS (formerly NSW Maritime); **a copy of this approval to be submitted to Council;**
- 4i. the event organiser is to obtain the relevant approval from the Office of Environment and Heritage to access the Hawkesbury River; **a copy of this approval to be submitted to Council;**
- 4j. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of a Council Park/Reserve;
- 4k. the event organiser is to obtain written approval from Hawkesbury Sports Council Inc for the use of Deerubbin Park and Howe Park; **a copy of the correspondence to be submitted to Council;**
- 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 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);
- 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;**

ORDINARY MEETING

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- 4n. the event organiser is to directly notify relevant bus companies and tourist bus operators operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 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 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 4 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 the Roads and Maritime Services - RMS (formerly RTA);
- 4t. the runners and cyclists are to be made aware of and are to follow all the general road user rules whilst running and cycling on public roads;
- 4u. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4v. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4w. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

APPENDICES:

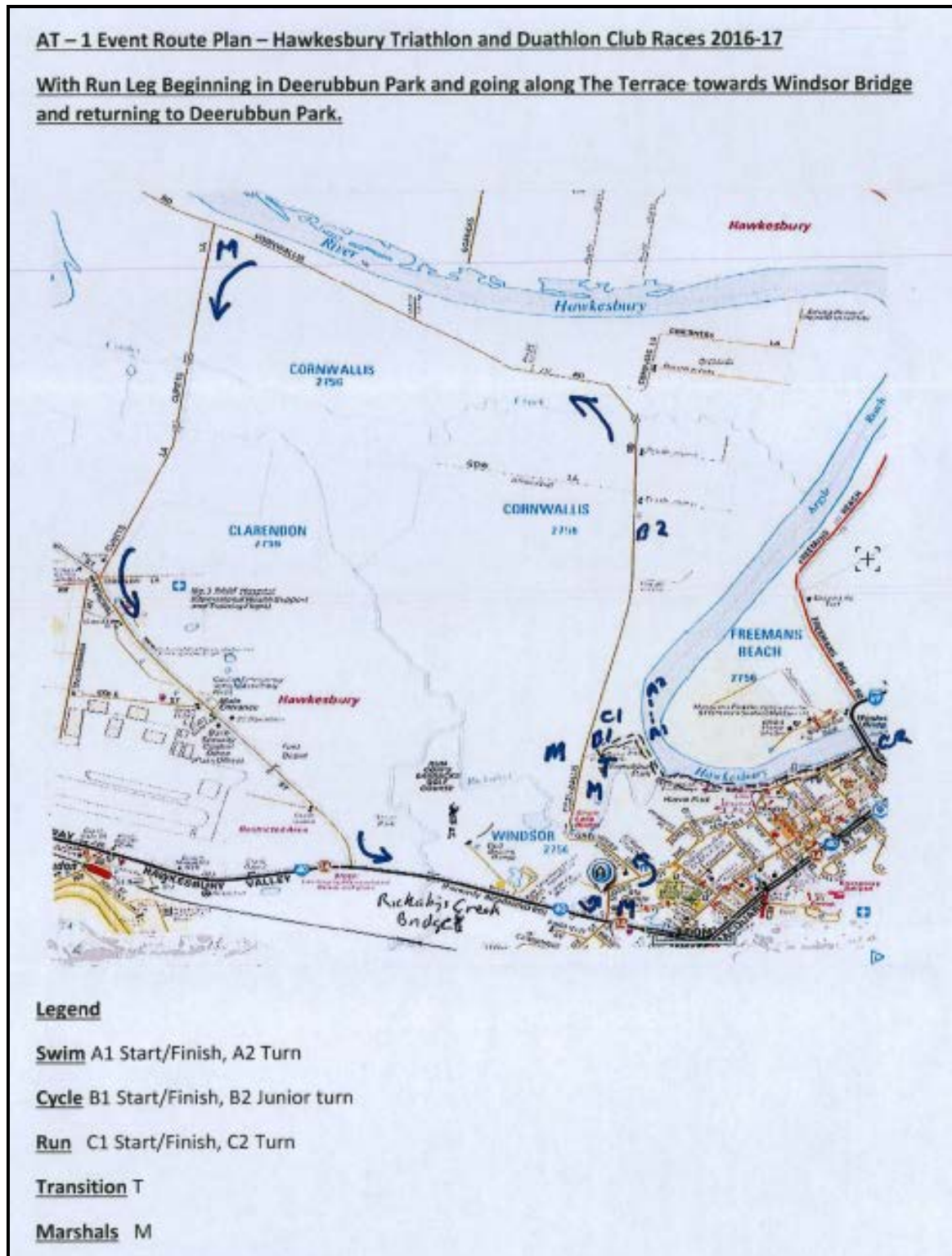
AT 1 Event Route Plan – Hawkesbury Triathlon and Duathlon Club Races 2016-2017.

AT 2 Special Event Application - (ECM Document Set ID No. 5299515) - *see attached*

Committee Discussion:

Mr J Suprain advised the Committee of concerns regarding the event utilising Hawkesbury Valley Way (RMS road). Mr J Suprain requested that the event organiser in consultation with the Traffic Management Centre (TMC) be required to reduce the speed limit along Hawkesbury Valley Way for the event. The cyclists also not be permitted to overtake along Hawkesbury Valley Way during the event. The Committee accepted the recommendation and additional approval conditions 5a. and 5b. have been added to the Committee Recommendation accordingly.

AT – 1 Event Route Plan – Hawkesbury Triathlon and Duathlon Club Races 2016-2017



COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Kim Ford, seconded by Senior Constable Rob Wright.

Support for the Recommendation: Unanimous support

That

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Hawkesbury Triathlon and Duathlon Race events, utilising Deerubbin Park, Cornwallis, as a base area planned for;
 - Sunday – July 31, 2016; Duathlon 8am to 11:30am,
 - Sunday – August 28, 2016; Duathlon 8am to 11:30am,
 - Sunday – September 25, 2016; Triathlon 7am to 10:30am,
 - Sunday – December 11, 2016; Triathlon 7am to 10:30am,
 - Sunday – February 05, 2017; Triathlon 7am to 10:30am,
 - Sunday – March 26, 2017; Triathlon 7am to 10:30am,
 - Sunday – April 30, 2017; Triathlon 7am to 10:30am,
 - Sunday – May 28, 2017; Duathlon 8am to 11:30am,
 - Sunday – June 25, 2017; Duathlon 8am to 11:30am,

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 the Roads and Maritime Services - RMS (formerly RTA).

3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

Prior to the event:

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health 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);

ORDINARY MEETING
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- 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 the Roads and Maritime Services - RMS (formerly RTA) as the event will traverse across Rickabys Creek Bridge along Hawkesbury Valley Way which is under the care and control of the Roads and Maritime Services - RMS (formerly RTA); **a copy of the Roads and Maritime Services - RMS (formerly RTA) approval to be submitted to Council;**
- 4e. the event organiser is to **submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP) to Council and the Roads and Maritime Services - RMS (formerly RTA)** for acknowledgement. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of the relevant Work Cover legislation;
- 4f. as the event will traverse across Rickabys Creek Bridge located along Hawkesbury Valley Way which is under the care and control of the Roads and Maritime Services - RMS (formerly RTA), 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 the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy** and that Policy is to cover **both on-road and off-road activity;**
- 4g. as the event will traverse public roads and require traffic control, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4h. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from the Roads and Maritime Services - RMS (formerly NSW Maritime); **a copy of this approval to be submitted to Council;**
- 4i. the event organiser is to obtain the relevant approval from the Office of Environment and Heritage to access the Hawkesbury River; **a copy of this approval to be submitted to Council;**
- 4j. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of a Council Park/Reserve;
- 4k. the event organiser is to obtain written approval from Hawkesbury Sports Council Inc for the use of Deerubbin Park and Howe Park; **a copy of the correspondence to be submitted to Council;**
- 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 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);
- 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;**

ORDINARY MEETING
Reports of Committees

- 4n. the event organiser is to directly notify relevant bus companies and tourist bus operators operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; **a copy of the correspondence to be submitted to Council;**
- 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 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 4 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 the Roads and Maritime Services - RMS (formerly RTA);
 - 4t. the runners and cyclists are to be made aware of and are to follow all the general road user rules whilst running and cycling on public roads;
 - 4u. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
 - 4v. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
 - 4w. 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.
5. **Additional approval conditions for this event:**
- 5a. the event organiser in consultation with the Traffic Management Centre reduce the speed limit along Hawkesbury Valley Way during the event,
 - 5b. cyclists are not permitted to overtake along Hawkesbury Valley Way during the event.

SECTION 3 - Reports for Information

Item: 3.1 **LTC - RMS Advice on the NSW Government's Additional School Zone Flashing Lights Program - (Hawkesbury) - (80245, 73621, 123265)**

Previous Item: Item 3.1, LTC (13 October 2014)

REPORT:

Advice received from the Roads and Maritime Services - RMS (formerly RTA) that the NSW State Government was completing the implementation of School Zone Flashing Lights at all NSW Schools by the end of December 2015 was reported to the Local Traffic Meeting on 13 October 2014.

These works have been completed for all 35 Schools within the Hawkesbury Local Government Area, with each school having at least one set of School Zone Flashing Lights.

Further advice has been received from RMS indicating that the NSW Government has committed \$5 million towards the provision of additional School Zone Flashing Lights. The information provided by RMS in part is listed below (ECM Document Set ID No. 5210634).

"I am writing to inform you the State Government announced in February 2015 to provide a \$5 million commitment for a second set of flashing lights outside at least 400 schools in NSW. This is in addition to the current rollout of flashing lights to every school in NSW by December 2015.

The new program is expected to commence in early 2016 and be completed by December 2017. Schools eligible to be nominated for a second set of flashing lights will have multiple entrances, and have only one set of flashing lights installed by the end of December 2015.

A second set of school zone flashing lights is intended to cover the second busiest entrance point in the school zone. All nominations received from schools will be prioritised by Roads and Maritime Services using a pedestrian risk model which takes into account a number of factors including approach speed, traffic and pedestrian volumes.

Flashing lights will be retrofitted and installed on existing school zone signage wherever possible.

Roads and Maritime Services are contacting schools to request nominations for a second set of school zone flashing lights.

Once the 400 prioritised schools have been identified, successful schools and corresponding councils will be contacted to confirm the location of the second set of flashing lights.

Once an implementation schedule is finalised, you will receive further communication providing indicative timeframes of when schools in your area will receive their second set of flashing lights."

Listed below are the schools and their adjacent roads, within the Hawkesbury Local Government Area, that have School Zone Flashing Lights:

1. Arndell Anglican College at Wolseley Road, Oakville,
2. Bede Polding College at Rifle Range Road, Bligh Park,
3. Bilpin Public School at Bells Line of Road, Bilpin,
4. Bligh Park Public School at Alexander Street, Bligh Park,
5. Cattai Public School at Cattai Road, Cattai,
6. Chisholm Catholic Primary School at Collith Avenue, South Windsor,

ORDINARY MEETING

Reports of Committees

7. Colo Heights Public School at Putty Road, Colo Heights,
8. Colo High School at Bells Line of Road, North Richmond,
9. Comleroy Road Public School at McMahon's Road, Kurrajong,
10. Ebenezer Public School at Sackville Road, Ebenezer,
11. Freemans Reach Public School at Kurmond Road and Hibberts Lane, Freemans Reach,
12. Glossodia Public School at Golden Valley Drive, Glossodia,
13. Grose View Public School at Grose Wold Road, Grose Wold,
14. Hawkesbury High School at Kurmond Road and Hibberts Lane, Freemans Reach,
15. Hawkesbury Independent School at Comleroy Road, Kurrajong,
16. Hobartville Public School at Valder Avenue, Hobartville,
17. Kurmond Public School at Bells Line of Road, Kurmond,
18. Kurrajong East Public School at East Kurrajong Road, East Kurrajong,
19. Kurrajong North Public School at Bells Line Of Road, Kurrajong Hills,
20. Kurrajong Public School at Grose Vale Road, Kurrajong,
21. Kuyper Christian School at Redbank Road and Greggs Road, Kurrajong,
22. Macdonald Valley Public School at St Albans Road, Central Macdonald,
23. Maraylya Public School at Neich Road, Maraylya,
24. Oakville Public School at Oakville Road, Ogden Road and Hanckel Road, Oakville,
25. Pitt Town Public School at Buckingham Street, Pitt Town,
26. Richmond High School at Castlereagh Road and Lennox Street, Richmond,
27. Richmond North Public School at Grose Vale Road, North Richmond,
28. Richmond Public School at Francis Street and Windsor Street, Richmond,
29. St Matthews Primary School at Little Church Street and Tebbutt Street, Windsor,
30. St Monica's Catholic Primary School at Francis Street, Richmond,
31. Wilberforce Public School at George Road, Wilberforce,
32. Windsor High School at Mulgrave Road, Mulgrave,
33. Windsor Park Public School at Rifle Range Road and Porpoise Crescent, Bligh Park,
34. Windsor Public School at George Street, Windsor,
35. Windsor South Public School at Church Street, South Windsor.

RECOMMENDATION TO COMMITTEE:

That the information be received.

APPENDICES:

There are no supporting documents for this report.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Mr James Suprain, seconded by Senior Constable Rob Wright.

Support for the Recommendation: Unanimous support

That the information be received.

ORDINARY MEETING
Reports of Committees

SECTION 4 - General Business

There was no General Business.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Monday, 14 March 2016 at 3pm in the Large Committee Room.

The meeting terminated at 4:20pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Reports of Committees

ROC **Hawkesbury Civic and Citizenship Committee - 10 February 2016 (79351, 96972)**

The meeting commenced at 6:30pm in Council's Mayoral Office.

Present: Councillor Kim Ford
 Councillor Warwick Mackay OAM
 Barry Adams (Community representative)
 David Bertenshaw (Hawkesbury Sports Council representative)
 Elizabeth Hitches (Community representative)

Apologies: Councillor Mike Creed JP
 Geoff Luscombe (The Richmond Club representative)

In Attendance: Sonia Porter – Corporate Communication Manager

REPORT

SECTION 1 - Minutes

Confirmation of Minutes

RESOLVED on the motion of Mr David Bertenshaw and seconded by Ms Elizabeth Hitches.

That the minutes of Hawkesbury Civic and Citizenship Committee Meeting held on the Wednesday, 9 December 2015, be accepted, with the following amendments:

The spelling of recipient, Jan Earle's name be revised.

Attendance Register of Hawkesbury Civic and Citizenship Committee

Member	3/12/2014	15/4/2015	9/12/2015	15/2/2016
Councillor Kim Ford	✓	✓	✓	✓
Councillor Warwick Mackay OAM	✓	✓	✓	✓
Councillor Mike Creed	A	✓	✓	A
Barry Adams	✓	✓	✓	✓
David Bertenshaw	✓	✓	✓	✓
Elizabeth Hitches	N/A	N/A	✓	✓
Historical Society Representative – Ian Jack (Cultural Heritage Award Only)	✓	N/A	✓	N/A
Geoff Luscombe	✓	✓	A	A

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

SECTION 2 - Reports for Determination

Item 1: HCCC - 2016 Hawkesbury Sports Awards - (96972)

MOTION:

RESOLVED on the motion of Mr Barry Adams and seconded by Mr David Bertenshaw.

Refer to COMMITTEE RESOLUTION

COMMITTEE RESOLUTION:

RESOLVED on the motion of Mr Barry Adams and seconded by Mr David Bertenshaw.

That:

1. The Sponsorship proposal with Windsor RSL for the Hawkesbury Sports Awards be agreed to and reported to Council for determination.
2. Council be requested to extend an invitation to a representative from the sponsorship organisation to sit on the Hawkesbury Civic and Citizenship Committee to assist in determining the Hawkesbury Sports Awards

Councillor Warwick Mackay OAM entered the meeting at 6:53pm.

SECTION 3 - Reports for Information

Nil

SECTION 4 - General Business

Item 1: Australia Day Award Nominations Encouragement

DISCUSSION:

The Mayor raised an issue of the an article in the Hawkesbury Gazette Wednesday, 10 February 2016 titled "Doug's huge contribution" indicating that "Mr Bathersby had been overlooked too many times by Council's Australia Day Awards".

Committee members present felt that the article reflected poorly on the operation of the Committee indicating that Mr Bathersby had been overlooked when in fact the last time he was nominated was in 2003.

It was agreed by all that the Committee encourages the nomination of all citizens and organisations who meet the criteria for relevant awards.

ORDINARY MEETING
Reports of Committees

MOTION:

RESOLVED on the motion of Mr David Bertenshaw and seconded by Mr Barry Adams.

Refer to COMMITTEE RESOLUTION

COMMITTEE RESOLUTION:

RESOLVED on the motion of Mr David Bertenshaw and seconded by Mr Barry Adams.

That the Chairman of the Committee write to the Gazette Newspaper indicating that the report was misleading and incorrect and that the Committee encourages nominations for all award categories.

SECTION 5 - Next Meeting

To be advised.

The meeting terminated at 7:08pm.

oooO END OF REPORT Oooo

ordinary

section 5

notices of motion

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING

Notices of Motion

SECTION 5 - Notices of Motion

NM Audit of Rural Fire Service Infrastructure - (79351, 105109, 125612, 80104)

Submitted by: Councillors M Lyons-Buckett and C Paine

NOTICE OF MOTION:

That Council carry out an audit on the rural fire service local brigade infrastructure and distribution of appliances among local brigades.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING

Notices of Motion

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meetings and Responses - (79351)

REPORT:

Questions - 2 February 2016

#	Councillor	Question	Response
1	Calvert	Enquired if the future stages of the Redbank, North Richmond development would have a review of the sediment controls systems, given the continued rain and the inability of the current systems to manage the runoff.	<p>The Director City Planning advised that a review of the existing approvals and controls has been undertaken by a third party (funded by the developer) and the review results, the existing erosion and sediment controls and the potential wording of future conditions was workshoped with the developer, construction contractor and the third party reviewer.</p> <p>The additional works required following those discussions are expected to be completed shortly.</p> <p>Any new development consent conditions will take these matters into consideration.</p> <p>This information was discussed with representatives of the NRDCAA on Thursday, 21 January 2016.</p>
2	Paine	Requested a copy of the decision of the court case between Kurri-Burri and Sydney Polo.	The Director City Planning advised that an electronic copy of the 85 page judgement has been sent to all Councillors. An explanation of the judgement will also be given at the Councillor Briefing Session in March 2016.
3	Paine	Noted that the fire station in Fitzgerald Street has moved and enquired if Council could conduct a review of restricted vehicular parking around the location.	The Director Infrastructure Services advised that a review would be conducted.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
4	Lyons-Buckett	Enquired if the Redbank, North Richmond developers are discussing a reduction in the number of lots at the seniors living section and that Councillors be advised if that is the case.	The Director City Planning advised that there have been no discussions between the developers and Council in relation to amending the number of lots on the seniors living approval at North Richmond.
5	Porter	Requested that letters of congratulations and thanks be sent to the Commodore of the Windsor Boat Club and the sponsor from Tasmania who brought the American sponsors to the event for their organisation and participation, respectively, of the recently held event.	The Director Infrastructure Services advised that letters would be sent to the relevant event organisers and sponsors.
6	Reardon	Requested an update on the Redbank Creek, North Richmond pollution.	The Director City Planning advised that the matter has been the subject of a third party review and additional control measures, as instructed by Council staff, were required to be installed. The majority of these measures have been installed and the remaining measures will be completed shortly. This was advised to the representatives of the NRDCAA at a meeting on Thursday, 21 January 2016.

oooO END OF REPORT Oooo

ORDINARY MEETING
CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

Item: 37 **IS - Tender No. 00966 - Provision of Building Trades and Associated Services - (95495, 79340) CONFIDENTIAL**

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that 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
CONFIDENTIAL REPORTS

Item: 38

IS - Tender No. 00968 - Painting of Various Council Sites - (95495, 79340)
CONFIDENTIAL

Reason for Confidentiality

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

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to details concerning tenders for the supply of goods and/or services to Council and it is considered that 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
CONFIDENTIAL REPORTS

Item: 39 **SS - Property Matter - Lease to New Horizons Healthcare Pty Ltd - Shop 3, Glossodia Shopping Village - (95496, 112106, 134957, 136550)**
CONFIDENTIAL

Previous Item: 145, Ordinary (25 August 2015)

Reason for Confidentiality

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

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

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

ORDINARY MEETING
CONFIDENTIAL REPORTS

Item: 40 **SS - Property Matter - Lease to Optus Mobile Pty Ltd - Part of 1 Old Sackville Road, Wilberforce - (95496, 112106, 109439, 105332, 23463) CONFIDENTIAL**

Previous Item: 253, Ordinary (13 November 2007)

Reason for Confidentiality

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

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

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



ordinary
meeting

end of
business
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