



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 28 November 2017

location: council chambers

time: 6:30 p.m.



mission statement

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

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 may address Council on any items in the business paper other than the Confirmation of Minutes; Responses to Questions from Previous Meeting; Mayoral Elections; Deputy Mayoral Elections and Committee Elections.

To register, please 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 Branch or by contacting the Corporate Services and Governance Manager on (02) 4560 4444 or by email at council@hawkesbury.nsw.gov.au

The Chairperson will invite registered persons to address Council when the relevant item is being considered. Speakers have a maximum of five 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).

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 Chairperson 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 Secretary.

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.

Business Papers

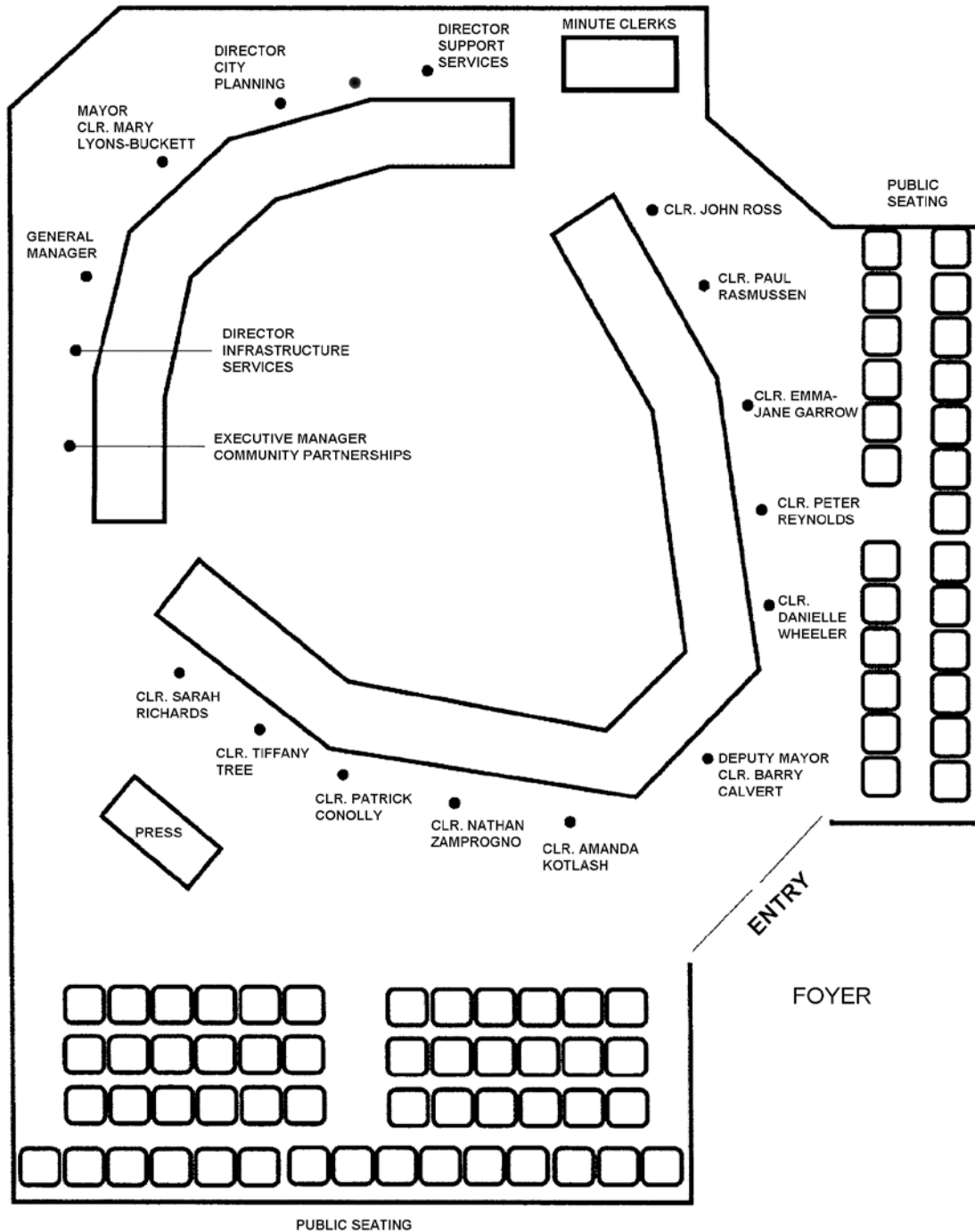
Business papers can be viewed online from 12pm on the Friday before the meeting on Council's website <http://www.hawkesbury.nsw.gov.au>

Hard copies of the business paper can be viewed at Council's Administration Building and Libraries after 12pm on the Friday before the meeting. 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 Corporate Services and Governance Manager on (02) 4560 4444.

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SECTION 1 - Confirmation of Minutes

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SECTION 2 - Mayoral Minutes

MM - Inquiry into the Windsor Bridge Replacement Project (79351, 79353)

REPORT:

On 16 November 2017 the NSW Parliament Legislative Council announced that an Upper House Committee was to commence an inquiry into the Windsor Bridge replacement project.

Council's current formally adopted position in relation to Windsor Bridge replacement project is contained within its resolution from the meeting held on 25 October 2016, which reads as follows:

"That:

1. *Council request the Premier urgently order the cessation of the project known as the Option 1 replacement bridge at Windsor.*
2. *Council request allocated funding be committed to the renovation of historic Windsor Bridge for light and local traffic and the construction of an additional river crossing near Windsor which can appropriately meet current and future traffic needs of the wider community while allowing preservation and enhancement of the natural and heritage landmarks of Windsor.*
3. *The location of the new, additional river crossing on a town bypass be determined in consultation with Council and the Community; and recognise and integrate with the Government's longer term plans for another bridge and associated road corridor connecting to the Motorway network."*

Also of relevance are a number of additional Council resolutions that relate to the proposed Windsor Bridge replacement project and associated heritage, transport, flood and wider community considerations – refer Council resolutions dated 28 March 2017, 30 May 2017, 27 June 2017 and 11 July 2017.

The Upper House Committee is chaired by the Hon Robert Brown MLC of the Shooters, Fishers and Farmers Party. The Committee also includes representatives from the Liberal and National Parties, the Australian Labor Party and the Greens. The Committee is currently accepting submissions and the closing date for submissions is Sunday, 28 January 2018.

The Terms of Reference for the Committee are as follows:

1. *That Portfolio Committee No. 5 - Industry and Transport inquire into and report on the expenditure, performance and effectiveness of the Roads & Maritime Services' Windsor Bridge replacement project, and in particular:*
 - a) *the current Windsor Bridge, including its maintenance regime, renovation methods and justification for demolition,*
 - b) *the replacement bridge project, including:*
 - (i) *options presented to the community*
 - (ii) *post construction strategic outcomes, including traffic benefits, transport and network service capacity*
 - (iii) *economic, social and heritage impacts*
 - (iv) *flood immunity benefits*
 - (v) *project assessment process*

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- (vi) *planning and procurement strategies and associated project costs*
 - (vii) *cost benefit analysis process, and*
 - c) *any other related matters.*
2. *That the committee report by 29 June 2018.*

Given Council's current formally adopted position in relation to the Windsor Bridge replacement project, I am proposing that Council lodges a submission responding to the Upper House Committee's Terms of Reference.

RECOMMENDATION:

That:

1. Council authorise the Mayor and General Manager to lodge a submission responding to the Upper House Committee's Terms of Reference by Sunday, 28 January 2018.
2. Council's submission address the following points:
 - a) The expenditure, performance and effectiveness of the Roads & Maritime Services' Windsor Bridge replacement project, and in particular:
 - b) The current Windsor Bridge, including its maintenance regime, renovation methods and justification for demolition
 - c) The replacement bridge project, including:
 - options presented to the community
 - post construction strategic outcomes, including traffic benefits, transport and network service capacity
 - economic, social and heritage impacts
 - flood immunity benefits
 - project assessment process
 - planning and procurement strategies and associated project costs
 - cost benefit analysis process, and
 - d) Any other related matters.
3. A copy of the submission be circulated to Councillors prior to its lodgement.

ATTACHMENTS:

There are no supporting documents for this report.

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SECTION 3 - Reports for Determination

PLANNING DECISIONS

Item: 209 **CP - DA0765/16 - 19 Fitzgerald Street, Windsor - Lot 4 DP834919 - Boarding House - Alterations and Additions (95498, 137494)**

Development Information

File Number: DA0765/16
Property Address: 19 Fitzgerald Street, Windsor
Applicant: Anglicare
Owner: Tower Projects
Proposal Details: Boarding House – Alterations and additions to the building and the creation of a 19 room boarding house, commercial premises and two parking spaces
Estimated Cost: \$2,879,899
Zone: B2 Local Centre
Date Received: 8 November 2016
Advertising: 25 November to 9 December 2016

Key Issues:

- ◆ Categorisation and Permissibility
- ◆ Parking

Recommendation: Approval

REPORT:

Executive Summary

This application seeks the consent of Council for a boarding house and commercial premises at 19 Fitzgerald Street, Windsor. The subject building was previously used as the Windsor Fire Station.

The proposal involves alterations, additions and an extension of the existing building to allow it to operate as a boarding house accommodating a maximum of 19 residents. The southern 'engine bay' portion of the former fire station building is to be used for commercial purposes. The provision of two onsite parking spaces was originally proposed to service the development off Union Lane.

A report recommending the refusal of the application was previously considered by Council at its Ordinary meeting of 30 May 2017. At this time Council resolved to defer the determination of the application as follows:

1. *Council defer consideration of Development Application DA0765/16.*
2. *Council Officers arrange a meeting with proponents to discuss options for:*
 - (a) *ensuring adequate onsite support to cater for the needs of the likely tenants, who will be both aged and at risk of being homeless, as outlined in paragraph (b) on pages 32-33 of the report*
 - (b) *refining the bulk and scale of the proposed development*
 - (c) *addressing parking considerations.*
3. *Based on the outcome of the meeting referred to in point 2 above, the matter be relisted for consideration at the next available Council meeting.*

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In response to this resolution a meeting was held on 21 June 2017 with the developer, their consultants and senior Council staff to discuss the proposal. In response to this meeting amended plans and further information regarding the Anglicare Housing Assistance Program were provided on 18 October 2017. The amended plans now propose the provision of four parking spaces adjacent to Union Lane.

The amended proposal still fails to comply with the numerical parking controls of State Environmental Planning Policy (Affordable Rental Housing) 2009 and the Hawkesbury Development Control Plan 2002. However, the development is not expected to generate significant parking demands based on the age and financial position of residents and the on-going management of the accommodation. To allow the design to function and provide additional public parking for the Windsor Town Centre it is recommended that the proposed parking area and pedestrian path are dedicated to Council. This has been verbally agreed to by the applicant and with the dedication of this land to Council the application is recommended for conditional approval.

The application was originally reported to Council for determination at the request of Councillor Rasmussen.

Development Description

Pursuant to Section 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's approval for a boarding house and commercial premises at the subject property. The building was previously used as the Windsor Fire Station and was purchased by Tower Projects in February 2016.

The proposal specifically involves:

- The demolition of a western lean-to addition and a south-eastern awning of the former fire station building;
- Earthworks and the installation of retaining walls to create a level building platform;
- Minor restoration works and alterations to the former fire station building to create a commercial tenancy and communal rooms associated with a boarding house;
- The construction of a two-storey building that is to be attached to the former fire station and is to comprise of 19 boarding rooms, a common room, accessible toilet, communal laundry and lift. Two of the boarding rooms, Units 8 and 16, are to be designed as adaptable units;
- The construction of a parking area off Union Lane providing parking for four passenger vehicles (one of these being a disabled parking space) and three motorcycles. One additional motorcycle space is also to be provided off Fitzgerald Street;
- The provision of landscaping and communal facilities such as an external courtyard, clothes drying area, bicycle racks and a garbage storage area; and
- The operation of a boarding house accommodating a maximum of 19 lodgers.

The use of the commercial premises component of the development is not proposed with this application.

The boarding house is to be operated by Anglicare, a not-for-profit organisation. Documentation supplied in support of the application indicates that the boarding house will be used to provide supportive accommodation for seniors who are at risk of homelessness.

The property has been purchased from Fire and Rescue NSW (formerly NSW Fire Brigades) by Tower Projects. Tower Projects have an agreement with Anglicare to design and construct the development. Upon the completion of the works, Anglicare will purchase the land and operate the boarding house facility.

The proposed boarding house is to form a part of Anglicare's Housing Assistance Program which aims to provide subsidised, affordable and secure accommodation for seniors at risk of homelessness. Anglicare currently operate or have obtained approval for a number of similar developments in Penrith, Katoomba and Chippendale under their Housing Assistance Program.

The subject property has been selected by Anglicare based on its proximity to transport, location within a town centre and proximity to services.

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An onsite manager will not be provided to oversee and manage the boarding house. The provision of such a manager is not a requirement of State Environmental Planning Policy (Affordable Rental Housing) 2009 where there are less than 20 lodgers within a boarding house. Instead a Facility Manager will oversee this and other Anglicare facilities within Sydney. The Manager will visit the site as required and would typically be available between 8:00am and 4pm seven days a week. An Anglicare Customer Call Centre is also available 24 hours a day.

The application acknowledges that the boarding house component of the development fails to provide parking in accordance with State Environmental Planning Policy (Affordable Rental Housing) 2009. The supplied documentation argues that this non-compliance is acceptable as the residents are unlikely to own vehicles based on their age and financial position. In support of reduced parking requirements the Applicant proposes the imposition of conditions requiring the registration of restrictions over the property to only allow residents over the age of 60, control rental rates and prohibit car ownership. The conditions proposed by the Applicant are as follows:

- *Prior to the issue of an Occupation Certificate, a restriction must be registered against the title of the property in accordance with Section 88E of the Conveyancing Act 1919 stating that the boarding house is to be used for the purposes of affordable housing, being accommodation for persons over 60 years of age with a gross household income that is less than 120 per cent of the median household income for the time being of Greater Sydney Statistical Division (according to the Australian Bureau of Statistics) and that pay no more than 30% of that gross income in rent.*
- *Prior to the issue of an Occupation Certificate, a restriction must be registered against the title of the property in accordance with Section 88E of the Conveyancing Act 1919 stating that the boarding house is to be used for the purposes of affordable housing entering into a Residential Tenancy Agreement with special conditions stating that they do not own a motor vehicle.*
- *Prior to the issue of an Occupation Certificate, a restriction must be registered against the title of the property in accordance with Section 88E of the Conveyancing Act 1919 stating that the boarding house be operated by a not-for-profit organisation that is a direct provider of rental housing to tenants.*

In response to Council's resolution of 21 June 2017 the proposal was amended to provide four parking spaces and additional information was provided with respect to the Anglicare Housing Assistance Program.

The application has not been submitted as 'seniors housing' under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and instead relies on the Hawkesbury LEP 2012 and Affordable Rental Housing SEPP.

Site and Locality Description

The subject property has frontages to Fitzgerald Street, Johnston Street and Union Lane and is legally known as Lot 4 in DP 834919. The land has a site area of approximately 933.6m² and is occupied by a former fire station building and car park.

Access the property is currently available from Fitzgerald Street and Union Lane.

The property is located within the Windsor Town Centre. Surrounding development generally comprising of commercial and retail development, including the Riverview Shopping Centre at 227 George Street. Residential development within the vicinity of the property includes a heritage-listed dwelling house at 12 Fitzgerald Street, first floor units at 21 Fitzgerald Street and townhouses at 19 Johnston Street.

The property is located approximately 1.1km from the Windsor Train Station whilst the nearest bus stop is located in front of 21 Fitzgerald Street.

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

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- State Environmental Planning Policy (Affordable Rental Housing) 2007 (Affordable Rental Housing SEPP)
- 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 (LEP) 2012
- Hawkesbury Development Control Plan (DCP) 2002
- Affordable Housing Policy

Section 79C Matters for Consideration

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

a. The provisions of any:

i. Environmental Planning Instrument:

Hawkesbury Local Environmental Plan 2012

The subject property is zoned B2 Local Centre under the Hawkesbury LEP 2012.

The Hawkesbury LEP 2012's Dictionary provides the following definitions for 'boarding houses' and 'commercial premises':

boarding house means a building that:

- a) *is wholly or partly let in lodgings, and*
- b) *provides lodgers with a principal place of residence for 3 months or more, and*
- c) *may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- d) *has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,*

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

commercial premises means any of the following:

- (a) *business premises,*
- (b) *office premises,*
- (c) *retail premises.*

The proposed facility is to be operated by a not-for-profit organisation and is to provide accommodation for seniors who are at risk of homelessness. Documentation supplied with the application indicates that the facility will provide long-term accommodation for people who are elderly and have "*less means and opportunities to afford themselves adequate accommodation and healthcare and generally do not have the opportunity to resume or commence a long-term career or learn a new skill/trade*". The residents will have access to private bathrooms and kitchen facilities and communal laundry facilities. The proposal therefore satisfies the above definition of a boarding house.

Rehabilitation treatment for alcohol or drug abuse will not be undertaken on the property.

A specific use for the proposed commercial tenancy is not nominated however the proposed fitout works associated with the creation of this tenancy would be categorised as a commercial premises.

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Boarding houses and commercial premises are permissible forms of development within the B2 Local Centre zone under the Hawkesbury LEP 2012. The Affordable Rental Housing SEPP also applies to commercial zones and permits boarding houses within the B2 Local Centres zone.

The objectives of the B2 Local Centre are:

- *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 proposal is generally consistent with the above objectives in that the commercial tenancy will provide employment opportunities and retain a commercial character from Fitzgerald Street. The property is not heritage-listed however the former fire station building dates from 1917 and is seen to contribute to the character of the Windsor Town Centre. The proposed development is to be of a contemporary design and views of the former fire station will be maintained from Fitzgerald Street. Council's Heritage Advisor has reviewed the application and supports the proposal from a heritage and streetscape perspective.

The property is appropriately located within a town centre that is serviced by shops, commercial, community and medical facilities as well as public transport. The proposal is therefore seen to satisfy the broad objectives of the B2 Local Centre zone.

The development will also satisfy the adopted Affordable Housing Policy which recommends the provision of affordable housing within town centres.

State Environmental Planning Policy (Affordable Rental Housing) 2007

Section 3 of the Affordable Rental Housing SEPP outlines the following aims for this Policy:

- (a) *to provide a consistent planning regime for the provision of affordable rental housing,*
- (b) *to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- (c) *to facilitate the retention and mitigate the loss of existing affordable rental housing,*
- (d) *to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*
- (e) *to facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
- (f) *to support local business centres by providing affordable rental housing for workers close to places of work,*
- (g) *to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.*

The Affordable Rental Housing SEPP applies to commercial zones and permits boarding houses within the B2 Local Centres zone.

Division 3 of the Affordable Rental Housing SEPP outlines specific controls for boarding houses. A compliance table detailing the proposal's level of compliance with this Policy is included below:

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Affordable Rental Housing SEPP				
Section 26 – Land to which Division applies				
	SEPP Control	Requirement	Proposal	Compliance
Zoning	Section 26	The land must be within specific zones (primarily residential or commercial).	The site is zoned B2 Local Centre and the boarding house component of the development is permissible within this zone.	Complies. The proposal is permitted under the Affordable Rental Housing SEPP and the Hawkesbury LEP 2012.
Section 27 – Development to which Division applies				
	SEPP Control	Requirement	Proposal	Compliance
	Clause 27(2)	The Policy does not apply to land zoned R2 Low Density Residential (or equivalent) unless the land is within an 'accessible area'.	The site is zoned B2 Local Centre and the provisions of this clause do not apply to the development.	Not applicable.
Section 29 – Standards that cannot be used to refuse consent				
	SEPP Control	Requirement	Proposal	Compliance
Density and scale (FSR)	Clause 29(1)	The development is not to exceed the maximum floor space ratio (FSR) permitted for development within the zone.	Council does not have a maximum FSR for development within the zone.	Not applicable.
Building height	Clause 29(2)(a)	The building height is not to be more than the maximum permitted for any building on the land. Clause 4.3 of the Hawkesbury LEP 2012 establishes a 10m height limit for the land.	The former fire station building has a height of approximately 7.05m and this will not be altered. The proposed two-storey addition will have a height of approximately 8.5m at its highest point.	Complies. The proposal satisfies the maximum 10m height limit for the land.

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Affordable Rental Housing SEPP				
Minimum landscaped area	Clause 29(2)(b)	The landscape treatment of the front setback must be compatible with the surrounding area.	The former fire station building is built to the boundary of Fitzgerald Street. The proposed landscaping treatment along the north-eastern portion of the property is considered appropriate for a commercial area.	Complies.
Solar access	Clause 29(2)(c)	A communal room shall receive a minimum of three hours direct sunlight between 9am and 3pm during midwinter.	The two ground floor communal rooms have north facing windows and will receive a minimum of three hours sunlight.	Complies.
Private open space (Lodgers)	Clause 29(2)(d)(i)	An area of at least 20m ² , with minimum dimension of 3m, is to be provided.	The northern external courtyard has an area of approximately 29m ² and a minimum width of 3m.	Complies.
Private open space (Manager)	Clause 29(2)(d)(ii)	An area of at least 8m ² , with minimum dimension of 2.5m, is to be provided for the onsite manager.	An onsite manager will not be provided for the boarding house and accordingly this provision does not apply.	Not applicable.
Parking	Clauses 29(2)(e)(ii) and (iii)	Within a non-accessible area at least 0.4 parking spaces are to be provided for each boarding room, plus no more than one space for the onsite manager.	The property is not located within an accessible area and based on 19 rooms the boarding house component of the development requires the provision of eight onsite parking spaces.	Does not comply. Four parking spaces are proposed as opposed to the eight spaces detailed under the Policy. See discussion later in this report.

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Affordable Rental Housing SEPP				
Accommodation size (Single room)	Clause 29(2)(f)(i)	A single boarding room is to have a minimum area of 12m ² , exclusive of kitchen or bathroom facilities.	The submitted documentation indicates that the rooms will cater for single lodgers only.	Complies. All boarding rooms have a minimum area of at least 18m ² , exclusive of kitchens or bathrooms.
Accommodation size (Double room)	Clause 29(2)(f)(ii)	A double boarding room is to have a minimum area of 16m ² , exclusive of kitchen or bathroom facilities.	The submitted documentation indicates that the rooms will cater for single lodgers only.	Not applicable.
Kitchen and bathroom facilities	Clause 29(3)	Boarding rooms may have private kitchen or bathroom facilities.	Each of the boarding rooms have private kitchens and bathrooms.	Complies.
Section 30 – Standards for boarding houses				
	SEPP Control	Requirement	Proposal	Compliance
Communal living room	Clause 30(1)(a)	A communal living room shall be provided if there are five or more boarding rooms.	Two communal rooms are to be provided.	Complies.
Maximum room size	Clause 30(1)(b)	No boarding room is to have an area greater than 25m ² , exclusive of kitchen or bathroom facilities.	None of the boarding rooms have an area exceeding 25m ² , exclusive of kitchen and bathroom facilities.	Complies.
Occupancy	Clause 30(1)(c)	No more than two lodgers are to occupy a boarding room	The submitted documentation indicates that the rooms will cater for single lodgers only.	Complies.

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Affordable Rental Housing SEPP				
Bathroom and kitchen facilities	Clause 30(1)(d)	Adequate bathroom and kitchen facilities are to be provided for each lodger.	As permitted by Clause 29(3) of the Policy, each of the boarding rooms are to be provided with their own kitchen and bathroom. A communal kitchenette will be provided within the eastern ground floor common area.	Complies.
Room for onsite manager	Clause 30(1)(e)	A room is to be provided for an onsite manager if there are 20 or more lodgers onsite.	The boarding house is to cater for 19 lodgers and accordingly an onsite manager is not required.	Not applicable.
Commercial uses	Clause 30(1)(g)	Where the site is zoned primarily for commercial purposes, no part of the ground floor of the boarding house is to be used for residential purposes, unless otherwise permissible under another planning instrument.	The subject site is zoned for commercial purposes and a boarding house use is proposed for the ground floor. A ground floor commercial premises is proposed for the ground floor level fronting Fitzgerald Street.	Complies. Boarding houses are permissible within the B2 Local Centre zone under the Hawkesbury LEP 2012. Accordingly the boarding house use is permitted at ground level.
Bicycle and motorcycle parking	Clause 30(1)(h)	One bicycle space is to be provided for every five rooms, plus one motorcycle space for every five rooms. Based on the number of rooms, three bicycle and motorcycle spaces must be provided.	Space for the parking of four bicycles and four motorcycles is available.	Complies.

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As detailed in the above table, the proposed development satisfies the room size, height, facility, amenity and communal open space controls of the Affordable Rental Housing SEPP. The provision of an onsite manager is not required based on the number of residents within the boarding house.

Car Parking

The subject property is not located within an 'accessible area' on account of bus servicing times. Based on the number of rooms the boarding house component of the development would typically require the provision of eight onsite parking spaces under Clause 29(2)(e)(ii) of the Affordable Rental Housing SEPP. Furthermore, based on an area of 66m² the commercial tenancy requires two onsite parking spaces under Table 2.5.2 of Part C Chapter 2 of the Hawkesbury DCP 2002.

In response to Council's resolution of 30 May 2017 the proposal has been amended to provide four parking spaces as opposed to the two spaces originally notified. This parking is to be accessible directly off Union Lane and would require reversing movements over the lane to access or exit the spaces. One of the spaces is to be designed as a disabled/accessible space.

The development, under the strict numerical requirement of the DCP, requires a minimum of 10 parking spaces onsite. With the provision of four spaces the proposal fails to satisfy the numerical parking controls of the Affordable Rental Housing SEPP and the Hawkesbury DCP 2002.

However, if Council applied the lesser standards of Table 2.5.1 of Part C Chapter 2 of the Hawkesbury DCP 2002, or the accessible area controls of Clause 29(2)(e)(ii) of the Affordable Rental Housing SEPP based on the minor bus servicing issue, the boarding house component would generate a parking demand of four spaces. Documentation supplied in support of the application argues that this numerical parking non-compliance is acceptable as the residents are unlikely to own vehicles based on their age and financial position. The Applicant further recommends the imposition of conditions requiring the registration of restrictions over the property to only allow residents over the age of 60, control rental rates and prohibit car ownership. On these grounds the development is not expected to generate significant parking demands and the provision of four spaces is seen to be acceptable in this instance.

It is considered that the provision of motorcycle parking is not a determinative issue based on the nature of the residential accommodation.

The proposed car park layout, directly accessed off Union Lane, is not usual practice as a dedicated off-street car park is usually required to be provided for development; all manoeuvring to enter and exit parking spaces; and the car park is normally located within the site. If this arrangement was adopted on a Council wide basis it would result in insufficient parking for development.

However, due to the unique circumstances of this case, being a not-for profit management operation with restricted age and car ownership (supported by development consent conditions) and the central location of the site, the parking provision is acceptable for the development. Union Lane does not experience high traffic volumes, however, to allow the design to function and provide additional public parking for the Windsor Town Centre, the proposed parking area and pedestrian path should be dedicated to Council. Conditions of consent requiring the dedication of this parking and footpath area land to Council are recommended. These conditions were discussed with the applicant and they verbally agreed to the imposition of such conditions.

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.*

A Stage 1 Preliminary Investigation Report has been prepared in support of the application. As the site is constrained by the existing building and car park limited testing was undertaken however the report details the presence of lead, copper and zinc at concentrations above recommended levels. The Stage 1 Preliminary Investigation Report recommends further testing with the removal of the car park and the preparation of a Remedial Action Plan.

However, the report does outline that with remediation the land is capable of being made suitable for residential development having regard to the provisions of SEPP No. 55. In the absence of this information on account of the constraints of the site, if the application was to be approved it is recommended that a condition is imposed requiring further detailed investigation to be undertaken and the preparation of a submission of a suitable Remediation Action Plan based on the findings of the report.

Sydney Regional Environmental Planning Policy 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.

SREP No. 20 does not outline specific controls or strategies for boarding houses.

The property previously operated as a fire station and is located within an established commercial area. The proposal involves the adaption and re-use of an existing building and the development is not expected to significantly impact upon the environment of the Hawkesbury-Nepean River.

ii. Draft Environmental Planning Instruments:

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 2002

Part A Chapter 3 – Notification

The proposal was notified and signposted in accordance with Part A Chapter 3 of the Hawkesbury DCP 2002. Six submissions were received and are discussed later in this report.

Part C Chapter 2 – Car Parking and Access

See discussion previously in this report regarding car parking and access.

iii(a) Planning Agreements:

There are no planning agreements applicable to the proposed development.

iv. Matters Prescribed by the Regulations

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

The EP&A Regulation 2000 requires compliance with the Building Code of Australia (BCA) and Disability (Access to Premises – Buildings) Standards 2010.

The accessible space nominated within Union Lane is acceptable in this case for the reasons previously discussed in this report.

v. Coastal Zone Management Plan

The proposal is generally consistent with the Upper Hawkesbury River Estuary Coastal Zone Management Plan. Should the application be approved conditions would be imposed requiring the preparation and implementation of sedimentation and erosions controls plans during construction.

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

There has been a steady decline in the availability of housing that is affordable to families and individuals on low to medium incomes. House prices and private rentals are rapidly increasing both in the Hawkesbury and across Greater Western Sydney. The continuing decline of affordable housing will negatively impact on low to middle income brackets and lead to greater housing stress and homelessness for an increasing number of families and individuals. Council's Affordable Housing Policy aims to develop appropriate strategies to increase the supply of affordable housing, advocates for increased affordable housing in suitable locations and create partnerships with key stakeholders and agencies to increase affordable housing options.

As detailed previously the proposed facility is to be operated by Anglicare who are a not-for-profit organisation and currently operate a number of similar facilities that cater for the elderly. Documentation supplied in response to Council's resolution suggests that a comparable facility in Chippendale has operated successfully without dedicated onsite residential or office staff. Potential tenants are identified through the Anglicare Housing Assistance Program and once they have taken residency a Facility Manager continues to support those residents as required. When the tenant has settled, the Facility Manager makes regular visits to the site and tenants may also make appointments to discuss any issues as required.

Council's Community Services Department has confirmed that there is currently a shortage of such facilities within the Hawkesbury and that the approval of this development would satisfy social and community needs. As a result the development is seen to satisfy the adopted Affordable Housing Policy which recommends the provision of affordable housing within town centres.

The subject property is not listed as a local or State heritage item but is registered as an item under Section 170A of the Heritage Act 1977. A listing under Section 170A of the Heritage Act places a responsibility on government agencies to ensure that items under their care, control or management are maintained and protected in accordance with Office of Environment and Heritage (Heritage Council) guidelines.

The NSW Fire Brigade (a 'government instrumentality') formerly owned the site but has since sold it to Tower Projects who are a private entity. Section 170A does not place any statutory onus on a private entity in respect of an item previously owned by a government agency.

Regardless, the former fire station building dates from 1917 and is seen to contribute to the character of the Windsor Town Centre. The proposed development is to be of a contemporary design and views of the former station will be maintained from Fitzgerald Street. Council's Heritage Advisor has reviewed the application and supports the proposal from a heritage and streetscape perspective.

c. Suitability of the site for the development

The property is located within a town centre that is serviced by shops, commercial, community and medical facilities as well as public transport. The use of this site for Affordable Rental Housing that is run as a not-for-profit operation to provide long term accommodation for seniors who are at risk of homelessness is considered to be a suitable and appropriate use in this case.

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d. Submissions

The application was publicly exhibited in accordance with Part A Chapter 3 of the Hawkesbury DCP 2002 between 25 November and 9 December 2016. A total of six submissions were received in response to the notification of this application. The matters raised in these submissions are detailed below in italics, followed by a response by the assessing officer:

The application is unclear as to who will be accommodated within the boarding house. The development could be used to accommodate women escaping domestic violence, recovering addicts, people who were formerly incarcerated, people in financial hardship etc.

Officer's comment: As detailed previously in this report the boarding house will be operated by Anglicare and used to provide supportive accommodation for seniors who are at risk of homelessness.

Anglicare have advised that they are willing to accept a restriction on the title of the property restricting the age of the residents.

There are no guarantees that Anglicare will continue to manage the boarding house into the future.

Officer's comment: This is the case with most social or community developments. However with an aging population the provision of affordable housing for seniors is likely to remain an issue for the community.

Anglicare have advised that they are willing to accept a restriction on the title of the property restricting the operation of the land.

The development is likely to increase the risk of crime within the area.

Officer's comment: The boarding house is to be occupied by seniors and on this basis is unlikely to generate significant amenity impacts for the locality.

A residential presence in the street may also offer improved surveillance of the area.

Comments received from the Hawkesbury Local Area Command (Police) may be incorporated in the supplied Plan of Management. An in-house Anglicare maintenance team will periodically maintain landscaping and remove graffiti if/as required.

The addition of itinerant/transient people will likely impact upon the amenity of nearby residents.

Officer comment: The supplied documentation indicates that lodgers generally stay at the boarding house for the long-term. It is anticipated that residents will typically remain at the facility until such time that they are able to financially re-enter the residential market or, more likely, require full-time care at another facility.

The development will exacerbate traffic and parking issues for the locality.

Officer's comment: The issue of parking has been discussed previously in this report.

Inadequate parking is to be provided for a 19 room boarding house.

Officer's comment: The issue of parking has been discussed previously in this report.

The proposal is an overdevelopment of the site.

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Officer's comment: The amended proposal does not alter the bulk and scale of development in comparison to the original plans. However the proposed building is seen to be compatible with the commercial character and appearance of the locality. The number of parking spaces to be provided in association with the development is to be increased.

The development would be incompatible with the character of the local area.

Officer's comment: The proposal retains the former fire station building and is supported by Council's Heritage Advisor. It is considered that the development is compatible with the commercial character and appearance of the locality.

The proposed works extend over a right of carriageway that benefits 21 Fitzgerald Street.

Officer comment: The Deposited Plans for both 19 and 21 Fitzgerald have been examined in the assessment of this application.

The Deposited Plan for the subject property, DP 834919, does not indicate that the property is burdened by a right of carriageway. The Deposited Plan for 21 Fitzgerald Street, DP 215705, and its Certificate of Title instead indicate that the neighbouring property is burdened by a right of carriageway benefiting 195 George Street.

Neighbouring property owners and residents were not notified of the application.

Officer comment: The application was notified to nearby property owners and residents in accordance with Section 3.3 of Part A Chapter 3 of the Hawkesbury DCP 2002. A site sign advertising the development was also placed on the site in accordance with Section 3.2.1 of Part A Chapter 3 of the Plan.

e. The Public Interest

With appropriate management and the imposition of conditions the development is unlikely to generate significant amenity or environmental impacts for the locality. The proposal is considered suitable within the context of the locality and the approval of the application is therefore seen to be in the public interest.

Financial Implications

The boarding house is to be operated by a not-for-profit organisation and affordable housing developments are not subject to Section 94A Contributions under Clause 25J(3) of the EP&A Regulation. Under Section 2.7 of the Section 94A Contributions Plan 2015 Council may elect to not impose contributions on such developments.

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.

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 development is not expected to generate significant parking demands and satisfies Council's Affordable Housing Policy.

On these grounds the proposal is acceptable and is recommended for approval.

ORDINARY MEETING**Meeting Date:** 28 November 2017**RECOMMENDATION:**

That Council as the consent authority pursuant to Clause 80(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. DA0765/16 for a boarding house and commercial premises on Lot 4 in DP 834919, known as 19 Fitzgerald Street, Windsor, subject to the conditions attached to this report:

General Conditions**1. Approved Plans and Supporting Documentation**

The development must be carried out generally in accordance with the approved plans and supporting documentation listed below, except where amended by other conditions of consent:

a) Plans Reference:

Drawing Number/Name	Prepared by	Issue No.	Date
A001 'Site/Roof Plan'	4D Architecture	C	30 June 2017
A002 'Ground Floor Plan (4-Car Option)'	4D Architecture	C	30 June 2017
A003 'First Floor Plan'	4D Architecture	C	30 June 2017
A010 'Elevations'	4D Architecture	C	30 June 2017
A011 'Elevations'	4D Architecture	C	30 June 2017
A020 'Sections'	4D Architecture	C	30 June 2017

b) Document Reference:

Document	Reference	Prepared By	Date
Plan of Management for Anglicare Supportive Accommodation	Revision A	Anglicare	25 June 2017
Preliminary Environmental Site Assessment	E29731Krpt	Environmental Investigation Services	30 September 2016
Finishes Schedule	A050	4D Architecture	21 October 2016

No works other than those approved are permitted by this consent.

2. Appointment of a Principal Certifying Authority

No work shall commence until:

- a) A Design Compliance Certificate or Building Construction Certificate is issued by:
 - (i) Council; or
 - (ii) An Accredited Certifier;
- b) A Principal Certifying Authority is appointed for the building/engineering works and the name and licence number of the builder undertaking the construction works is supplied.
- c) The Principal Certifying Authority has:
 - (i) provided a copy of the notice of its determination to the consent authority, and to Council (within two days after the date of the determination);

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- (ii) notified the person having benefit of the consent of any critical stage inspections and other inspections that it requires to be carried out in relation to the approved work;
 - (iii) notified Council of its appointment (not less than two days before commencement of building work);
- d) The person having benefit of the consent has:
 - (i) appointed a principal contractor who must hold a 'contractor licence' if any residential building work is involved;
 - (ii) notified the Principal Certifying Authority of the appointment of the principal contractor;
 - (iii) notified the principal contractor of any critical stage inspections or any other inspections that are required to be carried out in relation to the approved work;
- e) At least two days' notice is to be provided to Council of the date on which it is proposed to commence work associated with this development consent.

3. Compliance with National Construction Code

All building works must be carried out in accordance with the requirements of the National Construction Code/Building Code of Australia (BCA).

4. Civil Works Specification Compliance

All civil construction works required by this consent shall be undertaken in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification. Inspections shall be carried out and compliance certificates issued by Council or an Accredited Certifier.

5. Works on Public Land – Not Permitted Without Approval

No work can be undertaken within adjoining public lands (i.e. roads reserves, parks and reserves etc.) without the prior written consent of Council or other relevant authority. In this regard the person having benefit of the consent is to contact Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

The developer must bear the cost of all works associated with the development that occurs on public land, including the restoration of damaged areas.

6. Maximum Number of Boarders

A maximum of 19 boarders may be accommodated within the boarding house.

The boarding rooms may accommodate single boarders only.

7. Use of Commercial Tenancy

This consent does not approve the use of the ground floor proposed commercial tenancy. The determination of a future Development Application or Complying Development Certificate will be required for the occupation and use of the ground floor commercial tenancy.

8. Sewer Authority – Hawkesbury City Council

This development falls within the Sewerage Scheme controlled by Hawkesbury City Council. Therefore Hawkesbury City Council is the approving authority for all sewer works.

The development impedes upon the Zone of Influence of a Council owned sewer main. The Applicant should seek advice from Council's Waste Management Branch prior to applying for a Design Compliance Certificate or Construction Certificate as there may be variations required in the design of the foundations of the development.

9. **Site Remediation Action Plan**

A Remediation Action Plan shall be prepared and submitted to Council in accordance with:

- a) 'Managing Contaminated Land Planning Guidelines' under *State Environmental Planning Policy No. 55 - Remediation of Land*,
- b) *Contaminated Land Management Act 1997* and
- c) relevant NSW Office of Environment and Heritage guidelines.

The Site Remediation Action Plan shall be carried out by a suitably qualified environmental consultant and shall:

- a) set remediation goals that ensure the remediated site will be suitable for the proposed use and will pose no unacceptable risk to human health or the environment;
- b) document in detail all procedures and plans to be implemented to reduce risks to acceptable levels for the proposed site use;
- c) establish the environmental safeguards required to complete the remediation in an environmentally acceptable manner, and
- d) identify and include proof of the necessary approvals and licences required by other regulatory authorities.

The Site Remediation Action Plan shall be reviewed by a Site Auditor, accredited by the NSW Environmental Protection Authority under the *Contaminated Land Management Act 1997*, and written confirmation provided by the Site Auditor to Council that the Remediation Action Plan, if followed, is adequate when implemented to render the site suitable for its proposed use.

Prior to the Issue of a Design Compliance Certificate

10. **Design Compliance Certificate – Works Covered**

The obtainment of a Design Compliance Certificate is required for this development. The Design Compliance Certificate is to cover the design of:

- a) The car parking area and footpaths; and
- b) On site detention (OSD).

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

11. **Security Bond**

Prior to issue of a Design Compliance Certificate or an approval under the Roads Act 1993 or Local Government Act 1993, a security bond of **\$20,000.00** is to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site.

The Bond is recoverable upon written application to Council at completion of the works, subject to satisfactory restoration as required. Fees for the lodgement of the bond apply.

12. **Parking and Pedestrian Footpath adjoining Union Lane**

The development must provide:

- a) a total of four car parking spaces (including one accessible parking space); and

- b) a footpath with a minimum width of 1.2m for the length of Union Lane along the frontage of Lot 4 in DP 834919. The footpath must be located between the car parking spaces and the boundary of Lot 4 in DP 834919.

The car parking spaces and footpath must be constructed in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification, AS 2890.1:2004, AS2890.5:1993 and AS2890.6:2009. The installation of bollards and wheel stops shall also be employed to the southern end of the parking spaces to protect the building and pedestrians.

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

Note: The car parking areas and footpath are to be dedicated to Council for public use prior to the issue of any Occupation Certificate.

13. Sight Distance

Clear sight lines must be provided for parked vehicles to safely exit parked spaces. Details demonstrating compliance with this requirement are to be submitted to the Certifying Authority prior to the issue of the Design Compliance Certificate.

14. Engineer Designed Pavement

All car parking areas, manoeuvring areas and the access aisles must be paved, drained and line marked. The pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings. AUSTROADS 'Guide to Pavement Technology' can be used as the design guideline for the pavement design.

Details demonstrating compliance with this requirement are to be submitted to the Certifying Authority prior to the issue of the Design Compliance Certificate.

15. Infrastructure Upgrades

The verge along Johnston Street must be constructed of concrete along the road frontage of Lot 4 in DP 834919. This work must be carried out at the developer's expense, including all alterations of public infrastructure where necessary.

Details demonstrating compliance with this requirement are to be submitted to the Certifying Authority prior to the issue of the Design Compliance Certificate.

16. Stormwater – On Site Detention

On site detention (OSD) for stormwater is required to be provided for this development. Details, including calculations, are to be provided with the plans submitted for the Design Compliance Certificate to the satisfaction of the Certifying Authority prior to the issue of the Design Compliance Certificate. The OSD must comply with the following:

- a) OSD shall be provided to maintain all stormwater discharges for storms up to the 1:100 ARI storm event at pre-development levels; and
- b) The OSD system is to be designed in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification, Part 1 – Design Specifications and Part 2 – Construction Specifications.

17. Pit Grates

All pits must have flush fitting grates. All pit grates larger than 600mm by 600mm are to be grated galvanised steel grid hinged and be heavy duty-type where traffic loading is expected. Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of the Design Compliance Certificate.

18. Council Sewer Authority – Construction Requirements

Construction of any mains sewer work or any structure to be constructed within the Zone of Influence of a sewer main must not commence until a Section 305 Application under the *Water Management Act 2000* is submitted to Council's Waste Management Branch for assessment and approval. The approved plans will accompany a Section 306 Response under the *Water Management Act 2000* detailing the work to be done and any fees or developer contributions that must be paid.

The applicant must submit a copy of the Section 306 Response and the associated plans to the Certifying Authority prior to Issue of the Design Compliance Certificate.

19. Council Sewer Authority – Section 307 Certificate

A Section 307 Certificate of Compliance with regard to Council's sewer infrastructure must be obtained from Council's Waste Management Branch prior to release of a Design Compliance Certificate. Fees apply for this certificate.

20. Permission from Beneficiary of Electrical Easement

Evidence in the form of written permission must be sought from the beneficiary of the electrical easement to construct the parking over the electrical easement denoted as Item 2 on Deposited Plan DP 834919. Evidence of this permission shall be provided to the Certifying authority prior to the issue of a Design Compliance Certificate.

Prior to the Issue of a Construction Certificate

21. Long Service Levy Payment

The payment of a long service levy as required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986* is required. Evidence that the levy has been paid is to be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Note: All building works valued at \$25,000 or above are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Payments Corporation offices or most councils.

22. Council Sewer Authority – Inspection Fees

Hawkesbury City Council is the sewer authority for this development. As this development involves connection to the existing sewer system, the payment of the prescribed inspection fee for both internal and external sewer drainage work is required to be made prior to the issue of a Construction Certificate.

23. Design Compliance Certificate – Required prior to Construction Certificate

An approved Part 4A Design Compliance Certificate as specified in this consent is to be provided to the Certifying Authority prior to the issue of a Construction Certificate.

24. Access and Facilities for Persons with a Disability

The development must comply with the Disability (Access to Premises – Buildings) Standards 2010, Australian Standard AS1428.1 'Design for Access and Mobility' and Australian Standard AS4299 'Adaptable Housing'. Units 8 and 16 are to be designed as Class C units in accordance with AS4299.

Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

25. Section J Energy Efficiency Assessment

An Energy Efficiency Assessment must be prepared for the development under Section J of the Building Code of Australia and submitted to the Certifying Authority prior to the release of the Construction Certificate. Any requirements or measures required under the Section J Assessment are to be detailed in the plans for approval.

26. Detailed Drainage Design

A detailed drainage design of the site must be submitted to and approved by the Certifying Authority prior to the release of the Construction Certificate. The detailed plan must:

- a) drain to the street;
- b) indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines;
- c) be to the satisfaction of the Certifying Authority;
- d) be designed to cater for a 1 in 5 year Average Recurrence Interval (ARI) storm event;
- e) show details of any overflow drainage paths and that they be designed to cater for the 1 in 100 year ARI storm event; and
- f) comply with Council's Hawkesbury Development Control Plan 2002 – Appendix E and Australian Standard AS3500 'Plumbing and Drainage'.

27. Overland Flow

The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:

- a) water flowing from the property must not be redirected or concentrated to adjoining properties;
- b) water flowing into the property from adjoining lots shall not be impeded or diverted; and
- c) water flow shall follow the natural flow directions without increasing velocity.

Details demonstrating compliance with the above requirements shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

28. Earthworks – Cut, Fill and Grading

All earthworks on site must comply with the following:

- a) Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping;
- b) All disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works;
- c) Once the topsoil has been removed the natural batter should be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place;
- d) Where batters exceed a ratio of three horizontal to one vertical (3:1), retaining walls, stoneflagging or terracing shall be constructed;
- e) All fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS1289 'Methods of testing soils for engineering purposes' unless otherwise specified;
- f) Filling shall comprise only uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material shall be provided to the Certifying Authority prior to placing any fill on site.

Details demonstrating compliance with the above requirements shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

29. Retaining Walls Along Boundaries

The submitted plans must clearly demonstrate that all retaining walls are located wholly within the property, including any footings and agricultural drainage lines. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.

Details demonstrating compliance with these requirements shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

30. Retaining Wall – Structural Engineer's Design

Any retaining walls having a height exceeding 600mm associated with the development are required to be designed by a practicing structural engineer. The design must be included on the plans submitted to the Certifying Authority prior to issue of the Construction Certificate.

31. Structural Engineer's Design

A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Certifying Authority prior to issue of Construction Certificate.

32. Traffic Control Plan

A Traffic Control Plan prepared in accordance with the Roads and Traffic Authority publication 'Traffic Control at Worksites' is to be prepared by an appropriately qualified person and submitted to Council for approval prior to commencement of any works.

33. Dilapidation Report and Survey – Private Property (Neighbouring Buildings)

A Dilapidation Report and Survey of the adjoining property at 21 Fitzgerald Street detailing the physical condition of the buildings on this property, both internally and externally (including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items) must be prepared. The report and survey is to be prepared by an appropriately qualified person agreed to by both the Applicant and the owner of the adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation report is denied by the adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Certifying Authority that all reasonable steps have been taken to obtain access and the affected property owner has been advised of the reason for the survey and that these steps have failed. Written concurrence must be obtained from the consent authority in such circumstances.

Details demonstrating compliance with the above requirements must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

Note: This documentation is for record keeping purposes only, and may be used by an Applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the Applicant's and adjoining owner's interest for it to be as full and detailed as possible.

34. Dilapidation Report and Survey – Damage to Public Infrastructure

A Dilapidation Report and Survey (including photographic record) must be prepared by a suitably qualified consultant detailing the pre-developed condition of the surrounding road reserve. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The developer may be held liable for all damage to public infrastructure in the vicinity of the site where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development.

A copy of the dilapidation survey and report must be lodged with Council and the Certifying Authority prior to the issue of any Construction Certificate.

35. Erosion and Sediment Control Plan

Prior to the issue of the Construction Certificate, the applicant must submit to and obtain the Certifying Authority approval of an Erosion and Sediment Control Plan (ESCP). The ESCP must show the location of site boundaries, adjoining roads, approximate grades, vegetation, site access, impervious areas, existing and proposed site drainage and a north point.

The ESCP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction' (2004). The plan shall show the following:

- a) timing of works;
- b) nature and extent of earthworks, including the amount of any cut and fill;
- c) where applicable the diversion of runoff from upslope lands around the disturbed areas;
- d) location of all soil and other material stockpiles including topsoil storage;
- e) location and type of proposed erosion and sediment control measures;
- f) site rehabilitation proposals; and
- g) frequency and nature of maintenance program.

36. Sydney Water – Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained.

An application must be made through an authorised Water Servicing Coordinator. For details refer to Sydney Water's website www.sydneywater.com.au

Following application, a 'Notice of Requirements' will be forwarded detailing water and/or sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The 'Notice of Requirements' must be submitted to the Certifying Authority before the commencement of works.

Prior to Any Works Commencing

37. Notice of Commencement

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:

- a) details of the appointment of a Principal Certifying Authority (PCA) providing name, address and telephone number in accordance with Section 81A(2)(b) of the *Environmental Planning and Assessment Act 1979*; and
- b) details of the name, address and licence details of the Builder.

38. Principal Certifying Authority Site Sign

A sign must be erected in a prominent position on any site on which building or demolition work is being carried out:

- a) showing the name, address and telephone number of the Principal Certifying Authority for the work;
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building or demolition work is being carried out, but must be removed when the work has been completed.

39. Toilet Facilities

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer; or
- b) be attached to an approved on-site effluent disposal system; or
- c) be a temporary chemical closet that is regularly maintained; and
- d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet.

40. Prescribed Conditions – Shoring and Adequacy of Adjoining Property and Road Reserve

Development that involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the building, structure or work from possible damage from the excavation; and
- b) where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

41. Safety Fencing

The site is to be secured by a fence in accordance with NSW WorkCover requirements to prevent unauthorised access during the period of all works.

42. Demolition – Work Plans

The demolition work shall comply with the provisions of Australian Standard AS2601 'The Demolition of Structures'. The work plans required by AS2601 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted and prepared to the satisfaction of the Principal Certifying Authority prior to the commencement of works.

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43. Demolition – Notice

- a) Notice is to be given to Council of the date on which it is proposed to commence demolition. This notice shall:
 - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
 - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work;
 - (iii) provide the relevant WorkCover license details of the demolisher/contractor; and
 - (iv) details of the demolisher/contractors current Public Liability/Risk Insurance Policy providing for a minimum cover of \$10 million.
- b) Notice is to be given to adjoining property owners of the date on which it is proposed to commence demolition. This notice shall:
 - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
 - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work; and
 - (iii) provide the telephone number of WorkCover's Asbestos/Demolition Hotline - 1800 672 718.

44. Asbestos Material Handling

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Clause 458 of the *Work Health and Safety Regulation 2011*.

In addition to the above, the following shall be satisfied:

- a) the person having the benefit of this consent must provide the Principal Certifying Authority with a copy of a signed contract with such a person before any development or works commence;
- b) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered;
- c) if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the Principal Certifying Authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

45. Archival Recording

No works shall commence until an archival record of the existing buildings on the site has been prepared and submitted to Council. This shall include measured drawings and an archival photographic record. The archival record shall be prepared in accordance with the Heritage Office's guideline 'Photographic Recording of Heritage Items using Film or Digital Capture'.

46. Sydney Water – Endorsement of Approved Plans

The approved plans must be submitted to and endorsed by Sydney Water via the 'Sydney Water Tap-in' website to determine whether the development will affect Sydney Water's water mains, stormwater drains and/or easements, or if any further requirements need to be met. Plans will be appropriately stamped.

Please refer to Sydney Water's website www.sydneywater.com.au

Evidence of the building plan approval must be forwarded to the Principal Certifying Authority prior to the commencement of works.

During Construction**47. Construction Hours**

The clearing of land, running of machinery, excavation, earthworks, demolition, building works and the delivery of building materials shall be carried out between the following hours:

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
 - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
 - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - (iii) a variation is approved in advance in writing by Council.

48. Site Management During Construction

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Copies of receipts stating the following must be given to the Principal Certifying Authority:
 - (i) the place to which waste materials were transported;
 - (ii) the name of the contractor transporting the materials; and
 - (iii) the quantity of materials transported off-site and recycled or disposed of.
- d) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- e) During construction:
 - (i) all vehicles entering or leaving the site must have their loads covered;
 - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and
 - (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.

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- f) At the completion of the works, the work site must be left clear of waste and debris.

Note: In the event it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be signposted and such signposting be maintained in a way that ensures public safety at all times.

49. Loading and Unloading During Construction

The following requirements apply.

- a) All loading and unloading associated with construction activity must be accommodated onsite.
- b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least eight weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.

50. Earthworks – Removal, Management and Transportation of Fill

Any excavated fill material that is to be removed from the site shall only be sent to:

- a) a NSW Office of Environment and Heritage licensed waste disposal facility. A copy of the receipts from the waste disposal facility shall be kept and shall be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or an authorised officer of Council upon request; or
- b) a site which has a current development consent for the importation of fill material. A copy of the current development consent for the site to which the material is proposed to be distributed must be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or an authorised officer of Council upon request.

All removed excavated material shall be transported and disposed of in accordance with the NSW Office of Environment and Heritage guidelines applicable at the time of removal.

51. Implementation of Erosion and Sediment Control Plan

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved Erosion and Sediment Control Plan (ESCP).

52. Implementation of Traffic Management Plan

Traffic management devices must be installed and maintained for the duration of the construction works in compliance with the approved Traffic Management Plan.

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53. Demolition – General

All demolition works must be carried out in accordance with the following:

- a) all demolition work shall be carried out strictly in accordance with Australian Standard AS2601 'The Demolition of Structures';
- b) demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover 'Demolition License' and WorkCover 'Class 2' (Restricted) Asbestos License and comply with WorkCover's 'Guide to Working with Asbestos';
- c) site safety/security fencing shall be provided prior to commencement of any work onsite and shall be removed only when all hazards, including site waste, have been removed. The site safety/security fencing shall comply with the following Australian Standards:
 - (i) Demolition Sites - Australian Standard AS2601 'Demolition of structures';
 - (ii) Construction Sites - Australian Standard AS 4687 'Temporary fencing and hoardings';
 - (iii) Ongoing Site Safety/Security - Australian Standard AS1725 'Chain-link fabric security fencing and gates';
- d) demolition work shall be carried out only between the hours of 7am to 6pm Mondays to Fridays and 8am to 4pm Saturdays. No work is to be carried out on Sundays or public holidays;
- e) all waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water;
- f) public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council;
- g) any materials stored on site must be stored away from any drainage path or easement, natural watercourse;
- h) demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings;
- i) waste must be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation;
- j) no material is to be burnt on site;
- k) details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal and recycling; and
- l) the site shall be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

54. Critical Stage Inspections

Prior to the commencement of building work and at nominated stages during the construction of the building, a minimum of 48 hours notice is required to be provided to allow the Principal Certifying Authority to ensure that the critical stage inspections are undertaken.

Note: Critical stage inspections are required to be carried out in accordance with Clause 162A of the *Environmental Planning & Assessment Regulation 2000*.

55. Survey Certificate – Location of Structures

The building and works shall be set out by a Registered Surveyor. A Survey Certificate showing the position of the external walls and structures under construction and in compliance with the approved plans shall be lodged with the Principal Certifying Authority prior to any stage of the development progressing beyond the ground floor level.

56. Smoke Detection and Alarm System

An automatic fire detection and alarm system shall be installed in the building in accordance with the National Construction Code (Building Code of Australia). Alarms and detectors shall be installed by a licenced electrician and multiple alarms shall be interconnected.

A Certificate of Compliance shall be provided to the Principal Certifying Authority prior to the occupation of the development.

57. Heritage – Archaeological Discovery During Works

Should any Aboriginal relics or European historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the following agencies are to be informed of the discovery:

- a) Council;
- b) the Heritage Council of NSW in accordance with Section 146 of the *Heritage Act 197*; and/or
- c) the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*.

58. Civil Works Specifications and Inspections by Certifying Authority

All civil construction works required by this consent shall be undertaken in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification.

Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specifications – Part II Table 1.1.

Prior to Issue of a Construction Compliance Certificate

59. Construction Compliance Certificate – Works Completed

Prior to the issue of a Construction Compliance Certificate all works must be completed in accordance with the approved Design Compliance Certificate Plans, approved supporting documentation and to the satisfaction of the Certifying Authority.

60. Detailed Works As Executed Plans – On Site Detention

'Works As Executed' plans prepared by a registered surveyor and certifying compliance with the approved stormwater design plans must be submitted to the Certifying Authority prior to issue of an Interim or Final Occupation Certificate. The Works As Executed dimensions and levels must be shown in red on a copy of the approved plans. The plans must verify:

- a) surface levels of constructed paved areas;
- b) surface and invert levels of any pits;
- d) invert levels and sizes of any pipelines; and
- d) on site detention (OSD) tank location, dimensions, orifice plate and volume.

All levels must relate to Australian Height Datum (AHD).

61. Detailed Works As Executed Plans for Works to be Dedicated to Council

'Works As Executed' plans prepared by a registered surveyor and certifying compliance with the approved design plans must be submitted to the Certifying Authority prior to issue of a Construction Compliance Certificate for the works to be dedicated to Council. The Works As Executed dimensions and levels must be shown in red on a copy of the approved Design Compliance Certificate plans. The plans must verify:

- a) finished surface levels;
- b) dimensions of carparking spaces;
- c) location and level of kerbs; and
- d) location and levels of footpath.

All levels must relate to Australian Height Datum (AHD).

Prior to Issue of an Occupation Certificate**62. Occupation Certificate – Prior to Commencement of Use**

The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate or Interim Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of the Occupation Certificate shall be submitted to Council within two days of issue.

63. Boarding House – Restrictions on Title

Prior to the issue of an Occupation Certificate, the following restrictions must be registered against the title of the property in accordance with Section 88E of the *Conveyancing Act 1919* stating that:

- a) The boarding house is to be used for the purposes of affordable housing, being accommodation for persons over 60 years of age with a gross household income that is less than 120 per cent of the median household income for the time being of Greater Sydney Statistical Division (according to the Australian Bureau of Statistics) and that pay no more than 30% of that gross income in rent.
- b) The boarding house is to be used for the purposes of affordable housing and that boarders/residents of the boarding house must enter into a Residential Tenancy Agreement with special conditions stating that they do not own a motor vehicle.
- c) The boarding house must be operated by a not-for-profit organisation that is a direct provider of rental housing to tenants.

64. Council Sewer Authority – Section 307 Compliance Certificate

A Section 307 Compliance Certificate from Council's Waste Management Branch confirming that the sewer works constructed and applicable fees under the Section 306 Response have been completed and paid must be submitted to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate.

65. Infrastructure Upgrades – Completed

The infrastructure upgrades required as part of this consent must be completed prior to issue of an Interim or Final Occupation Certificate.

66. Dedication of Parking and Pedestrian Footpath as Road Reserve

The four car parking spaces and the pedestrian footpath, including all associated infrastructure, must be dedicated as public road reserve at no cost to Council prior to the issue of an Interim or Final Occupation Certificate.

67. Dilapidation Report – Completion of Works

On completion of the development and prior to the issue of an Interim or Final Occupation Certificate, a final Dilapidation Report is to be prepared by an appropriately qualified person and is to be provided to the Principal Certifying Authority and Council identifying:

- a) whether any damage to surrounding public infrastructure has occurred as a result of the development;
- b) the nature and extent of any damage caused to the public infrastructure as a result of the development;
- c) the nature and extent of works required to rectify any damage caused to the public infrastructure as a result of the development; and
- d) the nature and extent of works carried out to rectify any damage caused to the public infrastructure as a result of the development.

This report must reference the original Dilapidation Report and Survey that were required to be provided to the Principal Certifying Authority and Council in accordance with this consent.

The developer shall bear the cost of carrying out works to restore all damage to public infrastructure as a result of the carrying out of the development, and no occupation of the development shall occur until damage caused as a result of the carrying out of the development is rectified.

68. Survey Certificate at Completion

A Survey Certificate prepared by a Registered Surveyor shall be prepared to certify the location of the building in relation to the boundaries of the allotment. The certificate is to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

69. Section J Energy Efficiency Assessment

Suitable evidence that the commitments identified in the Section J Energy Efficiency Assessment and on the plans or specifications have been fulfilled shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

70. Suitability of Glazing – Windows and Doors

Glazing materials (e.g. windows, doors, footlights, balustrades and shower screens) are to be installed within the building in accordance with Australian Standards AS1288 'Glass in Buildings – Selection and Installation' and AS2047 'Windows and external glazed doors in buildings'. A Certificate of Compliance is required to be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate.

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

71. Suitability of Glazing – Balustrades

Glass balustrades must be designed and installed in accordance with Australian/New Zealand Standard AS/NZS 1170.1 'Structural design actions – Permanent, imposed and other actions'.

Engineering certification must be provided to the Principal Certifying Authority for glass balustrading used in the development prior to the issue of an Interim Occupation Certificate.

72. Certification of Smoke Detection and Alarm System

An automatic smoke detection and alarm system shall be installed in residential development by a licensed electrician. Smoke alarms must comply with the Building Code of Australia and relevant Australian Standards and be connected to the consumer mains power where supplied to the building. A Certificate from a licenced electrician shall be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate.

73. Termite Protection – Certificate of Treatment

The type and method of termite treatment (complying with Australian Standard AS3660.1:2014 'Termite Management - New Building Work') provided to walls and floors, pipe penetrations and jointing of new work to existing and slab perimeters shall be certified prior to the release of an Occupation Certificate. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.

74. Termite Protection – Notice

A Termite Protection Notice, printed on durable material, shall be affixed in the meter box in accordance with Australian Standard AS 3660.1 'Termite Management – New building work' prior to a final inspection being carried out. The notice shall include information on the form of termite protection employed and the expected service life of the barrier before maintenance is required.

75. Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate. For details refer to Sydney Water's website www.sydneywater.com.au

76. Telecommunications Provider Certificate

Documentary evidence from a telecommunications carrier confirming that services are available for the development shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

77. Energy Provider Certificate

Documentary evidence from an energy provider confirming that satisfactory arrangements have been made to serve the proposed development shall be provided to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Operational Conditions**78. Maximum Number of Boarders**

A maximum of 19 boarders may be accommodated within the boarding house.

The boarding rooms may accommodate single boarders only.

79. Operation of Boarding House – Plan of Management

The boarding house must be operated and managed in accordance with the approved Plan of Management.

A copy of the approved Plan of Management, development consent, Incident Register and Register of Complaints must be kept onsite and made available to any Council or Police officer upon request.

The Plan of Management should be reviewed and updated every 12 months to reflect and respond to operational performance and incidents.

80. Noise Generating Activities – Daytime and Evening Hours

During the hours of 7am to 10pm, the development shall be managed so that the LAeq noise levels, measured at any point in accordance with the NSW Industrial Noise Policy, do not exceed 5dB(A) (LAeq) above background levels (LA90) with respect to noise amenity of residential properties and associated outdoor areas.

Between the hours of 10pm to 7am, the development shall be managed so that the noise level does not create offensive noise when assessed against the NSW EPA Noise Guide for Local Government (2013).

81. Annual Fire Safety Statement

The owner of the building is responsible for the lodgement with Council of an Annual Fire Safety Statement from a competent person so as to confirm the essential fire safety measures required to be provided in the building exist and are being maintained. The Annual Fire Safety Statement shall be issued within 12 months of the issue of the Final Fire Safety Certificate, and then on an annual basis thereafter.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:

- a) Forwarded to the Commissioner of Fire and Rescue New South Wales by email to afss@fire.nsw.gov.au; and
- b) Prominently displayed in the building.

82. Lighting

Any lighting shall be managed to minimise glare and light spill onto adjoining properties or roadways. Lighting installations shall comply with Australian Standard AS 4282 'Control of the obtrusive effects of outdoor lighting'.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises.

Advisory Notes

(i) Site Contamination Discovered During Demolition or Construction

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about contamination, then Council must be immediately notified and works must cease. Works must not recommence on site until consultation is made with Council.

(ii) Police Comments

Comments received from the Hawkesbury Local Area Command (Police) dated 18 December 2016 should be reviewed and incorporated in the Plan of Management as required.

(iii) Dial Before You Dig

Prior to commencement of work, the free national community service 'Dial Before You Dig' shall be contacted on 1100 regarding the location of any underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

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(iv) Requirements of 88B Instrument

The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

(v) Works on Public Land – Public Liability Insurance

Any person or contractor undertaking works on public land must take out a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent.

The Policy is to note, and provide protection/full indemnification for Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

(vi) Utilities and Services

Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the development shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the developer.

ATTACHMENTS:

AT - 1 Locality Plan

AT - 2 Aerial Plan

AT - 3 Plans of the Proposal

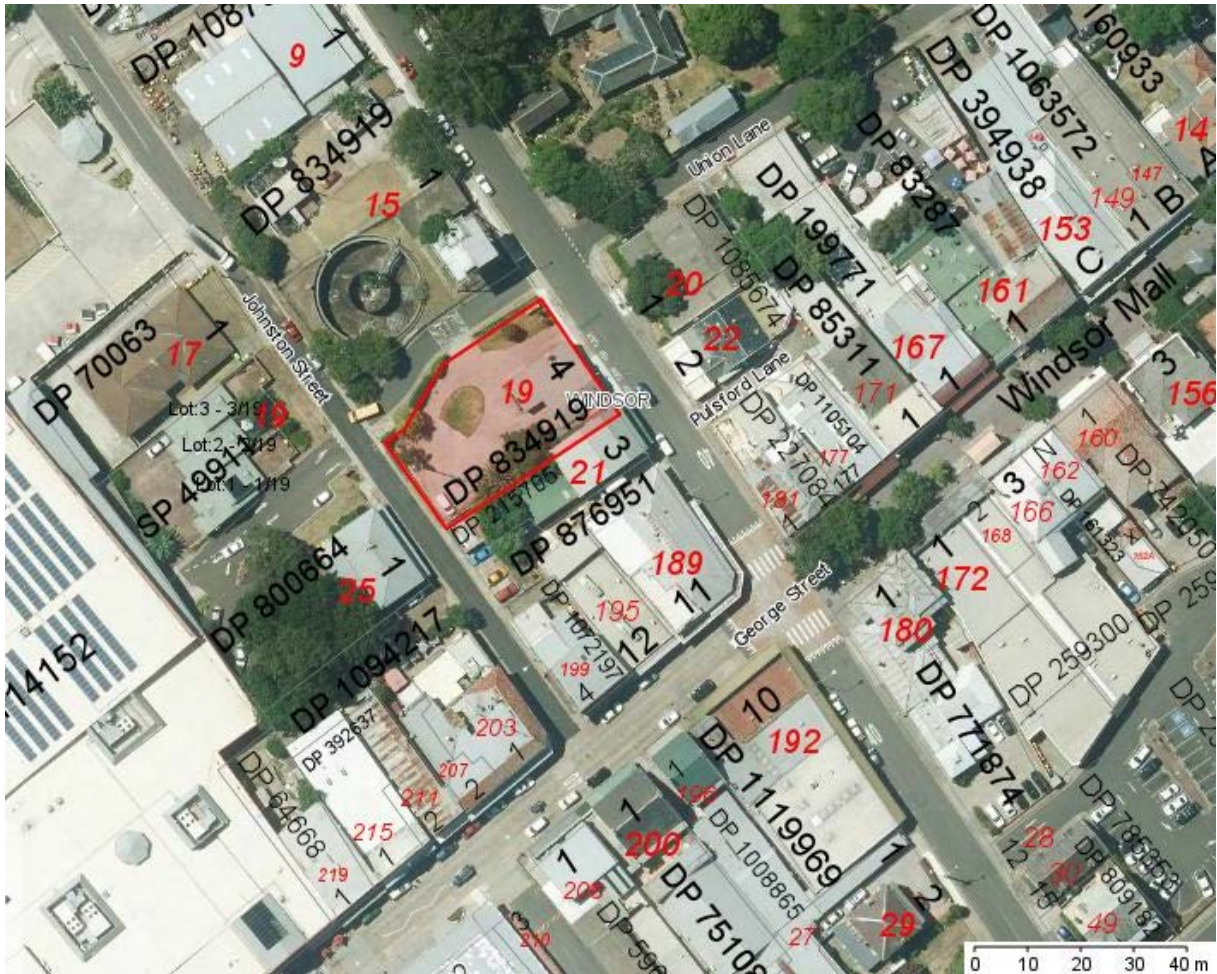
Meeting Date: 28 November 2017

The map displays a grid of property lots in Windsor. A central lot, DP 834919, is highlighted in red. Surrounding lots are labeled with their respective DP numbers and lot numbers. Streets shown include Johnston Street, Windsor Mall, George Street, Union Lane, and Pulsford Lane. A scale bar at the bottom right indicates distances from 0 to 40 meters. The word 'WINDSOR' is written in the center of the map.

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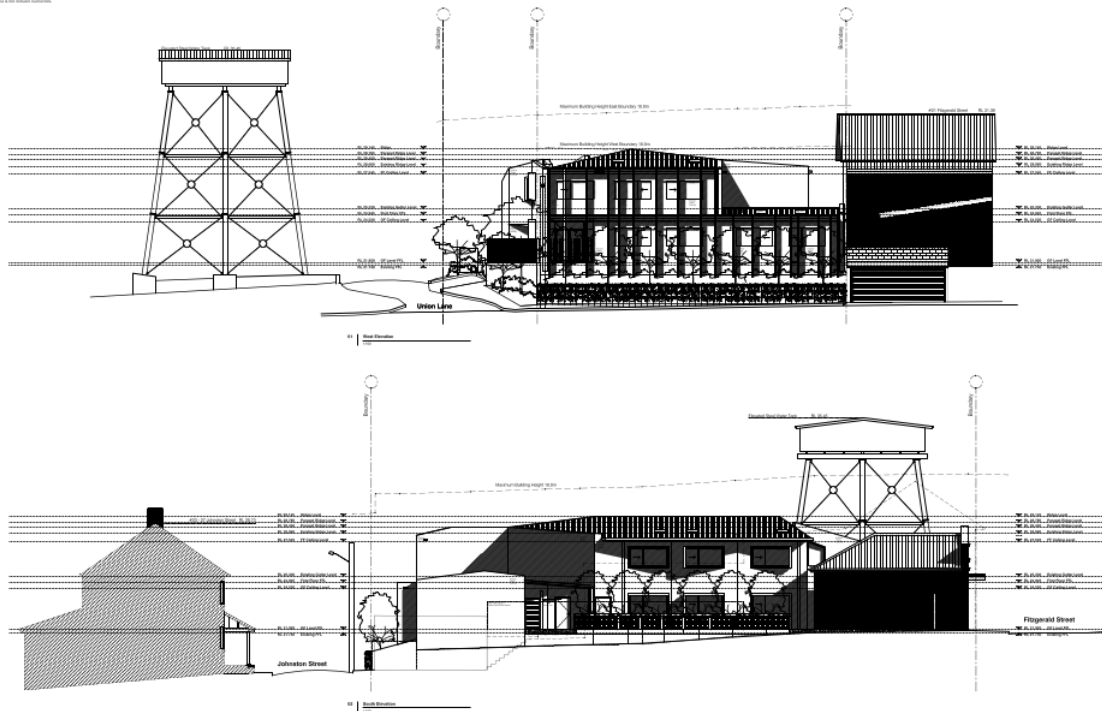
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AT - 2 Aerial Map



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Notes
 1. All dimensions are in millimetres unless otherwise stated.
 2. All dimensions are to the face of the wall unless otherwise stated.
 3. All dimensions are to the face of the wall unless otherwise stated.
 4. All dimensions are to the face of the wall unless otherwise stated.
 5. All dimensions are to the face of the wall unless otherwise stated.



4d	Architectural & Design 19 Fitzgerald Street Windsor ON L9A 4K1 Canada Phone: 519-251-1111 Fax: 519-251-1112 Email: info@4darchitect.com	Name 19 Fitzgerald Street Windsor ON L9A 4K1 Canada Phone: 519-251-1111 Fax: 519-251-1112 Email: info@4darchitect.com	Project No. 19 Fitzgerald Street Windsor 4000 2700	Drawing Title Elevation	Scale 1:100 (A1)	Project # 2017-01	Drawing # A011
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4d Boarding House / Supportive Accommodation
 19 Fitzgerald Street Windsor
 NE Perspective View 02 30/06/2017



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 November 2017

Item: 210 CP - DA0317/17 - 539 Kurmond Road, Freemans Reach - Lot 8 DP 544000 - Intensive Plant Agriculture - (95498, 135615, 135616)

Previous Item: 199, Ordinary (14 November 2017)

Development Information

File Number: DA0317/17
Property Address: 539 Kurmond Road, Freemans Reach
Applicant: Mr J Polito
Owner: Mr J Polito and Mrs F Polito
Proposal Details: Intensive Plant Agriculture - Proposed Use for Intensive Plant Agriculture, Construction of Two Farm Buildings and Access Road with Associated Earthworks and Tree Removal
Estimated Cost: \$655 000
Zone: RU2 Rural Landscape under Hawkesbury Local Environmental Plan 2012
Date Received: 31 May 2017
Advertising: 9 June 2017 to 23 June 2017

Key Issues:

- ◆ Noise
- ◆ Chemical spray drift
- ◆ Compatibility with adjoining land uses
- ◆ Flora and fauna

Recommendation: Approval

REPORT:

Executive Summary

This application seeks approval for the use of the land for intensive plant agriculture at 539 Kurmond Road, Freemans Reach.

The land is proposed to be used to grow cut flowers in open fields. As part of the proposal it is intended that two farm buildings, internal access road and tree removal would be undertaken.

An assessment of the application has been undertaken and it is recommended that the proposal be supported as the proposal is acceptable having regard to the relevant planning controls applying to the development, including Hawkesbury Local Environmental Plan 2012 and Hawkesbury Development Control Plan 2002.

Seventeen submissions have been received raising issues in terms of the intended future use of the land, noise, chemical spray drift, compatibility with adjoining land uses and flora and fauna impacts. The applicant has responded to concerns raised as a result of the notification of the application and all the submissions received have been considered in the assessment of the application.

There is no objection to the proposal in principal provided that the activity is operated as per the recommended conditions of consent included in this report.

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

This application was reported to the Council meeting of 14 November 2017 where Council resolved:

"That the matter be deferred to the next Council meeting."

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Following the Council meeting of 14 November 2017 the applicant submitted, on 21 November 2017, an addendum to the Farm Management Plan that addresses in more detail the operations on the property in relation to the chemicals used; the method of application and frequency of application of those chemicals on the site.

Description of Proposal

Pursuant to Section 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's approval to undertake Intensive Plant Agriculture on Lot 8 DP 544000, 539 Kurmond Road Freemans Reach.

It is proposed that the northern part of the subject site would be used to grow cut flowers in the ground and that two farm buildings would be constructed to support the proposed land use. Ancillary tree removal and earthworks would be associated with the proposed works.

The proposed growing areas are separated into the following three main areas:

- growing area one would be located along the north eastern property boundary adjacent to residential areas and used to grow perennial species strelitzia, magnolia and flowering gums which need little or no spraying;
- growing area two would be located in the middle of the growing areas and used to grow a mixture of Strelitzia, Magnolia, flowering gums, dahlias, tuberose which are annual flowers;
- growing area three would be located along the north western property boundary adjacent to agricultural uses and grow a mixture of perennial and annual crops such as Dahlias and Tuberose.

The first farm building would be located behind the existing dwelling, measuring 48.3m x 24m, have a total floor area of 1159.2m², is 6.585m high and have an open awning along one elevation. This building is intended to be used for the storage of equipment for the farm, a coolroom and processing area.

The second farm building would be located close to the proposed growing areas, measuring 15m x 24.3m, have a total floor area of 364.5sqm and be 6.404m high. This building is intended to be used for the storage of equipment for the farm, chemical storage, lunchroom and pump room.

The first farm building would be setback 34.6m from the eastern property boundary and the second smaller farm building would be setback 69.4m from the eastern property boundary. Both buildings would be located on a building pad created with a balance of cut and fill. The buildings have been designed to allow trucks and vehicles to drive into and through the middle of the structure.

The application is supported by:

- Statement of Environmental Effects, prepared by Urban City consulting, dated May 2017, amended 26 July and 11 August 2017;
- Farm Management Plan, dated 9 January 2017;
- Flora and Fauna Assessment, prepared by Fraser Ecological Consulting, dated 15 May 2017.

Site and Locality Description

The site totals 32.48ha, is irregular in shape, fronts Kurmond Road with side access to Linden Drive and a battle-axe shaped handle to the Hawkesbury River.

The site contains an existing dwelling, carport, horse stables, horse paddocks, two dams and in the area proposed for cultivation is predominantly grass paddock and is very lightly covered with scattered native vegetation. The site has historically been used for grazing and keeping of horses.

The area is characterised by agricultural and residential land uses, with residential properties (Golden Grove and Panorama Crescent) located towards the north eastern corner of the site.

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History of Application

- 14 June 2017 Letter sent to applicant requesting clarification in respect to whether or not any green houses are proposed.
- 28 June 2017 Meeting held with the applicant and Council staff discussing matters raised in respect to the information provided on the plans.
- Applicant clarified that there would be no crop protection structures and that the planting arrangements on site can be modified to ensure minimal soil disturbance close to neighbouring properties. Applicant advised that they would provide updated plans and responses to submission after the notification period has ended.
- 26 July 2017 Applicant provided updated plans and documents in response to matters raised by Council staff and the submissions received by Council.
- Applicant requested to have amended plans drawn to scale as notes on existing plan were not considered acceptable.
- 11 August 2017 Applicant submitted scaled site plan showing proposed buffer plantings and location of flower growing areas.

Council Policies, Procedures and Codes to which the matter relates

- State Environmental Planning Policy No 44—Koala Habitat Protection (SEPP No. 44)
- State Environmental Planning Policy No 55—Remediation of Land (SEPP No. 55)
- Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) (SREP No. 20)
- Hawkesbury Local Environmental Plan 2012 (LEP 2012)
- Hawkesbury Development Control Plan 2002 (DCP 2002)
- Development of Flood Liable Land Policy 2012

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 development that apply to the land to which the development application relates:

a) The provisions (where applicable) of any:

i. Environmental Planning Instrument:

State Environmental Planning Policy No. 44 – Koala Habitat Protection

This plan applies to development applications on land within the Hawkesbury Local Government Area that has an area of more than 1ha.

The flora and fauna assessment report submitted with the application confirms that the proposal is acceptable having regard to this policy and will not remove potential koala habitat. Vegetation proposed to be removed consists largely of individual tree species and the land has been highly disturbed by historic agricultural uses. Consequently it is unlikely that the site would constitute core koala habitat and the proposal is considered acceptable having regard to this policy.

State Environmental Planning Policy No. 55 – Remediation of Land

The land has historically been used for residential, agricultural and grazing purposes. There is no evidence to suggest that the land is contaminated to a state that would prevent the land from being continued to be used for agricultural uses. On this basis the property is considered suitable for the proposed land use having regard to this policy.

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

The proposed development would not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context and is consistent with the general and specific aims and planning considerations. The proposed works are not within the river corridor and are significantly setback from the river. An assessment of the proposal against the specific planning policies and development controls of the SREP follows:

Specific Planning Policies and Recommended StrategiesClause 6(1) Total catchment management

The land use is consistent with surrounding land uses. It is unlikely that the proposal would result in any significant adverse impacts on water quality or result in any adverse cumulative impacts on downstream local government areas based on the documentation submitted.

Clause 6(3) Water quality

The water runoff from farming areas would be directed into existing dams and reused as part of the regular farming activities in accordance with best practice. In the event of a storm, water would leave the site and pass through the proposed sediment pond, main dam and spillway prior to leaving the site.

The proposal is satisfactory having regard to the proposed land use, method of water treatment and best practice for farming. Suitable conditions during construction are recommended requiring drainage managed in a manner that protects downstream water quality.

Clause 6(4) Water quantity

The proposal would not increase the amount of water run-off from the site or the rate at which it leaves to any extent that would have an adverse impact on river flows. Stormwater is proposed to be managed so that runoff would follow the natural contours of the land and not be concentrated over any downstream properties.

Clause 6(6) Flora and fauna

The proposal would have no adverse impact on native flora and fauna. The site has historically been used for farming and no significant vegetation is proposed to be removed based on the conclusions of the flora and fauna assessment report submitted.

Clause 6(8) Agriculture/aquaculture and fishing

The proposal is acceptable having regard to this clause as the land is zoned for agriculture and permitted with consent. It is considered that the proposal can be managed in a manner that would not adversely impact the surrounding environment.

Development ControlsClause 11(10) Intensive Horticultural establishments

The proposal is consistent with this clause as the application seeks consent for the use of the land for horticultural purposes and it is unlikely to have any adverse impacts on the total water cycle.

Clause (17) Sewerage systems or works

Suitable space is available on the subject site to dispose of effluent disposal anticipated to be generated by the proposed buildings. Consent for the installation of sewerage systems is required.

Hawkesbury Local Environmental Plan 2012

The subject land is zoned RU2 Rural Landscape and the development is permitted with consent in this zone being defined as 'intensive plant agriculture' which includes the cultivation of irrigated crops for commercial purposes.

The aims and objectives of LEP 2012 and the RU2 Rural Landscape zone have been considered as part of the assessment. The site is surrounded by agricultural and residential uses and it is proposed that the growing areas and buildings would be setback from adjoining residential development in order to provide suitable separation between the proposed activity and the neighbouring residential uses.

The development would fit in with the surrounding agricultural land uses and is not expected to have any significant adverse impact on the rural character of the locality.

The residential zone towards the eastern property boundary has been considered by the applicant and it is proposed that growing areas would be setback 15 metres from the eastern property boundary and will contain a six metre vegetated buffer.

In order to ensure that the vegetation buffer zone provides suitable width for planting a combination of large trees and shrubs it is recommended that the vegetation buffer area be extended to 10 metres in width. This would ensure that the objectives of the zone are achieved. A consent condition is recommended to amend this buffer.

The development is further considered to be consistent having regard to the following specific clauses of the LEP 2012:

Clause 4.3 Height of Buildings

The proposed buildings are not greater than the 10m building height specified for the site.

Clause 6.3 Acid sulfate soils

All growing areas are situated within land identified as Class 5. The proposal is not likely to lower the water table or result in the exposure of acid sulfate soils.

Clause 6.4 – Terrestrial biodiversity

The growing areas are proposed on part of the land that has historically been used for grazing.

The application is supported by a flora and fauna assessment report which considers the removal of a total of 36 isolated trees belonging to the Shale Transition Forrest Endangered Ecological Community. The report confirms that the trees are in a poor condition and their removal would not have any adverse impact on the vegetation corridors identified within the surrounding locality.

The flora and fauna report recommends that offset planting be undertaken for the loss of vegetation proposed as part of the application and that this could be achieved with the preparation of a vegetation management plan.

The successful implementation of a vegetation management plan would have a positive impact on the conservation of biodiversity on the site and would mitigate any potential impact the proposal would have on the ecological processes of the site.

Furthermore the proposed growing areas would drain away from the native vegetated areas located on the site. As part of any farming activity it would be expected that water quality be controlled in a manner that does not have any adverse impact on the water quality of downstream properties or vegetated areas.

Clause 6.7 Essential services

The site has suitable access to the road, water and electricity. The proposal would not require any significant extension or modifications to existing services and the applicant would need to obtain appropriate water licences and septic approval prior to the commencement of any works. Suitable conditions are recommended in this regard.

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 2002

The proposal is generally consistent with the requirements of the DCP 2002. An assessment of the proposal against the relevant provisions of this plan follows.

Part A Chapter 3 – Notification

The application was notified between 9 June 2017 - 23 June 2017. 17 submissions have been received following the notification of the application and discussed under the submission section of this report below.

Part C Chapter 2 – Car parking and Access

Adequate area is available onsite for parking of vehicles associated with the operation of the farm and is generally acceptable having regard to the requirements of this chapter. Conditions in respect to the construction of the accessway have been recommended to address dust nuisance. Furthermore a rural driveway crossing would need to be extended to satisfy Council's requirements for access.

Part C Chapter 7 –Effluent Disposal

Approval is required for the onsite effluent disposal associated with the proposed buildings. Suitable area is available on the land to support the proposed use and standard development conditions recommended in this regard.

Part C Chapter 4 – Soil and sediment erosion

The proposed works can be managed as part of any approval subject to compliance with the recommended soil and sedimentation conditions of consent. It is considered that there is suitable area available on site to manage construction works consistent with the aims and objectives of this chapter.

Part D Chapter 6 – Dam construction

The use of the existing dams is considered to be suitable for the proposed farming activities.

The dams would be used for sediment control and water use consistent with what would be expected for a farming activity. Any water licence requirements of the NSW Department of Primary Industries – Water would need to be addressed prior to the issue of any design compliance certificate for the use.

Part D Chapter 8 – Farm Buildings and Outbuildings

The proposed farm buildings used for the storage of farming equipment, staff amenities, processing of flowers and cool room storage of flowers are associated with the agricultural use of the land.

The development is considered generally acceptable having regard to the colour, materials, design, siting, orientation, height, setback and landscaping requirements of this chapter.

The cumulative enclosed floor area of the farm buildings is 1523.7m² which is 373.7m² greater than the 1150m² maximum floor area specified under the DCP. The application requests a variation to the maximum allowable area on the basis that the additional floor area is required to support cool rooms, staff amenities, storage for equipment and allow for vehicles to drive through.

It is considered that the additional floor area would not result in any adverse impact on the surrounding locality given the setbacks of the buildings and intention to undertake landscape buffer planting around property boundaries. The specific nature of the proposed land use requires a large area to store flowers and equipment.

It is recommended that the proposed variation be supported and that compliance with the standard would be unreasonable based on the specific nature of the proposal. The buildings would be consistent with other farm buildings located in the area, are suitably setback from adjoining development and would be sited so as to reduce any potential impact on the overall appearance of the locality and cut or fill of the land.

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:

Not applicable.

v. Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

The proposal is generally consistent with the Upper Hawkesbury River Estuary Coastal Zone Management Plan.

vi. Matters prescribed by the Regulations:

The proposal is considered acceptable having regard to the Environmental Planning and Assessment Regulation 2000, which outlines that the development is to comply with the National Construction Code/Building Code of Australia.

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 proposal is compatible within the rural context of the locality and would not result in any significant adverse impacts. The application is supported by a farm management plan that details ways in which noise, water, chemical usage, odour and air quality would be managed during the operation of the farm. A summary of the content of the Farm Management Plan is as follows:

- Additional offset plantings would be undertaken for the loss of vegetation in the proposed growing areas
- The farm would operate between 6:30am and 7:30pm during daylight hours
- Only light vehicle traffic is expected
- Where possible the use of chemicals would be avoided
- Any chemical use would be applied in accordance with best practice, licensing requirements and in a manner that does not result in soil contamination or spray drift
- Chemicals would be stored in buildings in accordance with chemical storage requirements
- Fertilisers will be applied directly to the plants or through dripper lines to ensure minimal odour impact

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- Any possible odour sources will be kept away from neighbouring properties, not be stored for long periods of time and be kept inside/covered to prevent odour drift
- Water pumps and irrigation equipment will be located away from residential properties
- No outdoor lighting is proposed for the growing areas
- Irrigation would be a combination of drip irrigation and sprinklers
- The dams are being used to capture rainwater and recycle water collected from the growing areas
- Irrigation areas will not generate significant water runoff
- All plastics will be stored in waste areas and removed from the site
- The operator of the farm will keep neighbours informed of any unavoidable impacts in terms of noise or dust and maintain a complaints register, and
- The operator will actively address any problems that arise as from complaints being received.

On 21 November 2017 the applicant submitted an addendum to the Farm Management Plan that details the chemicals proposed to be used on the site, the method of application of those chemicals and the likely frequency of use of chemicals on the site. This addendum will form part of the approved Farm Management Plan, should the application be approved, and the approved use must follow the requirements of that Plan.

The farm management plan considers potential impacts and actions to control potential impacts on the adjoining development in a manner that is consistent with what would be expected to be best practice farming. It is noted that a number of matters in respect to the farm management plan were raised as a result of the notification of the proposal. It is recommended that a condition be imposed on the development requiring the farm management plan be updated to address a number of concerns raised. Particularly in respect to potential spray drift, stockpiles of manure, crop protection structures, water quality of the dam and protection of vegetation buffers. This condition has been included in the recommended conditions (Condition 74) attached to this report.

The application proposes vegetation buffers between the proposed farming activities and the adjoining residential land uses. It is recommended that vegetation buffer areas be extended to a width of 10 metres in order to provide sufficient room to plant large trees and shrubs in this area.

The documentation submitted is considered acceptable subject to the development being carried out in accordance with conditions of consent recommended in this report.

Compliance with the recommended conditions of consent would ensure that potential impacts in respect to the proposed land use would not have any impact on the surrounding locality.

Consequently the proposed development would unlikely have any significant adverse impacts upon the natural or built environments or negative social or economic impacts on the locality.

c) Suitability of the site for the development:

The site is considered able to support the proposed development. The activity is proposed on land that is of sufficient area and dimensions, and is relatively free of environmental constraints that could hinder the use of land for the purposes of agriculture.

The application has been referred to Council's Engineers, Environmental Health Officers and Building Surveyors for comment. No objections were raised subject to the implementation of the standard development conditions for this type of land use. These conditions have been included as part of the recommendation of this report.

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

Public Submissions

The application was notified to nearby and adjoining residents in accordance with Hawkesbury DCP 2002.

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A total of 14 submissions were received in response to the notification of this application raising objection to the proposal. An additional three submissions were received after the applicant provided updated plans and information following the notification of the application.

The matters raised in the submissions have been detailed below in italics, followed by a response by the assessing officer:

The applicant is not revealing the truth about what his intention is for this site and request that Council request a full concept plan of the intensive agriculture farm, detailing ALL the proposed buildings.

Officer's comment: Previous plans submitted identified a building pad for future greenhouses. The applicant has confirmed that no green housing is proposed and the proposal is for the growing of cut flowers in the ground. Any future development on the land would be subject to a separate application.

Impacts on view and outlook from adjoining residential properties, loss of views reduction in property values.

Officer's comment: The proposed development would fit in with the agricultural appearance of the surrounding locality and it is proposed that suitable separation would be provided between the proposed activities and adjoining residential areas.

A landscaping buffer area will be provided in order to reduce potential visual impact associated with the proposal.

Whilst it is acknowledged that the adjoining residential properties benefit from views over a paddock the Land and Environment Court has identified that it is often unrealistic to be able to retain views over an adjoining property where development is permitted on the land with consent and the proposal would not result in the loss of iconic views.

Increase in impacts in terms of noise, water quality and dust.

Officer's comment: The application is supported by a farm management plan that seeks to manage issues in terms of noise, water quality and dust. It is recommended that conditions in respect to farming activities be included as part of any consent to ensure that the land is used in accordance with best practice and does not interfere with adjoining developments.

Location of proposed driveway and buildings.

Officer's comment: The application previously proposed a driveway along the eastern property boundary. This driveway has been removed following the submissions received and any driveways proposed on the site would need to be constructed to a suitable standard so as to not have adverse impacts in terms of traffic or dust.

The farm buildings are suitably setback from adjoining residential properties and are acceptable having regard to Hawkesbury DCP.

Removal of native vegetation should not be supported and use would result in loss of habitat in dams and on the site.

Officer's comment: Potential impacts on flora and fauna have been assessed and considered in the Flora and Fauna assessment report submitted with application.

The implementation of a vegetation management plan for the site would mitigate any impacts associated with the proposed vegetation removal.

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The dams on site have been historically used for farming and collect stormwater from the upstream residential properties.

As part of the use of these dams it would be required that the farming activities be undertaken in a manner that does not have any adverse impact on water quality on site. The use of the smaller dam as a sediment pond will aid in treating water coming off the growing areas and is considered to be consistent with best farming practice.

Use of chemicals and pesticides. Spray drift on neighbouring properties.

Officer's comment: Potential for spray drift would be managed by applying pesticides or herbicides in accordance with work cover requirements, best practice, licensing requirements and on days that are not windy.

The applicant has considered the submissions received and amended the application to change the type of flowers which would be grown closer to the nearby residential areas so that the plants used in those areas require less chemical application.

In this regard, growing area one is closest to the adjoining residential properties would be limited to the planting of Strelitzia, Magnolia and flowering gums which need little or no spraying.

The response to spray drift is considered suitable having regard to potential impacts on adjoining development. It is recommended that any consent be conditioned to ensure that herbicides, pesticides and chemicals are stored, applied and handled in accordance with the necessary licences and best practice.

The applicant has also submitted an addendum to the Farm Management Plan on 21 November 2017 that more clearly details the chemicals proposed to be used, the method of application and the likely frequency of use of chemicals on the site. This addition to the Farm Plan of Management is considered to satisfactorily address concerns regarding chemical use and spray drift to adjoining property.

Proximity of farm to adjoining development and potential conflicts with adjoining residential areas and kindergarten. Landscape buffer not considered suitable and will increase bushfire risk to residents.

Officer's comment: Following an assessment of the proposal it is considered reasonable that the landscape buffer be increased from 6m to 10m in order to provide suitable space to allow for the planting of vegetation and minimise potential conflict with adjoining residential properties.

It is recommended that standard conditions of consent be imposed on any development to ensure that the permitted land use is carried out in a manner that does not adversely conflict with adjoining properties.

The vegetation buffer areas are isolated from any bushfire threat and are unlikely to increase bushfire risk to surrounding development.

No acoustic report provided.

Officer's comment: The application has addressed noise as part of the farm management plan and conditions in respect to noise control are recommended.

There is no guarantee that a water licence would be issued by the NSW Office of Water.

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Officer's comment: The requirement for a water licence will need to be addressed by the operator prior to the issue of any design compliance certificate.

Power to the buildings should be underground in order to reduce visual impact.

Officer's comment: It will be up to the owner to provide suitable power supply to the buildings in accordance with the energy provider's requirements.

No soil analysis or climate analysis provided for the site.

Officer's comment: The land and surrounding areas have historically been used for farming and suitable access to water is available.

Stormwater drain at rear of property not considered as part of the application.

Officer's comment: Council's Development Engineer has reviewed the proposal and raised no issues in respect to the proposal impacting stormwater of the upstream properties.

The dam is a corridor used by animals.

Officer's comment: The dam on the land is not a natural watercourse. The dam has not been identified as an area of ecological significance as part of the Flora and Fauna report submitted with the application. It is noted that the dam attracts both native and introduced species and it would be unlikely that the proposed use would have any significant impact on native vegetation corridors in the surrounding locality.

The dams will not collect all water coming off the site and a backup of water could occur onto the adjoining residential properties.

Officer's comment: It is unlikely that the large dam would back up onto the adjoining residential properties as the dam's spillway will ensure water discharges downstream away from adjoining residential properties.

The driveways terminate on the plan, no turning areas or parking areas are shown on the plans and the application does not state if the farm will be accessed via Linden Drive.

Officer's comment: Suitable space available on the land to have vehicles move and park along the proposed driveways. No driveway construction is proposed to Linden Drive and any parking areas would be conditioned to be located to the west of the proposed buildings, away from the adjoining residential areas.

Hours of operation 6:30am to 7:30pm, however flower markets start earlier.

Officer's comment: The farm would be expected to operate in accordance with the farm management plan submitted. Any impacts in terms of noise on adjoining properties can be addressed via conditions of any development consent. Suitable conditions have been recommended in this report.

Only two to three truck movements proposed on the site per week. Unrealistic as it does not include deliveries, etc.

Officer's comment: The proposed activity would not result in significant traffic generation based on the proposed land use. The proposal is not considered to be traffic generating development that needs to be referred to the Roads and Maritime Services and the proposal would not have any significant adverse impact on the capacity of Kurmond Road.

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No details on pumping systems proposed or how irrigation would work.

Officer's comment: It expected that irrigation areas would be established between the growing beds and water would be pumped from the dam. Water runoff is expected to be minimal and appropriate water licences would need to be in place. Conditions in respect to noise from irrigation equipment are recommended in this report.

Farm buildings will have a negative impact on the character of the locality and is unacceptable. Particularly having regard to visual appearance, light and noise.

Officer's comment: The farm buildings are considered acceptable having regard to the Hawkesbury DCP. The use of these buildings will be required to comply with lighting and noise conditions recommended in this report.

Farm buildings are not clustered and too close to adjoining residential properties.

Officer's comment: The application seeks to limit activities on site into two main buildings so as to reduce the number of buildings required to support cool rooms, staff amenities and equipment storage. The buildings are not located on any significant ridge and are suitably setback from adjoining development.

Inconsistent with the zone objectives.

Officer's comment: The proposal is acceptable having regard to the overall zone objectives and will allow for a permitted land use which considers the adjoining residential area.

No adequate assessment in respect to water management has been provided in respect to wastewater and contamination of soil and water.

Officer's comment: This has been previously addressed in this report. Suitable area is available on the land to dispose of sewer and wastewater from the growing areas would go through a sediment dam consistent with best practice.

Previous press releases and plans indicate that a glasshouse would be constructed over the growing areas. And the current operator requires them at previous farms he has used.

Officer's comment: As mentioned previously the notation on the original plans regarding future structures has been removed. Speculation of future structures is not a matter of consideration as part of this application. Any future landuse of structure will require a separate development application.

Department of Planning and Environment

Given the proximity of the site to the Hawkesbury River the application was referred to the Department of Planning and Environment - Resources and Geoscience for comment. In their letter of 14 June 2017 the department raised no objections to the proposal nor provided comments in respect to mineral resources.

e) The Public Interest:

The proposal is consistent with the relevant planning controls affecting the site, the zoning of the land and overall context of the locality. The matters raised in the submissions received do not warrant refusal of the application as these issues raised can be appropriately managed as part of standard development conditions. It is therefore considered that the proposal is not contrary to the public interest.

The proposal is permitted with consent and support of the development is considered to be in the public interest.

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Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 79C(1) having been taken into consideration. The proposal is consistent with the relevant planning considerations applying to the development and it is recommended that the proposal be supported.

Development Contributions

Hawkesbury Section 94A Contributions Plan 2015

The following development contributions apply to this development \$6550.00. Accordingly, a condition of consent is required to be imposed in this regard.

Planning Decision

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

RECOMMENDATION:

That Development Application No. DA0317/17 at Lot 8 DP 544000, 539 Kurmond Road Freemans Reach NSW 2756 for Intensive Plant Agriculture – Proposed Use for Intensive Plant Agriculture, Construction of Two Farm Buildings and Access Road and Associated Earthworks and Tree Removal be approved subject to the following conditions:

General Conditions

1. **Approved Plans and Supporting Documentation**

The development must be carried out generally in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended in red on the plans and/or amended by other conditions of consent:

a) Plans Reference:

Drawing Number/Name	Prepared by	Date
Plan of proposed works Revision B	McKinlay Morgan and Associates	7 August 2017
Plan of proposed shed sites	McKinlay Morgan and Associates	3 May 2017
Rural Shed Drawing No. A1524ARD	Hills Sheds	16 January 2017
Cool room and storage building Drawing No. A1848AW6	Hills Sheds	16 January 2017

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b) Document Reference:

Document	Date
Farm Management Plan, including addendum.	9 January 2017 20 November 2017
Flora and Fauna Assessment prepared by Fraser Ecological Consulting	15 May 2017

No works, other than those approved (including raising or lowering of ground levels on the site, or construction of retaining walls on any property boundary) are permitted by this consent.

Note: Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) any amendments made by Council on the approved plans or documents;
- (ii) any notes, markings, or stamps on approved plans or documents; and
- (iii) any conditions contained in this consent.

2. Design Amendments Required

In order to that there is a suitable area available to establish a vegetation buffer zone between the proposed growing areas and the adjoining residential properties towards the eastern property boundary, the vegetation buffers must be extended to a minimum 10 metre width.

The vegetation buffer areas must extend the length of adjoining residential properties along the eastern property boundary. The vegetation buffer is to be planted and established prior to the growing of cut flowers.

Details are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate demonstrating compliance with this condition.

3. Appointment of a Principal Certifying Authority

No work shall commence until:

- a) A Building Construction Certificate is issued by:
 - (i) Council; or
 - (ii) An Accredited Certifier;
- b) A Principal Certifying Authority is appointed for the building/engineering works and the following details relating to the carrying out of the works have been provided:
 - (i) name and licence number of the builder undertaking the construction works; or
 - (ii) name and permit number of the owner-builder (if relevant);
- c) The Principal Certifying Authority has:
 - (i) provided a copy of the notice of its determination to the consent authority, and to Council (within two days after the date of the determination);
 - (ii) notified the person having benefit of the consent of any critical stage inspections and other inspections that it requires to be carried out in relation to the approved work;
 - (iii) notified Council of its appointment (not less than two days before commencement of building work);

- d) The person having benefit of the consent (if not carrying out work as an owner-builder) has:
 - (i) appointed a principal contractor who must hold a 'contractor licence' if any residential building work is involved;
 - (ii) notified the Principal Certifying Authority of the appointment of the principal contractor;
 - (iii) notified the principal contractor of any critical stage inspections or any other inspections that are required to be carried out in relation to the approved work;
- e) At least two days' notice are to be provided to Council of the date on which it is proposed to commence work associated with this development consent.

4. Works Shall Not Commence Until A Construction Certificate or Design Compliance Certificate (Engineering Works) Approval Is Issued

No work shall commence until:

- a) a Construction Certificate is obtained from either Council or an Accredited Certifier;
- b) a Design Compliance Certificate is obtained from either Council or an Accredited Certifier for civil works (where required by this consent);
- c) a Principal Certifying Authority is appointed; and
- d) a Notice of Commencement is lodged with Council.

Note: If the Construction Certificate is issued by an Accredited Certifier that is not Council it will be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval (a registration fee is payable upon lodgement).

5. Part 4A Certificates Required

The accredited certifier shall provide copies of all Part 4A certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Council within seven days of issuing the certificate.

Note: A registration fee applies.

6. Occupation Certificate Required Prior to The Use Of The Building

The building/structure shall not be occupied or used prior to the issuing of an Interim or Final Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of the Occupation Certificate shall be submitted to Council within two days of its issue.

7. Sewer Authority - Hawkesbury City Council

This development falls within the Sewerage Scheme controlled by Council. Therefore Council is the approving authority for all sewer works.

8. Commencement of the Use of the Land

The approved use of the land shall not commence until all relevant conditions of this consent have been complied with and an Interim or Final Occupation Certificate has been issued. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

9. Prescribed Conditions - Compliance with National Construction Code

All building works must be carried out in accordance with the requirements of the National Construction Code (Building Code of Australia).

10. Existing Buildings and Structures

This development consent relates only to the new work nominated on the stamped approved plans and does not approve or regularise any existing buildings or structures located on the property.

11. Excavation - Archaeology

If any object having heritage significance is uncovered during the course of the work:

- a) all work must stop immediately in that area; and
- b) the NSW Office of Environment and Heritage and Council must be advised of the discovery.

Note: Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further work can continue.

12. Excavation - Aboriginal Relics

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) all excavation or disturbance of the area must stop immediately in that area; and
- b) the Office of Environment and Heritage and Council must be advised of the discovery.

All necessary approvals from the NSW Office of Environment and Heritage shall be obtained and a copy provided to Council prior to works recommencing.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

13. Disposal of Cleared Vegetation

Vegetation waste resulting from the approved clearing of the site shall be salvaged for re-use, either in log form, or as a woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots, stumps or declared weed species shall be disposed of in an approved manner.

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

14. Design Compliance Certificate - Works Covered

Part 4A Design Compliance Certificate/s must be obtained for this development covering the following:

- a) Design of Private Access Road (Issued by Council or C1 Accredited Certifier).

Note: Should Council be nominated as the Certifying Authority for the Design Compliance Certificate, the Applicant shall pay a Design Compliance Certificate Fee and a Construction Compliance Certificate Fee in accordance with Councils adopted fees and charges when submitting Civil Engineering Plans for Approval.

15. Civil Works Specifications Compliance

All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification. Inspections shall be carried out and compliance certificates issued by Council or an Accredited Certifier.

16. Works on Public Land - Not Permitted Without Approval

No work can be undertaken within adjoining public lands (i.e. Parks, Reserves, Roads etc.) without the prior written consent of Council or other relevant authority. In this regard the person having benefit of the consent is to contact Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

The developer must bear the cost of all works associated with the development that occurs on public land, including the restoration of damaged areas.

17. Water Licence Requirements

Prior to the issue of any construction certificate, design compliance certificate or commencement of any works, the consent holder shall provide sufficient details to the Principal Certifying Authority demonstrating that appropriate water access licence has been issued from the NSW Office of Water for the approved agricultural land use.

18. Vegetation Planting

Prior to the removal of any vegetation onsite a vegetation management plan must be prepared for the site in accordance with the recommendations of the Flora and Fauna Assessment report, prepared by prepared by Fraser Ecological Consulting, dated 15 May 2017.

This plan shall specify how the remaining vegetation on site can be protected and where vegetation can be planted on site to mitigate any potential impacts vegetation removal would have on the biodiversity of the site.

Vegetation planting should be undertaken around the dams and in vegetation buffer areas and should consist of a mixture of trees, shrubs and groundcovers endemic to the locality. All vegetation planting or protection measures required under this consent shall be planted or installed prior to the use of the site for any farming activities.

Prior to the Issue of Design Compliance Certificate

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

19. Traffic Control Plan

A Traffic Control Plan prepared in accordance with the Roads and Traffic Authority publication 'Traffic Control at Worksites' is to be prepared by an appropriately qualified person and submitted to Council, prior to the issue of a Design Compliance Certificate.

20. Erosion and Sediment Control Plan (ESCP)

Prior to the issue of the Part 4A Design Compliance Certificate, the applicant must submit to and obtain the Certifying Authority approval of an Erosion and Sediment Control Plan (ESCP). The ESCP must show the location of site boundaries, adjoining roads, approximate grades, vegetation, site access, impervious areas, existing and proposed site drainage and a north point.

The ESCP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction' (2004). The plan should show the following:

- a) timing of works;
- b) nature and extent of earthworks, including the amount of any cut and fill;
- c) where applicable the diversion of runoff from upslope lands around the disturbed areas;
- d) location of all soil and other material stockpiles including topsoil storage;
- e) location and type of proposed erosion and sediment control measures;
- f) site rehabilitation proposals; and
- g) frequency and nature of maintenance program.

21. Rural Residential Driveway - Internal

A standard rural residential vehicular driveway must be constructed within the property. The driveway must:

- a) have a minimum width of four metres within the property in accordance with 'Planning for Bushfire Protection 2006' requirements;
- b) be constructed of all-weather material and have 100mm of road base and be sealed where located within 30 metres of the eastern boundary and north of lot 105 DP 219848 to ensure that dust is not a nuisance to adjoining properties;
- c) any access within 30m of the eastern boundary of the site and located south of lot 106 DP219848 must not be used on a regular basis or for intensive agricultural purposes and be kept as an informal turfed track or else sealed;
- d) be constructed in accordance with Council's 'Driveway Specification' and Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification; and
- e) include adequate drainage to prevent erosion.

Details of the driveway are to be included on the plans submitted to the Certifying Authority prior to issue of a Part 4A Design Compliance Certificate.

22. Overland Flow

The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:

- a) water flowing from the property must not be redirected or concentrated to adjoining properties;
- b) water flowing into the property from adjoining lots shall not be impeded or diverted; and
- c) water flow shall follow the natural flow directions without increasing velocity.

Details demonstrating compliance with the above shall be provided to the Certifying Authority prior to the issue of a Design Compliance Certificate.

Prior to the Issue of Construction Certificate

23. Long Service Levy Payment

The payment of a long service levy as required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 is required. Evidence that the levy has been paid, is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Note: All building works valued at \$25,000 or above are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Payments Corporation offices or most councils.

24. Access for Persons with a Disability

Details demonstrating compliance with Australian Standard AS 1428.1 - 'Design for Access and Mobility and Disability (Access to Premises - Buildings) Standards 2010' in relation to the development are to be submitted to the Certifying Authority prior to issue of a Construction Certificate.

25. Section 94A (Monetary) Contributions

A contribution under Section 94A of the Environmental Planning and Assessment Act 1979 must be paid in accordance with the following:

a) Contribution Required

In accordance with Council's Section 94A Contributions Plan 2015, a monetary contribution (indexed at the time of payment) must be paid to Council for the amount specified below.

b) Amount of Contribution

The amount of the contribution is \$6500.

This fee is based on the supplied value-of-works of \$655,000.

The contribution amount detailed in (b) will be indexed at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics (Table 6401.0).

Contributions must be receipted by Council and evidence of payment submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Please present a copy of this condition when paying the contribution at Council's Customer Service Centre so that it can be recalculated.

Note: In the event that the estimated value of works increases in association with the Construction Certificate the Section 94A contribution payable is to be based on the revised value of works.

26. Structural Engineers Design - Concrete and Structural Steel

A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Certifying Authority prior to issue of Construction Certificate.

27. Structural Engineers Design - Retaining Walls

Any retaining walls having a height exceeding 600mm proposed in conjunction with the development are required to be designed by a practicing structural engineer.

Details demonstrating compliance with this requirement must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

28. Council Sewer Authority - Inspection Fees

Council is the sewer authority for this development. As this development involves connection to the existing sewer system or works in connection to an on-site waste management facility, payment of the prescribed inspection fee is required to be made prior to the issue of a construction certificate. Evidence of this payment must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

29. Erosion and Sediment Control Plan

Prior to the issue of the Construction Certificate, the applicant must submit to and obtain the Certifying Authority approval of an Erosion and Sediment Control Plan (ESCP). The ESCP must show the location of site boundaries, adjoining roads, approximate grades, vegetation, site access, impervious areas, existing and proposed site drainage and a north point.

The ESCP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction' (2004). The plan should show the following:

- a) timing of works;
- b) nature and extent of earthworks, including the amount of any cut and fill;
- c) where applicable the diversion of runoff from upslope lands around the disturbed areas;
- d) location of all soil and other material stockpiles including topsoil storage;
- e) location and type of proposed erosion and sediment control measures;
- f) site rehabilitation proposals; and
- g) frequency and nature of maintenance program.

30. Rural Driveway Construction in Council Road Reserve

If Council is not the Certifying Authority for the access works then an 'Agreement Form for Driveways' must be submitted to Council prior to the issue of a Construction Certificate. Evidence of lodgement and payment for this application shall be provided to the Certifying Authority.

The vehicular crossing must:

- a) have a minimum width of four metres within the road reserve;
- b) not interfere with existing public infrastructure;
- c) have a finish matching the road construction fronting the property (bitumen/asphalt) or concrete; and
- d) be constructed in accordance with Council's 'Driveway Specification' and Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification.

Note: The Agreement Form for Driveways and the Driveway Specification are available from Council's website.

31. No Fill Permitted

It must be clearly noted on plans submitted to the Certifying Authority prior to issue of the Construction Certificate that no fill (with the exception of road sub base and base material) shall be imported onto the site as part of this development.

Prior to Any Works Commencing on Site**32. Principal Certifying Authority - Details**

The applicant shall advise Council of the name, address and contact number of the Principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act 1979.

33. Toilet Facilities

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer;
- b) be attached to an approved on-site effluent disposal system;
- c) be a temporary chemical closet that is regularly maintained; and
- d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet.

34. Notice of Commencement

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:

- a) details of the appointment of a Principal Certifying Authority (PCA) providing name, address and telephone number; and
- b) details of the name, address and licence details of the Builder.

35. Principal Certifying Authority (PCA) Site Sign

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) showing the name, address and telephone number of the Principal Certifying Authority for the work;
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

36. Safety Fencing

The site is to be secured by a fence, in accordance with NSW WorkCover requirements, to prevent unauthorised access during the period of all works.

37. Erosion and Sediment Control for Minor Development

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)'.

38. Sydney Water - Endorsement of Approved Plans

The approved plans must be submitted to and endorsed by Sydney Water via the 'Sydney Water Tap-in' website to determine whether the development will affect Sydney Water's water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to Sydney Water's website.

Evidence of the building plan approval must be forwarded to the Principal Certifying Authority prior to the commencement of works.

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39. Design Compliance Certificate - Required prior to Commencement of Works

A part 4A Design Compliance Certificate as specified in this consent is required prior to the commencement of access works on the site.

During Construction

40. Construction Hours

Clearing of land, running of machinery, excavation, and/or earthworks, building works and the delivery of building materials shall be carried out between the following hours:

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
 - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
 - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - (iii) a variation is approved in advance in writing by Council.

41. Site Management During Construction

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Copies of receipts stating the following must be given to the principal certifying authority:
 - (i) the place to which waste materials were transported;
 - (ii) the name of the contractor transporting the materials; and
 - (iii) the quantity of materials transported off-site and recycled or disposed of.
- d) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- e) During construction:
 - (i) all vehicles entering or leaving the site must have their loads covered;
 - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and
 - (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.
- f) At the completion of the works, the work site must be left clear of waste and debris.

Note: In the event it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be signposted and such signposting be maintained in a way that ensures public safety at all times.

42. Loading and Unloading During Construction

The following requirements apply.

- a) All loading and unloading associated with construction activity must be accommodated on site.
- b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.

43. Critical Stage Inspections

Prior to the commencement of building work and at nominated stages during the construction of the building, a minimum of 48 hours' notice is required to be provided to allow the Principal Certifying Authority to ensure that the critical stage inspections are undertaken.

Note: Critical stage inspections are required to be carried out in accordance with Clause 162A of the Environmental Planning & Assessment Regulation 2000.

44. Inspection and Compliance certificates for sewer works

Inspection and Compliance Certificates for sewer works can only be conducted and issued by Council.

In the case of:

- a) internal and external (house service connection) drainage, the inspection must be conducted by Council's Development Services Branch, please phone (02) 4560 4444 to arrange inspections and payment of required fees;
- b) sewer work constructed under a Major/Minor Sewer Works application, the inspection must be conducted by Council's Waste Management Branch. A compliance certificate will not be issued under Works as Executed information has been received, assessed and approved by the Waste Management Branch, please phone (02) 4560 4444 to arrange inspections; and
- c) major sewer works where the contractor is allowed to use third party quality control, the third party must be approved by the branch manager of Council's Waste Management Branch.

In all cases inspections must be conducted on the exposed pipes prior to any backfilling including poured concrete or concrete encasement.

45. Earthworks - General Requirements

All earthworks on site must comply with the following:

- a) topsoil shall be stripped only from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping;

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- b) once the topsoil has been removed the natural batter should be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place;
- c) filling shall comprise either uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site;
- d) a ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination;
- e) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing shall be constructed;
- f) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS 1289 - 'Methods of testing soils for engineering purposes unless otherwise specified'; and
- g) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works.

Note: ENM is defined by the Excavated Natural Material Exemption - NSW Environment Protection Authority.

46. Heritage - Archaeological Discovery During Works

Should any Aboriginal relics or European historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the following agencies are to be informed of the discovery:

- a) Council;
- b) the Heritage Council of NSW in accordance with Section 146 of the Heritage Act 1974, and/or
- c) the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.

47. Inspections by Certifying Authority

Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan 2002 - Appendix E Civil Works Specifications, Part II, Table 1.1.

48. Installation of Traffic Management Devices

Traffic Management Devices must be installed and maintained for the duration of the proposed works in compliance with the approved Traffic Management Plan.

49. Implementation of Erosion and Sediment Control Plan (ESCP)

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved Erosion and Sediment Control Plan.

50. Earthworks - General Requirements

All earthworks on site must comply with the following:

- a) topsoil shall be stripped only from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping;
- b) once the topsoil has been removed the natural batter should be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place;
- c) No fill is to be imported onsite(except for road sub base and base material);
- d) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing shall be constructed;
- f) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS 1289 - 'Methods of testing soils for engineering purposes unless otherwise specified'; and
- g) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works.

Prior to Issue of Construction Compliance Certificate**51. Construction Compliance Certificate**

A Construction Compliance Certificate is required to be issued confirming the works approved under the Design Compliance Certificate were carried out in accordance with that approval. Council or an appropriately accredited certifier can issue a Construction Compliance Certificate.

52. Completion of Design Compliance Certificate Works

Prior to the issue of a Construction Compliance Certificate all works must be completed in accordance with the approved Design Compliance Certificate Plans, approved supporting documentation and to the satisfaction of the Principal Certifying Authority.

Prior to Issue of Occupation Certificate**53. Construction Compliance Certificate Required**

A Part 4A Construction Compliance Certificate for works approved under the Part 4A Design Compliance Certificate is required prior to the Issue of an Occupation Certificate.

54. Occupation Certificate - Prior to Commencement of Use

The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate or Interim Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of the Occupation Certificate shall be submitted to Council within two days of issue.

55. Landscaping – Vegetation buffer areas

Vegetation buffer areas must be planted along the eastern property boundary. The buffer areas must remain in place and be maintained for the life of the development.

Planting is to be undertaken prior to the issue of any Occupation Certificate.

56. Vegetation Planting – Vegetation Management plan

Planting works specified under the vegetation management plan must be completed prior to the issue of any Occupation Certificate.

Confirmation that the works have been completed in accordance with the Vegetation Management Plan must be provided to the Principal Certifying Authority.

57. On-site Sewage Management - Approval to Operate

An Approval to Operate the on-site sewage management system shall be obtained prior to the issue of any Occupation Certificate.

58. Compliance Certificate - Connection to On-Site Waste Facility

A written clearance from Council (as the local sewer authority) that the development is suitably connected to the on-site sewerage management system is required to be submitted to the Principal Certifying Authority prior to the issue of an Interim Occupation Certificate.

Operational Conditions

59. Maintenance of Landscaping

All trees and plants forming part of the approved landscape design must be maintained on an ongoing basis. Maintenance includes implementation of the vegetation management plan, watering, weeding, fertilizing, pest and disease control, replacement planting and any other activity required to maintain healthy trees, plants and turfed areas.

60. Public Complaints Management

During the operation of the development, the operator shall ensure that the following contact details are available for community complaints:

- a) a telephone number on which complaints about operations on the site may be registered
- b) a postal address to which written complaints may be sent
- c) an email address to which electronic complaints may be transmitted.

The operator shall ensure that the required details are publicly available including, but not limited to, displaying the information on a sign near the entrance to the site, in a position that is clearly visible to the public. If the proprietor has an internet site these details shall also be provided on this site.

61. Noise Generating Activities - Daytime and evening hours

During the hours of 7am to 10pm, the development shall be managed so that the LAeq noise levels, measured at any point in accordance with the NSW Industrial Noise Policy, do not exceed 5dB(A) (LAeq) above background levels (LA90) with respect to noise amenity of residential properties and associated outdoor areas.

62. Noise Generating Activities - Night hours

Between the hours of 10pm to 7am, the development shall be managed so that the noise level does not create offensive noise when assessed against the NSW EPA Noise Guide for Local Government (2013).

63. Noise Generating Activities

Irrigation pumps and other fixed noise generating equipment (such as coolroom motors) are to be either housed in an enclosure acoustically designed that significantly reduces the noise emissions or is located in a suitable location in order to achieve a reading of not more than 5dBA above background noise levels at the boundary of the property between the hours of 7am and 8pm each day. The equipment shall not emit noise greater than the background noise levels between the hours of 8pm and 7 am.

64. Pesticides - Storage and Use

The application, management and record keeping of pesticides at the premises must comply with the following legislation or guidelines:

- a) WorkCover NSW 1998 - 'Code of Practice for the Safe use of and Storage of Chemicals (including pesticides and herbicides) in Agriculture';
- b) WorkCover 'Code of Practice for the Labelling of Workplace hazardous substances';
- c) NSW Department of Primary Industries 'Spray Drift Management - Principles, strategies and supporting information'; and
- d) NSW Department of Primary Industries 'Reducing herbicide spray drift'.

Any chemicals containers are to be disposed of through the Drum Muster programme conducted at the Hawkesbury City Council Waste Management Facility, or at an authorised waste disposal facility. Chemical containers are to be prepared for disposal in accordance with the Agsafe Standard for 'Effective Rinsing of Farm Chemical Containers'. Excess chemicals, herbicides or insecticides are to be disposed of through the "ChemClear" programme conducted by Agsafe (www.chemclear.com.au) or through other appropriate programmes.

65. Hazardous Substances - Safety Data Sheets

Safety Data Sheets (SDS) of all hazardous substances used on the premises must be kept on-site and readily available to all staff. Staff involved with handling these materials are to be trained how to safely use and store these substances prior to their use.

66. Bunding - Chemicals, Fuels and Oils

The proprietor shall store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards and/or the NSW Environment Protection Authority's 'Storing and Handling Liquids: Environmental Protection - Participants Manual'.

67. Pollution Control

The use of the premises must incorporate facilities that will prevent the discharge of any pollutant so as to minimise adverse environmental impact as follows:

- a) all pollution control devices (including drainage systems, sumps and traps) must be regularly maintained;
- b) all liquid wastes must be collected and disposed of in a manner which does not pollute the stormwater system;
- c) the repair, servicing and maintenance of all vehicles must take place in a bunded work bay drained to a holding tank or similar device so that any liquid wastes produced from such repair, servicing, and maintenance can either be:

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- (i) retained for recycling; or
 - (ii) disposed of in accordance with the requirements of Council;
- d) all paints, chemicals and other liquids shall be stored in approved receptacles which are to be housed in a suitably constructed bunded area;
- e) no spray painting of vehicles shall take place outside the spray booth; and
- f) appropriate equipment and absorbent material must be provided and maintained in a prominent position in order to combat any spill.

68. Waste Generated On-site

All liquid and/or non-liquid waste generated on the site shall be assessed and classified in accordance with the Waste Classification Guidelines (Department of Environment, Climate Change and Water, 2009), or any superseding document, to safeguard protection of the environment and human health. Waste generated on the site can only be taken to, and accepted at, a waste facility which is lawfully authorised to receive, re-use and/or dispose of that type of waste.

The development is to be maintained in a clean and tidy manner. All waste materials to be regularly removed from the property. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour and dust), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

69. No burning of materials

The burning of prohibited articles is not permitted. Prohibited articles include tyres, chemical and pesticide containers, drums, coated wire, plastic, rubber items, paint containers, treated or painted timbers, residues, solvent containers and residues or any other manufactured article or petroleum products including any accelerants. No household rubbish, building materials or industrial rubbish is to be burnt (this includes plastics paper or grass cuttings).

70. Lighting

Any lighting shall be managed to minimise glare and light spill onto adjoining properties or roadways. Lighting installations shall comply with Australian Standard AS 4282 - 'Control of the obtrusive effects of outdoor lighting'.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.

71. Annual Fire Safety Statement

The owner of the building is responsible for the lodgement with Council of an Annual Fire Safety Statement from a competent person so as to confirm the essential fire safety measures required to be provided in the building exist and are being maintained. The Annual Fire Safety Statement shall be issued within 12 months of the issue of the Final Fire Safety Certificate, and then on an annual basis thereafter.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:

- a) Forwarded to the Commissioner of Fire and Rescue New South Wales by email to afss@fire.nsw.gov.au; and
- b) Prominently displayed in the building.

72. Dust Management - Trafficable and Vehicle Manoeuvring Areas

All trafficable and vehicle manoeuvring areas on the site shall be maintained in a condition that will minimise the generation or emission of windblown or traffic generated dust at all times.

73. Parking of vehicles

Vehicle parking areas on site are to be located to the west of the proposed farm buildings away from the residential properties to the eastern property boundary.

74. Farm Management

The farm shall be operated in accordance with the Farm Management Plan, including the addendum dated 20 November 2017, submitted with the application and with the following requirements added to that Farm Management Plan as an additional addendum to that Plan:

- a) No crop protection structures should be installed over the growing areas without Council approval.
- b) No stockpiles of any organic fertiliser/animal manure are to be kept at the property.
- c) Manure and compost shall to be mixed into the soil directly following delivery to the site to prevent odour or dust being blown onto surrounding properties.
- d) Stockpiles of any soils, sand, aggregate, spoil or other material capable of being moved by running water is to be stored clear of any drainage line, easement, natural water course or road surface.
- e) All plastics including, but not limited to, plastic sheeting used shall be disposed of through an approved method. No plastic is to be disposed of by burning or burial. All plastics made loose during harvesting are to be collected. Plastic is not to be permitted to drift beyond the property boundary.
- f) Care is to be taken at all times not to interfere or damage the root structure of the vegetation within the buffer areas with the operations of the proposed activity. The buffer vegetation is to be maintained in a healthy condition at all times and should any of that vegetation die it is to be replaced with a similar species and number of plants.
- g) The dams are to be regularly monitored for algal growth both terrestrial and aquatic and noxious weeds growth and where detected are to be dealt with appropriately.
- h) There is to be no spray drift of chemicals onto surrounding properties. Spraying is not to be conducted on windy days or when humidity is very high. Adjoining neighbours are to be given 24 hours notice prior to any non-hand held spraying occurring. Adjoining neighbours for notification are defined as;
 - 531 to 537, 555 and 561 Kurmond Road, Freemans Reach,
 - 636 Terrace Road, Freemans Reach,
 - 1 to 4 Golden Grove, Freemans Reach,
 - 52 to 80 Panorama Crescent, Freemans Reach, and
 - 23 The Boomerang, Freemans Reach.

The Farm Management Plan is to be reviewed and updated by the farm operator every 12 months and an approved copy of that Management Plan is to be available for inspection at the farm by farm staff and Council at all times.

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Advisory Notes

(i) Approval Authority

This development falls within the Sewerage Scheme controlled by Council, therefore Council is the approval authority for all sewer works.

The applicant must consult with the Waste Management Branch regarding any possible new work or upgrades to existing Council sewer mains related to this application.

(ii) Equitable Access

The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.

(iii) Acid Sulfate Soils - Monitoring of Excavation During Works

All excavations are to be monitored to ensure that acid sulphur soils are not encountered during works. Signs that may indicate the presence of acid sulphur soils include:

- a) change in colour of the soil into grey and green tones;
- b) effervescence;
- c) the release of sulphur smelling gases such as sulphur dioxide or hydrogen sulphide; and
- d) lowering of the soil Ph by at least one unit.

Should any of the above indicators be present excavation work on the site is to stop and Council is to be notified to determine what action is required to be taken before work may commence.

(iv) Site Contamination Discovered During Demolition or Construction

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about contamination, then the applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with Council.

(v) Dial Before You Dig

Prior to commencement of work, the free national community service 'Dial Before You Dig' shall be contacted on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

(vi) Requirements of 88B Instrument

The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

(vii) Protection of the Environment Operations Act 1997

In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

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(viii) Utilities and Services

Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the proposed development shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the developer.

ATTACHMENTS:

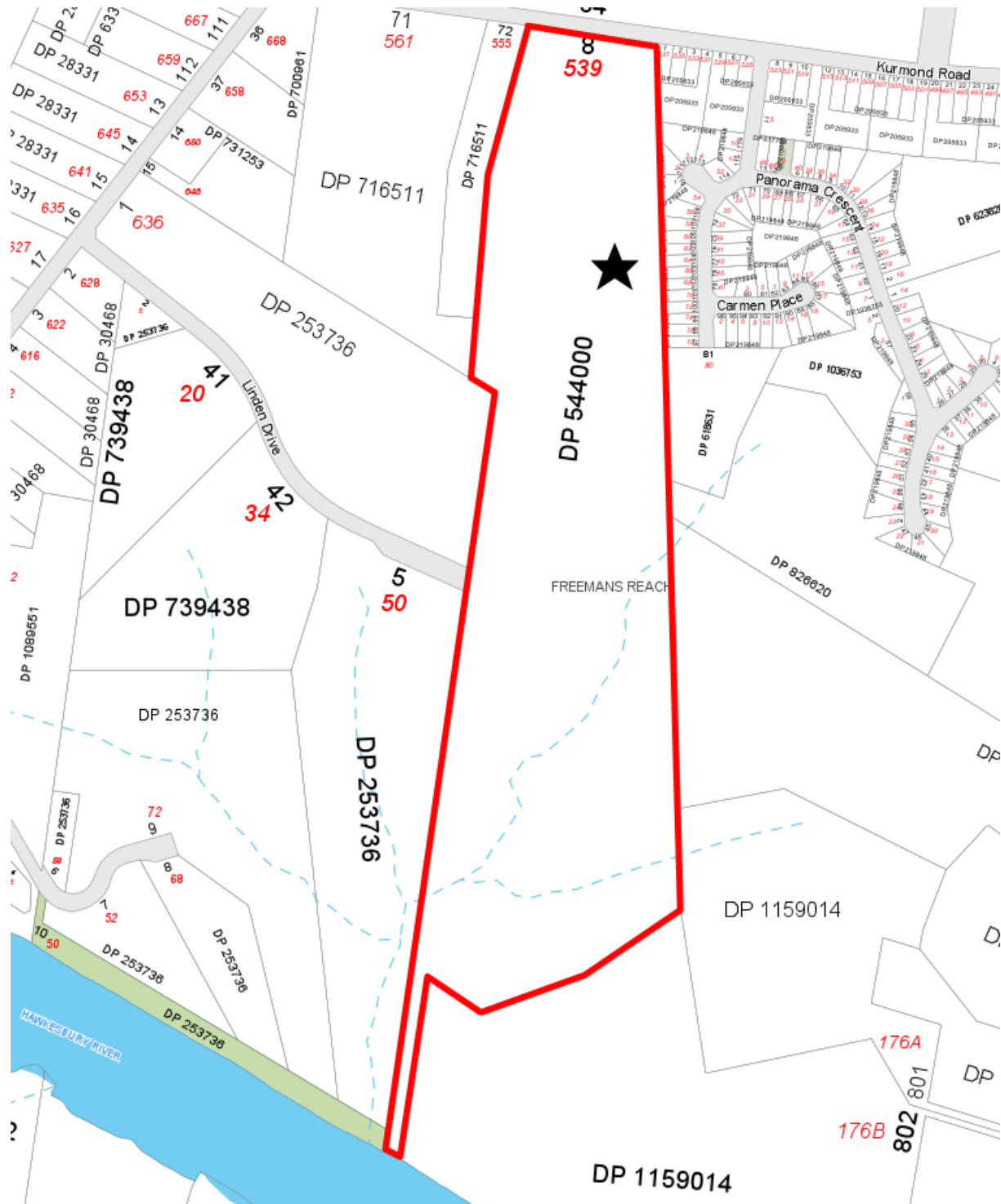
- AT - 1 Locality Plan
- AT - 2 Aerial Photograph
- AT - 3 Plans
- AT - 4 Farm Management Plan - Chemical Usage

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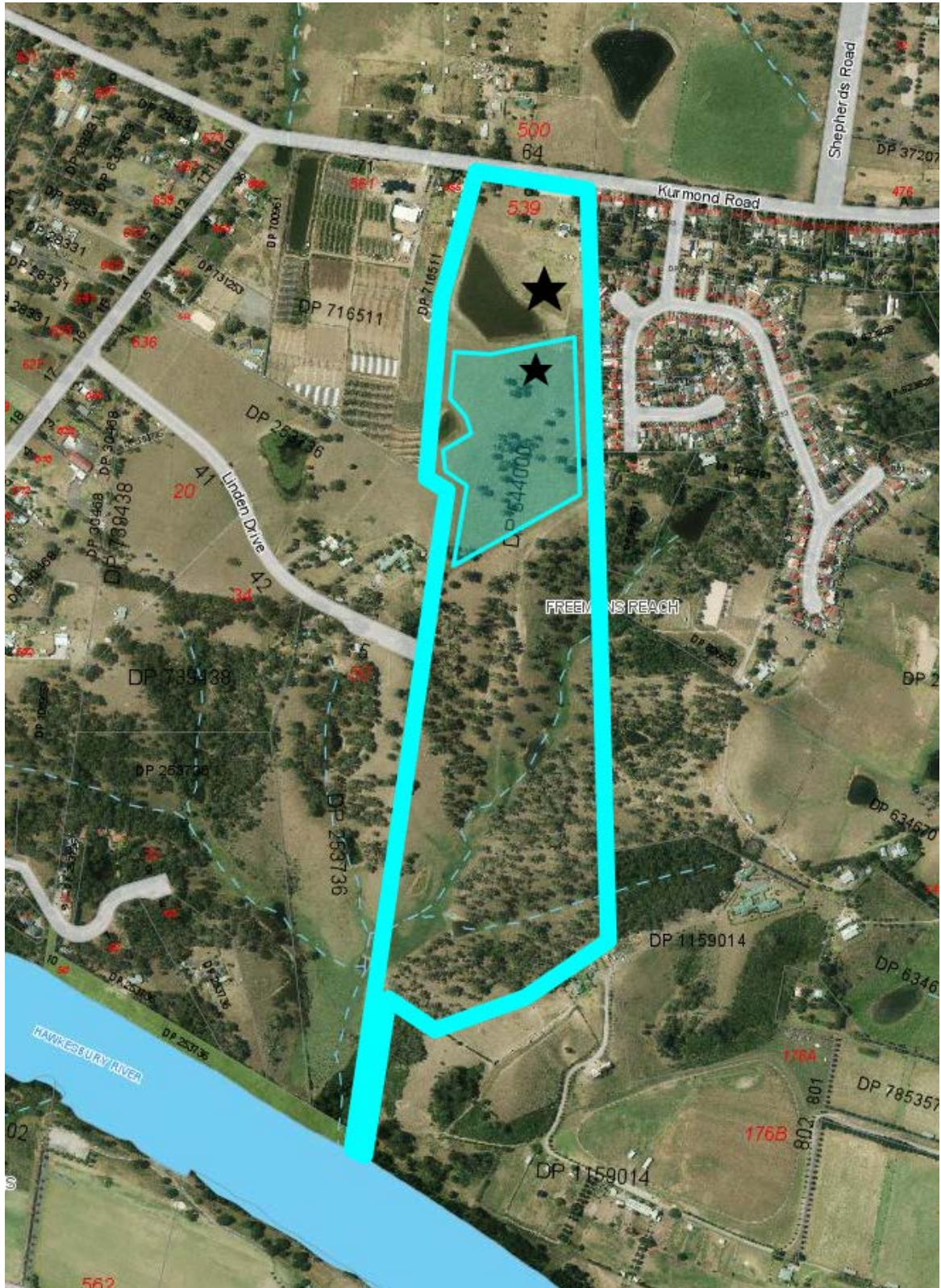
AT - 1 Locality Plan

Locality Plan (Star indicates location of proposed activities)



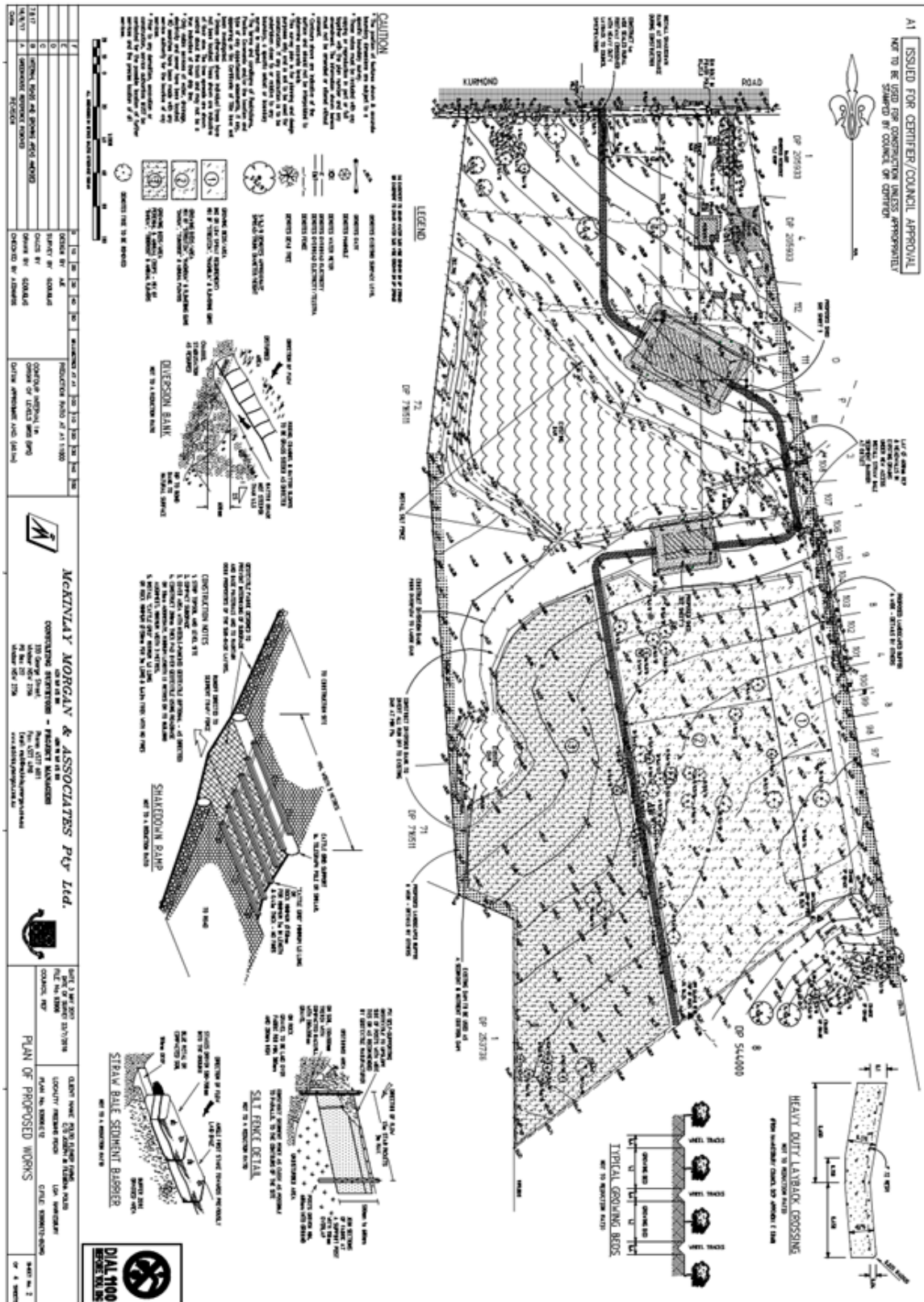
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Aerial Photograph of subject area
(Approximate location of farm buildings shown with stars and hatched area shows proposed growing area)



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Site Plan



AT - 4 Addendum to Farm Management Plan dated 20 November 2017

Addendum to Farm Management Plan

Property: 539 Kurmond Road, Freemans NSW 2756

Development: Proposed Intensive Agriculture – Horticulture

For: Polito Flower Farms

Date: 20/11/17

Chemical Use

Chemical use on the farm will be the last/emergency resort for pest control.

The farm will first use natural methods IMP (Integrated Pest Management Practices) such as insect predators and beneficial soil bacteria and fungus to combat pest and disease issues in the flowers.

Polito Flower Farms weed management practices include hand weeding, mowing, and mulching.

They have also invested in "Weed Techniques – Steam Weeder" along with a training package for all staff in June 2016, which is used on the farm regularly.

This method of control reduces the need for spraying chemicals.

If chemicals are to be used the following chemicals will be used on the plants and the following procedures will be undertaken to ensure that spray draft potential is significantly reduced.

- Mancozeb Fungicide
- Lime Sulphur
- Confidor
- Eco Oil
- Spray Seed
- Round Up

These chemicals are also used at a domestic level and are available from nurseries and hardware stores directly to the public to control pest issues with plants grown on residential properties.

- The spray will occur with a hand sprayer and not a boom sprayer and be targeted directly at the plants to reduce any drift. The sprayer will be pointed towards the ground and the plants.
- The spraying will not occur in certain weather conditions such as on windy days and humid days where the potential for spray drift is higher.
- Spraying will be undertaken by staff with the qualifications (Farm Chemical Users Certificate) who will be competent in assessing the risk to the safety of neighbours, environment and consumers.
- Spraying will occur in accordance with the NSW Pesticides Act 1999

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Frequency of Spraying and Application.

Spraying with preventatives will occur weekly, this may include spraying the growing areas or in sections.

The plants are inspected on a daily and if needed are sprayed to target the bugs, or diseases that are attacking the plant.

All plants are sprayed at a part of the day or in conditions that are suitable.

This could happen daily as occasionally part of a crop may be targeted, or conditions change.

Generally, there is more spraying frequency in warmer seasons than in cooler periods.

The aim is for all spraying to occur on one day in the week, however unforeseen circumstances can prevent the spraying to occur in the same day due to inappropriate weather conditions.

All plants are sprayed at a part of the day or in conditions that are suitable and in line with the relevant industry and government guidelines for chemical spraying.

The spraying of the plants with Fungicides and insecticides occur by use of a hand wand at PSI 130-180, our inter row herbicide is sprayed by 15ltr knapsack, no boom is used in this operation.

All our staff involved with the spraying of the plants have completed chemical accreditation courses and are suitably qualified to undertake the spraying activity.

A record of any spraying that occurs is kept in a register which includes the following information:

- Date and time of spraying.
- The chemical used and the dosage/concentration
- Method used in spraying the plants
- Area where the spraying occurred
- Weather conditions at time of spraying
- Any other comments about the spraying activity

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Fertilizers Use

The fertilisers used for the growing of the plants are as follows:

- Osmacote 4 months (alternate brand Multicote 4 months)
- Osmacote 6 months (alternate brand Multicote 6 months)
- Complete liquid Fertilizer (Applied through the dripper lines directly to the plants roots in the amount required for the uptake by the plants)
- Liquid Sea Weed Solution (Sea sol) (Applied through the dripper lines directly to the plants roots in the amount required for the uptake by the plants)
- Wuxal Foliar Feed
- Multi Cal Foliar Feed

Fertilizer Frequency and Application to Plants

Fertilizers are applied to the plants at the initial planting stage and throughout the growing process at the required time to ensure they develop to their desired height and form before being cut and sent to the markets.

All fertilizer is applied by either hand or through the drip irrigation lines that are targeted at the roots of the plants.

No blood and bone or other organic manure fertilizers are used in the initial setup of the growing areas.

The fertilizers are not applied on a bulk basis over a large area but by hand only and around the base of the plants and the growing beds.

oooO END OF REPORT Oooo

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Item: 211 **CP - DA0380/17 - 617 Bells Line of Road, Kurmond - Lot 1 DP794338 - Change of Use to Transitional Group Home - (95498, 92999, 138238, 135509)**

Development Information

File Number: DA0380/17
Property Address: 617 Bells Line of Road, Kurmond
Applicant: Christ Mission Possible and Teen Challenge NSW Inc
Owner: Kurmond One Pty Ltd
Proposal Details: SEPP (Affordable Rental Housing) 2009 - Change of Use to Transitional Group Home
Estimated Cost: \$100,000
Zone: RU1 Primary Production under Hawkesbury Local Environmental Plan 2012
Date Received: 26 June 2017
Advertising: 10 July to 24 July 2017

Key Issues:

- ◆ Land Use
- ◆ Conflict with adjoining land uses

Recommendation: Approval

REPORT:

Executive Summary

This application seeks the consent of Council to use an existing building at 617 Bells Line of Road, Kurmond, as a Transitional Group Home. The subject building was previously approved and operated as a motel and this application seeks to undertake minor alterations and upgrade works to the subject building to make it suitable for the proposed new use.

The group home would provide rehabilitation and accommodation for women recovering from drug and alcohol dependency and/or domestic violence. The residents will not be current drug users as they will have already successfully undertaken a detox program prior to being accepted into the proposed accommodation. As such, detox services are not being provided on site. The building will provide for a maximum of 12 residents and will be operated by Christ Mission Possible and One80TC.

An onsite manager and support staff will be available 24 hours a day to oversee and manage the operation of the facility.

A Plan of Management has been submitted for the proposed facility and the proposal is permissible as a 'Transitional Group Home' pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.

Council has received 29 submissions in response to the application raising either objection to the proposal or being in support of the proposal. An assessment of the issues raised in the submissions received has found that the main concerns of the development relate to permissibility, management of the facility and compatibility with surrounding developments. The information submitted with the application has been reviewed and satisfies concerns raised during public exhibition of the proposal and it is considered that the issues raised do not warrant refusal of the application.

The proposal will service the needs of the community, is permitted with consent and is not expected to result in any adverse impacts on the locality. It is therefore recommended that the proposal be supported.

The proposal is being reported to Council at the request of Councillor Wheeler.

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Description of Proposal

Pursuant to Section 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's approval for the use of an existing building as a transitional group home. The building was previously approved as a motel and has been used in the past to provide temporary accommodation.

The existing building would provide accommodation for up to 12 women recovering from drug and alcohol dependency, following undergoing drug detox at another site, and/or domestic violence. Women staying at the facility would be between 18-35 years of age and expected to stay between seven and 12 months.

The building would be named 'Bellbird Manor' and operated by not-for-profit organisations Christ Mission Possible and One80TC. The building would contain 12 living quarters for women living on the premises, a common lounge room, a dining and family room, caretakers room, pool sunroom, offices, laundry, multipurpose room and storage areas.

Minor modifications and alterations are proposed to the building along with the construction of new fencing and landscaping. The existing entry and exit driveways from Bells Line of Road will be used with parking for seven vehicles being provided on site.

A live-in caretaker and duty manager will be present onsite to operate the facility 24 hours a day. During normal business hours, caseworkers and support workers would visit residents approximately 3 days a week with psychologists and General Practitioners visiting 1 day a fortnight.

Site and Locality Description

The subject property is located on Bells Line of Road, legally known as Lot 1 in DP 794338 and totals 3,924m² in area. The land is generally rectangular in shape, directly fronts Bells Line of Road and contains a building previously used as a motel.

Surrounding development generally comprises of rural residential development with the majority of dwellings located along the ridge of Bells Line of Road.

History

Council has previously considered an application for the use of the subject building as a boarding house as part of Development Application No. DA0472/16. This application was recommended for approval and was considered at the Ordinary Council meeting held on 14 March 2017. Council resolved that the proposal be refused for the following reasons:

1. *The application contains conflicting information that does not fit with the defined use as a Boarding House and as such is not considered permissible.*
2. *The approval of the development will not be in the public interest.*

This current application seeks to clarify and address matters raised in respect to the permissibility of the development and the management of the proposed facility.

Council Policies, Procedures and Codes to which the matter relates

- State Environmental Planning Policy No 55—Remediation of Land (SEPP No. 55)
- State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP Affordable Housing)
- Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) (SREP No. 20)
- Hawkesbury Local Environmental Plan 2012 (LEP 2012)
- Hawkesbury Development Control Plan 2002 (HDCP 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 development that apply to the land to which the development application relates:

a. The provisions of any:

i. Environmental Planning Instrument:

State Environmental Planning Policy No. 55 – Remediation of Land

The subject premises has historically been used as a motel. The application is supported by a Targeted Contaminated Land Assessment prepared by Harris Environmental. This assessment considers the history of the site and has undertaken testing of areas where the existing effluent disposal system is located and where an old shed building was located.

The report identifies that cement sheeting fragments were located on the surface of the soil where the old shed was located; however no asbestos 'respirable' fibres were detected. Soil samples taken on site found that concentrations of soil contamination were less than the laboratory limit of reporting or below the adopted Health Investigation Levels. The report finds that the assessment has not encountered any soil contamination that would prevent the proposed development.

The report recommends that the cement sheeting fragments suspected of containing asbestos materials be handpicked and disposed of in the appropriate manner.

Further to this report the property owner had arranged the removal of the asbestos sheeting fragments found on the property and the applicant submitted an Asbestos Clearance Inspection report, dated 22 August, prepared by Hibbs and Associates. This report confirmed that the cement sheeting fragments had been removed and the site appropriately remediated.

Consequently it is considered that there is no evidence to suggest that the site is contaminated to the extent that would prevent the land to be used as a transitional group home. With respect to the provisions of SEPP No. 55 the site is considered suitable for the proposed development.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The application classifies the proposal as a transitional group home under SEPP Affordable Rental Housing.

Transitional group homes are a permitted form of development within any zone that permits dwelling houses. The land is zoned RU1 Primary Production under LEP 2012 and dwelling houses are permitted with consent in the zone.

transitional group home means a dwelling:

- (a) that is occupied by persons as single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and*
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,*

but does not include development to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

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State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 does not apply to the proposal and the proposal is best defined as a transitional group home. In this regard the building would be occupied by women living together within a single household where temporary accommodation would be provided after they have received treatment in respect to drug rehabilitation at another facility or as a half-way accommodation comprising as a refuge from domestic violence.

A legal opinion has been submitted with the application which outlines how the Land and Environment Court classifies this type of development. A summary of recent Land and Environment Court judgements confirms that:

- A 'dwelling' in the context of a traditional group home means a place of habitation occupied by persons on a temporary basis for the purposes of rehabilitation; and
- A 'single household' in the context of a traditional group home means a group of people with a community of interest living at the same premises, including those sharing chores, participating in group activities or otherwise interacting with each other.

Consequently the proposal meets the definitional requirements of the SEPP.

Clause 46 - Determination of development applications, of this SEPP states the following:

A consent authority must not:

(a) refuse consent to development for the purpose of a group home unless the consent authority has made an assessment of the community need for the group home, or

(b) impose a condition on any consent granted for a group home only for the reason that the development is for the purpose of a group home.

In response to Clause 46(a) of this policy the applicant has submitted a Community Need statement prepared by Christ Mission Possible and One80TC.

Both organisations are involved in supporting persons vulnerable to drugs and domestic violence and provide food and accommodation solutions throughout Western Sydney and the greater Blue Mountains.

The proposed facility is specific to women only and is the only one currently proposed within the Hawkesbury Local Government Area. The statement identifies that census data confirms that domestic violence and drug use is a prominent issue within the Hawkesbury Local Government Area and is above the NSW State trend.

The facility is proposed to provide options for safe affordable housing and support for vulnerable women who have already gone through drug rehabilitation programs or require emergency accommodation.

Based on the information submitted with the application and the specific nature of the proposal it is clear that there is an overall community need for the group home in order to provide a facility to house vulnerable women.

Any approval being issued for the development would require the operation to be managed in accordance with the plan of management submitted with the development application.

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

The development would not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context as it is within an established rural/residential area.

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The application proposes to improve current stormwater and sewer issues identified on the property in order to ensure that there are no adverse impacts on downstream properties or the greater Hawkesbury –Nepean River catchment.

The site is not within a scenic corridor as mapped by the Plan and there are no specific planning considerations, planning policies and development controls within SREP No. 20 that relate to transitional group homes in an established area.

Hawkesbury Local Environmental Plan 2012

The subject property is zoned RU1 Primary Production. Whilst group homes are not specifically permitted within this zone by the LEP, the development is permitted under SEPP Affordable Rental Housing which prevails over this plan.

The objectives of the zone have been considered and it is considered unlikely that the proposal would create any adverse conflicts with adjoining land uses or agricultural activities. The premises has previously been used as a motel and the current proposal seeks to use the subject site to provide residential accommodation which is a consistent land use with surrounding residential properties.

The proposal does not involve significant changes to the appearance of the building which forms part of the built form and landscape character of the locality. It is also noted that new landscaping and fencing works proposed in conjunction with the application would assist in improving the visual appearance of the site.

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

Clause 4.3	Height of Buildings
Clause 6.1	Acid sulfate soils
Clause 6.4	Terrestrial biodiversity
Clause 6.7	Essential Services

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

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

iii. Development Control Plan applying to the land:

Hawkesbury Development Control Plan 2002

The application was notified between 10 July 2017 – 24 July 2017 in accordance with the requirements of the Hawkesbury DCP 2002. In response to this notification a total of 29 submissions were received and are discussed under the submissions section of this report below.

The proposal is considered generally acceptable having regard to:

- Part C Chapter 1 Landscaping
- Part C Chapter 2 Car Parking and Access
- Part C Chapter 7 Effluent Disposal
- Part D Chapter 1 Residential Development

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The proposal has been designed to provide and maintain sufficient parking, landscaping and setbacks from adjoining developments. The facility would provide an acceptable level of amenity for the residents and will not have any adverse impacts on the locality in terms of noise or privacy. The application proposes suitable parking based on the number of occupants and staff expected at the facility as the residents of the facility are not permitted to have private vehicles at the site. In addition, the building would be upgraded to meet the Building Code of Australia requirements for the Group Home. The current on-site effluent disposal system was installed some time ago and is not adequate for the existing motel use, should that be recommenced, or the proposed use. This system will be replaced with a pump out system that will be sized to meet the hydraulic load for the proposed use.

There are some minor stormwater issues existing on the site and the development will be required to design and install improvements to this system. Conditions of consent are recommended to require this design, approval and installation should the development be approved.

Suitable conditions have been recommended to ensure that the development is consistent with the DCP.

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:

Not applicable.

v. Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

The proposal is consistent with the Upper Hawkesbury River Estuary Coastal Zone Management Plan.

vi. Matters prescribed by the Regulations:

The proposal is acceptable having regard to the Environmental Planning and Assessment Regulation 2000, which outlines that the development is to comply with the National Construction Code/Building Code of Australia. Building upgrade works would be required and suitable conditions have been recommended in this regard.

It is further noted that the proposal is not subject to development contribution fees under Council Section 94A contributions plan. In this regard the estimated cost of works is below the minimum levy threshold.

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 proposal suits the layout of the existing building and the development has been designed to provide an appropriate level of amenity for staff and residents of the group home. The following matters have been considered in the assessment of this development application:

Context and Setting

The proposal utilises an existing building that forms part of the established character of the locality. The facility provides accommodation for vulnerable women in the community that need housing support after they have gone through drug rehabilitation or suffered domestic violence.

The site would be operated as outlined in the operation management plan which is consistent with what would be provided for a typical group home and is a similar land use (residential) to the surrounding development. The Management Plan sets out the operational rules and objectives of the facility and contains the following statement in the introduction of the document;

"The facility is not a detox centre, residents must have successfully completed a detox program to meet our centre's requirements before being accepted into the long-term program."

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The Management Plan also deals with the following issues:

- A Duty Manager in on site 24 Hours a day with an additional manager during the day shifts. The Plan also sets out the staff roster for the 24 hours.
- Contact phone numbers for the Group Home and emergency numbers displayed near the entry door.
- The front entrance to the premises and security gates locked between 11pm and 7am.
- Security gate keys available to emergency services.
- Register of residents maintained at all times.
- Maximum number of residents is 12 with each room only having one resident.
- All residents shall be subject to the Bellbird Manor Group Home "House Rules".
- Pets and smoking is not permitted at the property.
- Resident's visitors (Family/friends/colleagues) are not permitted on the property.
- Washing machines and cloths lines are provided.
- Parking will be provided for staff, consulting professionals, contractors and the site pool vehicles (including a mini-bus).
- The Plan sets the responsibility for room cleaning by the residents, common facilities are the responsibility of the Duty Manager with garbage bin placement for collection the responsibility of the Duty Manager.
- External communal areas not to be used after 10pm, including outdoor lighting.
- No external speakers for music to be used.
- Internal and external cleaning of premises, including gardening, only between 8am and 6pm Monday to Friday and 10am and 6pm weekends or public holidays.
- No illicit substances are permitted on the property at any time.
- Any person found using; supplying or possessing illicit substances shall be evicted by the management and/or police. ("illicit substances" are defined as any substances made illegal by NSW or Commonwealth Law).
- Prescription medicines are locked up and administered by Medications Trained Staff.

Managing the site as proposed will assist in ensuring that there is minimal conflict with neighbouring land uses.

Access, Transport and Traffic

The subject site accesses Bells Line of Road which is a main road owned and controlled by the Roads and Maritime Services (RMS).

Suitable access is available and will be able to cater for the traffic expected for support staff and case workers visiting the site. The facility will not generate any significant amount of traffic or need for onsite parking based on the nature of the proposal. Staff and support professionals will visit during daytime hours, resident movements on and off site will be organised by support staff as residents are not permitted to have their private vehicles. No personal visitors are permitted to visit the site to meet the residents.

The proposal is not traffic generating development for the purposes of State Environmental Planning Policy (Infrastructure) 2007 and is not required to be referred to the RMS for comment.

Existing access driveways will be used to service the facility with vehicles entering from the eastern driveway and exiting from the western driveway. The RMS has previously raised no objection to the use of the existing driveways to support the use of the existing building.

Council's engineer has recommended that the western driveway be improved as part of any new use and that the applicant will require appropriate approval from the RMS. Suitable conditions have been recommended in this regard.

Utilities

The existing building has been historically used to provide accommodation for people and the building would only require minor modification to upgrade the building for the proposed use.

Water

Existing stormwater issues identified on the property are intended to be rectified prior to the proposed use. In this regard, should the development be approved the applicant will be required to submit design and construction plans for approval and those works to be satisfactorily completed prior to occupation. Development consent conditions are recommended to require this work to be undertaken and a design compliance certificate would also be required to certify these works.

Flora and Fauna

No significant vegetation is proposed to be removed in order to support the proposal.

Waste

The existing on site effluent disposal system is out dated and not in working order due to the site not operating as a motel for some time. It is proposed that the existing system will be decommissioned and replaced with a new pump-out disposal system. The collection tanks will need to be designed to cope with the potential hydraulic load from the proposed development and Councils wastewater officers raise no objection to the installation of a pump-out septic system given that it would service a commercial development, irrigation areas on the land are limited and that it would be an improvement to the existing sewerage system on site.

There is suitable space on site for the collection and storage of garbage waste.

Noise and Vibration

Noise is expected to be low. Vehicles accessing the site are located along a main road and would access the site during daytime hours. Residents of the facility would be expected to keep noise levels at an acceptable level in accordance with the 'house rules' and 'plan of management' submitted with the application and outlined previously in this report. Suitable conditions in respect to noise are recommended.

Natural Hazards

Bushfire risk associated with the site has been considered by the NSW Rural Fire Service. The NSW Rural Fire Service has assessed the bushfire report submitted and recommended support of the proposal subject to conditions. The RFS conditions have been included in the recommended conditions attached to this report.

Safety, Security and Crime Prevention

The documentation submitted in support of the proposal considers potential safety risks associated with the proposed land use, particularly in respect to the type of people that would be residing on the site and the type of people who would visit the site.

It is clear that the primary intention of the land use is to provide accommodation and support of women who have gone through drug rehabilitation or need emergency accommodation after domestic violence. The site will be managed by suitably experienced and qualified organisations that can provide 24 hour care and assistance.

The fulltime care for residents would ensure that the site is managed in accordance with the documentation submitted with the application and outlined previously in this report. It is considered that the implementation of the management plan and recommended consent conditions would appropriately manage any potential issues in respect to safety/security/crime.

The NSW Police have reviewed the proposal and a summary of their findings have been discussed under the submission section of this report below. It is also recommended that a consent condition be imposed to ensure that the comments from the Police be incorporated into the Management Plan for the facility.

Social Impact in the Locality

The proposal would have a positive social impact on the locality by providing for the housing needs for vulnerable women. The site will be used for residential purposes and managed in a manner that does not have any adverse social impact on the locality.

Site Design and Internal Design

The site provides suitable parking, access and accommodation areas for the proposed transitional group home. Only minor works to the existing building are proposed.

Cumulative Impacts

The land has appropriate access to services and provides suitable area to support the proposed land use. Conditions in respect to upgrading the building and managing the facility in accordance with the documentation submitted are recommended to ensure the proposal does not result in the creation of any adverse cumulative impacts on the locality.

c. Suitability of the site for the development:

The site contains an existing motel which is no longer in operation. Modifications to the existing building are considered to be minor to support the proposed land use.

The application is supported by an assessment of the proposal against the complying development requirements for a transitional group homes under SEPP Affordable Housing 2009. This assessment confirms that the proposed facility meets the overall development standards in respect to maximum coverage of buildings, privacy, landscaped areas, private open space, parking and access.

There are no environmental or physical constraints that would prevent the proposed use from occurring on the land due to the following site attributes:

- The site area of 3,924m² provides a landscaped setting with generous setbacks to surrounding neighbours.
- The vegetated setting and setbacks ensure that suitable screening and privacy is afforded to the residents of the facility and to adjoining neighbours.
- The existing building on site provides adequate space and privacy for residents and communal areas without substantial changes to the existing structures or character of the locality and site.
- Separate entry and exit driveways and circular internal driveway provides adequate and safe entry and parking for users of the facility.

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

The application was notified to nearby and adjoining residents in accordance with Hawkesbury DCP 2002.

A total of 29 submissions were received in response to the notification of this application. Of the submissions received 13 raised objection to the proposal, 15 were in support of the proposal and one requested the construction of a footpath from the site to the Kurmond commercial area.

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In response to the footpath request it is considered that the proposed use, due to its operations, is not a pedestrian traffic generating activity that would justify the construction of a pathway to the commercial area of Kurmond.

The matters raised in the submissions which were in opposition or support of the proposal have been detailed below in italics, followed by a response by the assessing officer:

Prior to the submission of the application

Council received complaints that the building was being used for accommodation due to the number of vehicles parked at the site on some days after hours and also that people were seen inside the building after hours.

These allegations were investigated at the time and it was found that the building was, at times, being used as a dwelling which is consistent with the current approvals relating to the site. It was also found that the additional vehicles and people at the site were in fact the persons undertaking the work for the preparation of this current development application and were not residing at the property. In those cases no further action was required.

Submissions raising objection

The site is not suitable for a drug rehabilitation centre for ice and other drug users due to the close proximity to neighbours and schools, retirement villages. The application should clearly state the proposed intention of what is proposed to see if it fits within the locality.

Officer's comment: The application and supporting documentation provided clearly states that residents on site would have already completed rehabilitation programs, at alternate locations or sites, and the site would not be used as a detox facility. The primary use of the building would be to provide supportive accommodation for vulnerable women.

The original application lodged for the property proposed a boarding house and is now a transitional group home. It does not differ substantially from the application and has been lodged under a misleading name.

The use of the building has already been refused by Council and is not suitable and is not permissible in the zoning.

Officer's comment: The application seeks to define the proposed building use more appropriately and clearly states the intention of how the transitional group home would be operated. The permissibility of the proposal has been previously discussed in this report and has been appropriately addressed.

Security concerns about residents and the surrounding locality. Residents and visitors associated with drugs or domestic violence may have a history of being incarcerated, would be attracted to the locality and impact the safety of nearby residents. People using drugs can be violent and may deal drugs from the site.

Officer's comment: The application has addressed safety and security of the site as part of the plan of management as outlined previously in this report. The organisations who would manage the facility have demonstrated ability and experience in running similar facilities and have confirmed that any illicit substances or supply of substances, are prohibited at the site and the residents would be evicted if they are found to possess or supply those substances. A caretaker and manager would be present on site 24 hours a day with additional support staff on the site during the course of a week to provide appropriate support and supervision of residents.

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Residents' family/friends/colleagues are not permitted on the premises and any visits would be arranged by staff to occur off site at alternate locations.

The application has been referred to the NSW Police for comment. The Police have undertaken a Crime Prevention Through Environmental Design (CPTED) assessment and found that the medium risk associated with the facility could be managed by taking into account the recommendations in their correspondence. Particularly having regard to:

- the installation of Closed Circuit television system
- the installation of Intruder alarm system
- placement of warning signage around the facility to advise people that the site is restricted to authorised persons only
- planting landscaping in areas that do not obstruct surveillance of the building and public areas
- placement of lighting around the building, entrances and pathways
- fitting windows with security treatments; and
- ensure residents are aware of emergency and fire safety requirements of the building.

A condition of consent is recommended so that these measures will be incorporated into the Management Plan for the site.

Fencing shown on plans is inaccurate and will not provide appropriate security.

Officer's comment: The application proposes a 1.8m solid "Colorbond" fence along the side and rear property boundaries and a 1.5m solid "Hebel Panel" fence and gates at the front of the site. Access to the property will be limited to employees and carers of the residents. No visitation for residents guests would occur on site and the front gates would be closed between 11pm and 7am.

Building setback does not comply with relevant setback or development standards.

Officer's comment: The application proposes the use of an existing building and there are no specific setback requirements under any local or state government policies that would apply to a transitional group home. The proposed development is not identified as complying development under SEPP Affordable Rental Housing 2009 and is not required to comply with the complying development requirements specified. A merit based assessment on the facility has been undertaken and it is considered that the facility provides appropriate amenity and services for the intended land use.

Increased traffic movements

Officer's comment: As previously stated in this report, residents will not have a private vehicle and the proposal is not traffic generating development for the purposes of the RMS. The site provides direct access to a main arterial road and would be able to cater for the traffic needs of the facility.

Building does not comply with the building code requirements

Officer's comment: Support of the proposed land use would require the building to be upgraded, and independently certified by an appropriate Building Certifier, to comply with the National Construction Code – Building Code of Australia prior to use of the building.

Property purchased for different reasons (possible rehabilitation centre) and received state government funding prior to any application being approved for the use.

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Officer's comment: Any previous intended uses of the site, State Government funding or reason for purchasing the site is not a matter of consideration under Section 79c of the Environmental Planning and Assessment Act 1979. This application has been assessed, in accordance with the requirements of the Environmental Planning and Assessment Act 1979, based on the current proposal and accompanying documentation submitted with this development application.

The proposal would lead to changing housing densities the locality and minimum subdivision lot sizes.

Officer's comment: The proposal would utilise an existing building and would not result in changing the built form of the locality. No subdivision of the land is proposed or possible as part of the development and support of the proposal would not set a precedent in changing lot sizes in the locality as the proposal itself does not change subdivision lot sizes.

Noise generated from residents when fighting yelling and screaming.

Officer's comment: The management plan confirms that the site will be operated in a manner that controls potential noise impacts on adjoining residential properties via time restrictions on the use and activities of external areas of the site, CCTV and 24 hour supervision of the residents and facility by the Duty Manager and other staff. The facility is proposed to be used for residential purposes and any services or people visiting the site will do so between standard business hours in order to keep noise within daytime hours. Suitable conditions in respect to noise management are recommended.

Issues with sewer and stormwater existing on the site

Officer's comment: The application seeks to improve existing stormwater management and effluent disposal on site as previously discussed. Suitable conditions have been recommended in this regard.

Suitability of carers and qualifications associated with people running the facility and number of available staff.

Officer's comment: As previously mentioned the organisations running the transitional group home have extensive experience and knowledge in running this type of a facility. Only suitably qualified or experienced persons would be associated with providing care and support for residents.

Asbestos concerns on site from previous activities

Officer's comment: This has been addressed with the submission of appropriate reports and clearance certificate confirming that the site is currently suitable for the proposed use.

Concern about drugs being kept on the premises

Officer's comment: The application confirms that no illicit drugs would be kept on the premises and any medications being provided are prescribed by a General Practitioner. The residents of the facility would have already received rehabilitation prior to coming to the site and alcohol and medications such as Benzos, Narcotics, Stimulants or Sedatives are prohibited on the premises.

Not in the public interest

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Officer's comment: The application demonstrates that the proposal is permitted on the land. Community Need supporting documentation has been submitted with the application that demonstrates the need for such a facility in the Hawkesbury locality. In this regard, the proposed facility is in the public interest as it provides for the social housing needs for the wider community.

The proposed changes will impact access to the nearby school bus stop and raise safety concerns for children walking past the site.

Officer's comment: The proposal does not involve changes to the footway adjacent to the site or the functioning of the bus stop. The site would be managed in a way that ensures there would be no impacts on the safety of the public. It is noted that residents living areas and private open space areas are located at the rear of the site and not close to the road or bus stop. A front fence will also be constructed as part of the proposal.

The application has no regard for local residents. The land is not large enough for the proposed use and should be located in a more isolated position away from nearby residents.

Officer's comment: The application considers matters such as traffic, safety, noise and amenity on the locality as discussed previously in this report. The primary use of the building would be to provide residential accommodation and does not seek to undertake any substantial changes to the existing built form.

It is considered that the residential land use will fit in with the residential nature of surrounding development and result in less traffic or noise impacts than what would be associated with a motel.

The land use is permitted in all areas which permit dwellings under the Affordable Rental Housing SEPP 2009 and does not involve any activities that would necessitate the need to have it isolated from adjoining residential development.

It would be unreasonable to require residential accommodation to be provided in areas that are situated away from adjoining residential development. The application proposes a permitted land use that is compatible with residential development and would use an existing building that is currently used as a dwelling.

The proposal does not provide suitable accommodation for the residents

Officer's comment: The proposed outdoor areas are at the rear of the site and are considered to be acceptable for the residential use of the land. The pool area, decking and landscaped areas provide for a good level of amenity. The private rooms and communal areas are considered adequate for the number of residents proposed for the facility.

Emergency services take a long time to respond to the area

Officer's comment: The proposal is located along a main arterial road and no issues in respect to response times have been raised by the NSW Police. The land is proposed to be used for residential purposes and does not raise any issues in terms of increased demand on emergency support services to the locality.

It is not a good idea to have a mixture of domestic violence and drug and alcohol rehabilitation programs run on in facility and should be limited to one program.

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Officer's comment: The operators who would run the facility find that those experiencing drug abuse often suffer from domestic violence and do provide support services for both programs. There are no concerns from an operational management point of view that would prevent more than one type of care being provided within the transitional group home.

Proposal does not fit in with the rural area which is surrounded by single residential houses.

Officer's comment: The proposal will not adversely impact the appearance of the locality due to the limited change to the existing building and site. The application will improve landscaping and the overall appearance of the existing building. No major building works are required and the proposal will have a positive impact on the appearance of the locality. Privacy screens will be installed along the rear deck of the bedrooms 1-6 which are closest to the rear boundary in order to address potential privacy issues over property boundaries.

The proposal does not meet the definition for affordable housing included under SEPP Affordable Rental Housing. Programs run by the organisations such as Teen Challenge NSW rely on donations and use of 100% of the residents centrelink benefits which exceeds 30% of the residents income.

Officer's comment: The application is for a transitional group home and not for affordable housing. It is noted that the definition of transitional group home states that they are occupied 'by persons as single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required'.

Submissions in support of proposal

The 15 submissions received in support of the proposal highlighting the following:

- One80TC does a good job in the community by providing a facility for vulnerable young women who desperately need a safe place to exist, recover and rebuild their lives.
- One80TC is a known, proven and respected organisation doing incredible work to turn young lives around.
- This is not designed as a detox program but rather a safe place. Any requirements for detox will be addressed prior to admission to this facility.
- The layout and services currently provided on site would be a fabulous use of this site.
- There are no other specialist services for women of this nature in Western Sydney.
- One80TC runs a successful similar program for men and this will be a great opportunity for their organisation to provide specialist help for women.
- It will be a positive contribution to the Hawkesbury area.

Officer's comment: It is clear that the facility will provide for the greater needs of the community and that the organisations running the facility have experience in helping vulnerable persons who have already gone through rehabilitation or domestic violence issues in the past. The facility is seen as the next step in the personal improvement for women who are on the path to personal improvement.

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NSW Rural Fire Service

The land is identified as bushfire prone and the application was referred to the NSW Rural Fire Service as Integrated Development. A Bushfire Safety Authority was issued on 28 July 2017 subject to the conditions included in their approval. Should approval be granted the building would be required to be upgraded to meet bushfire construction and asset protection zone conditions recommended prior to use. Appropriate conditions have been recommended in this regard.

NSW Police

The proposal was referred to NSW Police (Hawkesbury Local Area Command) for comment. The police undertook a CPTED assessment and advised that the applicant should consider a number of recommendations made in their correspondence.

Recommendations made by the police relate to matters such as street numbering, signs, landscaping, lighting, car park areas, doors, windows, telephones, key and valuables control, alarm systems, Closed Circuit Television, fire safety, emergency plans and work, health and safety.

It is recommended that any approval for the proposed land use require:

- the plan of management to be updated to consider the recommendations of the NSW Police, and
- that any construction works being adopted such as installation of street numbering be shown on the plans prior to the issue of any construction certificate.

e. The Public Interest:

The proposal would utilise an existing building which is currently vacant and provide housing for vulnerable women in an area that is surrounded by residential development. The proposed land use would not have any adverse impact on the locality in terms of traffic, noise, or crime.

The matters raised in objection to the proposal are not considered to be prohibitive to the proposal, have been addressed in the documentation supplied by the applicant and would be enforced as part of any approval. Submissions received in support of the proposal confirm that the organisations which would manage the facility have a record of providing a much needed service in the community.

The proposal is permitted with consent and support of the development is considered to be in the public interest.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 79C(1) having been taken into consideration. The proposal is consistent with the relevant planning considerations applying to the development.

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**Meeting Date:** 28 November 2017**RECOMMENDATION:**

That Development Application No. DA0380/17 at Lot 1 DP 794338, 617 Bells Line of Road, Kurmond NSW for change of use to a Transitional Group Home be approved subject to the following conditions:

General Conditions**1. Integrated Development - General Terms of Approval**

The general terms of approval from the NSW Rural Fire Service, Reference No. D17/2198 dated 28 July 2017, as referred to in Section 93 of the Environmental Planning and Assessment Act 1979, are attached and form part of the consent conditions for this approval.

2. Approved Plans and Supporting Documentation

The development must be carried out generally in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended in red on the plans and/or amended by other conditions of consent:

a) Plans Reference:

Drawing Number/Name	Prepared by	Date
Ground Floor Plan	Thomson Adsett	6 June 2017
Lower Ground Floor Plan	Thomson Adsett	6 June 2017
Front Fence Plan and Elevation	Rolling Stone Landscapes	13 April 2017

b) Document Reference:

Document	Reference	Prepared By	Date
Statement of Environmental Effects	-	Smyth Planning	20 June 2017
Plan of Management	Bellbird Manor (Womens) Group Home Management Plan	Christ Mission Possible and One80tc	28 April 2017
Bellbird Manor House Rules	-	Christ Mission Possible and One80tc	28 April 2017
Targeted Contaminated Land Assessment	2364CL	Harris environmental	15 June 2017
Waste Management Plan	-	Applicant	4 April 2017
Hazardous Building Materials Survey	S9775	Hibbs and Associates	August 2017
Asbestos Clearance Inspection	-	Hibbs and Associates	22 August 2017
Asbestos Management Plan	S9775	Hibbs and Associates	September 2017

No works, other than those approved (including raising or lowering of ground levels on the site, or construction of retaining walls on any property boundary) are permitted by this consent.

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Note: Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) any amendments made by Council on the approved plans or documents;
- (ii) any notes, markings, or stamps on approved plans or documents; and
- (iii) any conditions contained in this consent.

3. Part 4A Certificates Required

The accredited certifier shall provide copies of all Part 4A certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Council within seven days of issuing the certificate.

Note: A registration fee applies.

4. Prior to Commencement of Works

No excavation, site works or building works shall be commenced prior to the issue of a Design Compliance Certificate and Construction Certificate as appropriate

5. Design Compliance Certificate Required

A Part 4A Design Compliance Certificate must be obtained for this development covering the:

- a) civil drainage
- b) overland swale.

Note: Should Council be nominated as the Certifying Authority for the Design Compliance Certificate, the Applicant shall pay a Design Compliance Certificate Fee and a Construction Compliance Certificate Fee in accordance with Council's adopted fees and charges when submitting Civil Engineering Plans for approval.

6. Occupation Certificate Required Prior to The Use Of The Building

The building/structure shall not be occupied or used prior to the issuing of an Interim or Final Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of the Occupation Certificate shall be submitted to Council within two days of its issue.

7. Civil Works Specification Compliance

All civil construction works required by this consent shall be undertaken in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification. Inspections shall be carried out and compliance certificates issued by Council or an Accredited Certifier.

8. Sewer Authority - Hawkesbury City Council

This development falls within the Sewerage Scheme controlled by Council. Therefore Council is the approving authority for all sewer works.

9. Commencement of the Use of the Land

The approved use of the land shall not commence until all relevant conditions of this consent have been complied with and an Interim or Final Occupation Certificate has been issued. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

10. Works on Public Land - Not Permitted Without Approval

No work can be undertaken within adjoining public lands (i.e. Parks, Reserves, Roads etc.) without the prior written consent of Council or other relevant authority. In this regard the person having benefit of the consent is to contact Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

The developer must bear the cost of all works associated with the development that occurs on public land, including the restoration of damaged areas.

11. Asbestos Removal

If asbestos is encountered during construction or demolition work; measures must be in place in accordance with WorkCover NSW guidelines and the Occupational Health & 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.

Prior to commencing demolition of buildings containing asbestos, a commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring 400mm x 300mm shall be erected in a prominent visible position on the site in accordance with Australian Standard AS 1319 - '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 Council on request.

12. Prescribed Conditions - Compliance with National Construction Code

All building works must be carried out in accordance with the requirements of the National Construction Code (Building Code of Australia).

13. Roads Act 1993 Approval Required

A separate approval is required from Council (for local roads) or Roads and Maritime Services (for State Roads) under Section 138 of the Roads Act 1993 to undertake any of the following:

- a) erect a structure or carry out a work in, on or over a public road; or
- b) dig up or disturb the surface of a public road; or
- c) remove or interfere with a structure, work or tree on a public road; or
- d) pump water into a public road from any land adjoining the road; or
- e) connect a road (whether public or private) to a public road.

14. Plan of Management

The plan of management for the facility must be updated to take into account the recommendations of the NSW Police in the Crime Risk Assessment dated 25 July 2017.

Any works required in respect to street numbering, signs, landscaping, lighting, car park areas, doors, windows, telephones, key and valuables control, alarm systems, Closed Circuit Television, fire safety, emergency plans and work, health and safety must be shown on the plans and provided to the Principal Certifying Authority Prior to the Issue of a Construction Certificate.

Prior to the Issue of Design Compliance Certificate

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

15. Drainage - Works

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

16. Drainage - Details

A basic drainage design covering stormwater leaving the pit located on the Eastern boundary and how both overland and piped drainage shall be dealt with must be submitted and approved prior to the release of the Design Compliance Certificate. The plan must:

- a) Clearly address overland flow issues by directing water away from the property boundary via a swale prior to being dispersed,
- b) Clearly address how piped drainage is to be discharged in a manner that does not adversely affect neighbours nor create erosion issues,
- c) be to the satisfaction of the Certifying Authority,
- d) comply with Council's Hawkesbury Development Control Plan (Part I & Chapter 8) and Australian Standard AS3500 - Plumbing and Drainage unless variation is specifically noted and approved on DA concept drainage plan

The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:

- a) Water flowing from the property must not be redirected or concentrated to adjoining properties,
- b) Water flowing into the property from adjoining lots shall not be impeded or diverted.
- c) Water flow shall follow the natural flow directions without increasing velocity.

17. Driveway - Construction Works

The Western driveway crossing must be removed and re-constructed. The sealed crossing must be constructed so that it complies with the following requirements:

- a) must as a minimum maintain the same dimensions as the existing crossing.
- b) be constructed so as to have either a concrete or a bitumen sealed finish, and
- c) be in accordance with Hawkesbury Council's Driveway Specifications and Development Control Plan Appendix E.

Evidence confirming that a driveway application has been submitted shall be provided to the certifying authority prior to issue of a Design Compliance Certificate.

Prior to the Issue of Construction Certificate**18. Long Service Levy Payment**

The payment of a long service levy as required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 is required. Evidence that the levy has been paid, is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Note: All building works valued at \$25,000 or above are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Payments Corporation offices or most councils.

19. Disability Access Design Audit

Certification by an accredited access consultant shall be submitted, certifying the development's compliance with the National Construction Code (Building Code of Australia) and Disability (Access to Premises - Buildings) Standards 2010.

This certification shall be submitted to the Certifying Authority with the application for a Construction Certificate.

20. Building - Upgrade Works

The building is required to be upgraded so as to comply with the Performance Provisions of the Building Code of Australia. In this regard, a report from a suitably qualified and experienced A1 accredited certifier or a Fire Safety Consultant is required to identify the extent of upgrading works necessary to ensure the building has adequate provision for fire safety and is safe and suitable for occupation.

These proposed upgrading works are then to be detailed in the documentation to the Certifying Authority for approval as part of the construction certificate.

The following clauses of the Building Code of Australia will require particular attention; however the report should not be limited to these matters:

- a) C3.11 - Bounding Construction;
- b) D1.10 - Discharge from exits;
- c) D2.20 - Swinging Doors;
- d) D2.21 - Operation of Latch;
- e) D3 - Access for people with a Disability;
- f) E1.3 - Fire Hydrants;
- g) E1.6 - Portable Fire Extinguishers;
- h) E2.3 - Automatic Smoke Detection and Alarm System complying with Specification E2.2a;
- i) E4.2 - Emergency Lighting;
- j) E4.5 - Exit Signage;
- k) Part F4 - Light and ventilation;
- l) F3.1 - Room heights (Laundry and access to laundry);

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In addition to the above, the swimming pool barrier and gate are non-compliant with the requirements of the Swimming Pools Act. Works required to bring the barrier into compliance are required to be identified and documented and carried out as part of the upgrade works.

21. Food Preparation Areas - Works

The kitchen is to comply with Australian Standard AS4674 - 2004 Design, Construction and Fit-out of Food Premises. A specification or detailed plans indicating compliance with the above shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

22. Design Compliance Certificate

A Design Compliance Certificate is required to be obtained for the design of the stormwater drainage and overland swale. The Design Compliance Certificate is to be provided to the Certifying Authority prior to the issue of any Construction Certificate.

23. Sewerage

A Sewerage Management Facility System application shall be submitted to Hawkesbury City Council for a new tanker pump-out system. This will need to be sized accordingly, based on potential hydraulic load. Evidence of the approval of the application must be submitted to the Principal Certifying Authority prior to the issue of a construction certificate.

Prior to Any Works Commencing on Site

24. Principal Certifying Authority - Details

The applicant shall advise Council of the name, address and contact number of the Principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act 1979.

25. Toilet Facilities

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer;
- b) be attached to an approved on-site effluent disposal system;
- c) be a temporary chemical closet that is regularly maintained; and
- d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet.

26. Notice of Commencement

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:

- a) details of the appointment of a Principal Certifying Authority (PCA) providing name, address and telephone number; and
- b) details of the name, address and licence details of the Builder.

27. Principal Certifying Authority (PCA) Site Sign

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

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- a) showing the name, address and telephone number of the Principal Certifying Authority for the work;
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

28. Asbestos Material Handling

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Clause 458 of the Work Health and Safety Regulation 2011.

In addition to the above, the following shall be satisfied:

- a) the person having the benefit of this consent must provide the Principal Certifying Authority with a copy of a signed contract with such a person before any development or works commence;
- b) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered;
- c) if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the Principal Certifying Authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

29. Erosion and Sediment Control for Minor Development

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)'.

30. Sydney Water - Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. For details refer to Sydney Water's website.

Following application, a 'Notice of Requirements' will be forwarded detailing water and/or sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The 'Notice of Requirements' must be submitted to the Principal Certifying Authority before the commencement of works

During Construction

31. Construction Hours

Clearing of land, running of machinery, excavation, and/or earthworks, building works and the delivery of building materials shall be carried out between the following hours:

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
 - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
 - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - (iii) a variation is approved in advance in writing by Council.

32. Site Management During Construction

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Copies of receipts stating the following must be given to the principal certifying authority:
 - (i) the place to which waste materials were transported;
 - (ii) the name of the contractor transporting the materials; and
 - (iii) the quantity of materials transported off-site and recycled or disposed of.
- d) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- e) During construction:
 - (i) all vehicles entering or leaving the site must have their loads covered;
 - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and
 - (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.
- f) At the completion of the works, the work site must be left clear of waste and debris.

Note: In the event it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be signposted and such signposting be maintained in a way that ensures public safety at all times.

33. Loading and Unloading During Construction

The following requirements apply.

- a) All loading and unloading associated with construction activity must be accommodated on site.
- b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.

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- c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.

34. Critical Stage Inspections

Prior to the commencement of building work and at nominated stages during the construction of the building, a minimum of 48 hours' notice is required to be provided to allow the Principal Certifying Authority to ensure that the critical stage inspections are undertaken.

Note: Critical stage inspections are required to be carried out in accordance with Clause 162A of the Environmental Planning & Assessment Regulation 2000.

35. Inspections - Sewerage

Inspections for sanitary drainage works are to be carried out by Hawkesbury City Council. Inspections must be conducted on the exposed pipes prior to covering. In the case of internal and external (house service connection) drainage, the inspection must be conducted by Hawkesbury City Council's Regulatory Services Branch. Please phone (02) 4560-4444 to arrange inspections.

36. Asbestos Handling

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.

Prior to commencing the removal of any structures containing asbestos, a commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring 400mm x 300mm shall be erected in a prominent visible position on the site in accordance with Australian Standard AS 1319 - '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 Council on request.

37. Heritage - Archaeological Discovery During Works

Should any Aboriginal relics or European historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the following agencies are to be informed of the discovery:

- a) Council;
- b) the Heritage Council of NSW in accordance with Section 146 of the Heritage Act 197;, and/or

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- c) the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.

Prior to Issue of Occupation Certificate

38. Occupation Certificate - Prior to Commencement of Use

The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate or Interim Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of the Occupation Certificate shall be submitted to Council within two days of issue.

39. On-site Sewage Management - Approval to Operate

An Approval to Operate the on-site sewage management system shall be obtained prior to the issue of any Occupation Certificate.

40. Swimming Pools - Pool Warning Notice (Resuscitation Chart) and External Cardiac Compression Chart (move to Prior to the Issue Of Occupation Certificate)

A warning notice (resuscitation chart) and External Cardiac Compression Chart is to be affixed and maintained in a prominent location adjacent to the pool/spa prior to the issue of an Occupation Certificate.

Notes:

- a) The warning notice (i.e. sign) must contain all of the following words:
 - (i) YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL; and
 - (ii) POOL GATES MUST BE KEPT CLOSED AT ALL TIMES; and
 - (iii) KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES.
- b) In addition, the notice must contain a simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults):
 - (i) That are set out in accordance with the relevant provisions of that Guideline;
 - (ii) That comply with the other relevant guidelines of the Australian Resuscitation Council; and
 - (iii) That are illustrated by drawings with key words only in bold print.
- c) A statement to the effect that formal instruction in resuscitation is essential.
- d) The name of the teaching organisation or other body that published the sign and the date of its publication.

41. Telecommunications Provider Certificate

Documentary evidence from a telecommunications carrier confirming that services are available for the development shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

42. Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate. For details refer to Sydney Water's website.

43. Fencing

The fencing required under this consent must be installed prior to the release of an Interim or Final Occupation Certificate.

44. Rural Fire Service's General Terms of Approval

Evidence of compliance with the Rural Fire Service's General Terms of Approval (Reference No. D17/2198) dated 28 July 2017 is to be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

45. Construction Compliance Certificate

A Construction Compliance Certificate for works approved under the Design Compliance Certificate is required prior to the issue of an Occupation Certificate.

46. Driveway

The western driveway crossing construction required as part of this consent must be completed prior to the issue of any Occupation Certificate.

47. Sewerage

A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the on-site sewerage management system, is required to be submitted to the Principal Certifying Authority prior to the issue of an interim occupation certificate.

Operational Conditions**48. Maintenance of Landscaping**

All trees and plants forming part of the approved landscape design must be maintained on an ongoing basis. Maintenance includes watering, weeding, fertilizing, pest and disease control and any other activity required to maintain healthy trees, plants and turfed areas.

49. Plan of Management

- a) The approved use of the premises must always be operated / managed in accordance with the Plan of Management approved with this consent.
- b) A copy of the approved Plan of Management and this development consent must be kept on site and made available to any Council or Police officer upon request.
- c) Access to the Incident Register and register of complaints must be made available for viewing on the request of Council officers and/or the Police.
- d) The live-in manager shall be present onsite to manage and oversee the operation of the transitional group home.
- e) A maximum of 12 residents may be accommodated on site.
- f) Alcohol and/or drug detox rehabilitation must not be undertaken on the site.

50. Swimming Pool

The swimming pool may be required to be registered with Council under the Public Health Act, if the pool meets NSW Health's definition of a public swimming pool.

51. Noise Generating Activities - Daytime and evening hours

During the hours of 7am to 10pm, the development shall be managed so that the LAeq noise levels, measured at any point in accordance with the NSW Industrial Noise Policy, do not exceed 5dB(A) (LAeq) above background levels (LA90) with respect to noise amenity of residential properties and associated outdoor areas.

52. Noise Generating Activities - Night hours

Between the hours of 10pm to 7am, the development shall be managed so that the noise level does not create offensive noise when assessed against the NSW EPA Noise Guide for Local Government (2013).

53. Lighting

Any lighting shall be managed to minimise glare and light spill onto adjoining properties or roadways. Lighting installations shall comply with Australian Standard AS 4282 - 'Control of the obtrusive effects of outdoor lighting'.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.

54. Bushfire Protection - Maintenance of Asset Protection Zones

Asset Protection Zones are to be maintained at all times in accordance with Section 4.2.2 of 'Planning for Bushfire Protection 2006'.

55. Annual Fire Safety Statement

The owner of the building is responsible for the lodgement with Council of an Annual Fire Safety Statement from a competent person so as to confirm the essential fire safety measures required to be provided in the building exist and are being maintained. The Annual Fire Safety Statement shall be issued within 12 months of the issue of the Final Fire Safety Certificate, and then on an annual basis thereafter.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:

- a) Forwarded to the Commissioner of Fire and Rescue New South Wales by email to afss@fire.nsw.gov.au; and
- b) Prominently displayed in the building.

Advisory Notes (if applicable)**(i) Approval Authority**

This development falls within the Sewerage Scheme controlled by Council, therefore Council is the approval authority for all sewer works.

The applicant must consult with the Waste Management Branch regarding any possible new work or upgrades to existing Council sewer mains related to this application.

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(ii) **Equitable Access**

The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.

(iii) **Dial Before You Dig**

Prior to commencement of work, the free national community service 'Dial Before You Dig' shall be contacted on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

(iv) **Works on Public Land - Public Liability Insurance**

Any person or contractor undertaking works on public land must take out a Public Risk Insurance policy with a minimum cover of \$10 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent.

The policy is to note, and provide protection/full indemnification for Council, as an interested party. A copy of the policy must be submitted to Council prior to commencement of any works. The policy must be valid for the entire period that the works are being undertaken.

(v) **Utilities and Services**

Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the proposed development shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the developer.

(vi) **Disability Discrimination Act - Indemnity**

This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.

ATTACHMENTS:

AT - 1 Locality Plan and Aerial Photograph

AT - 2 Floor Plans

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[illegible]

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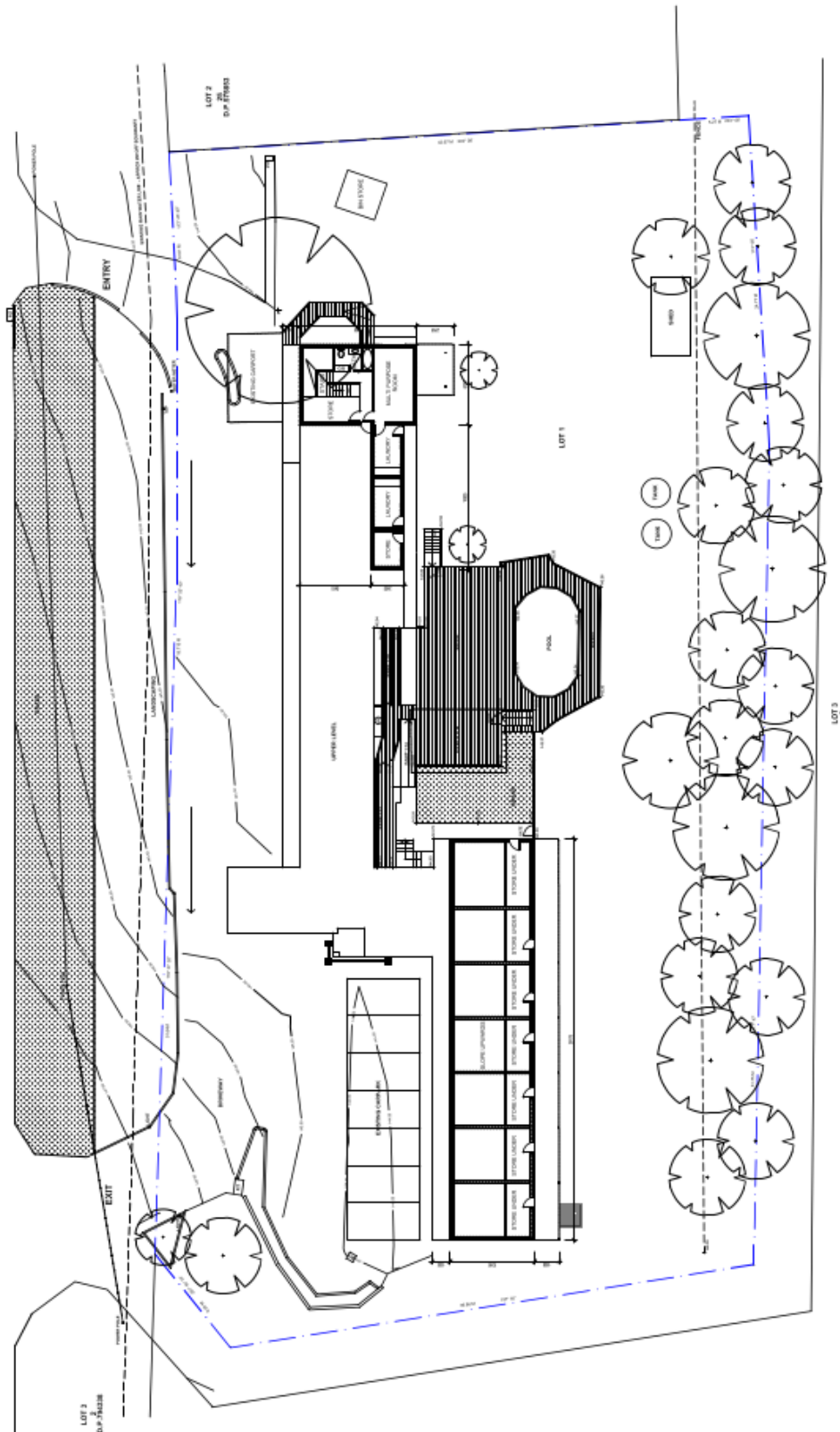
The site plan for Lot 1 (D.P. 82888) shows a building complex with an 'ENTRY' on the left, an 'EXIT' on the right, and an 'UPPER LEVEL' in the center. A 'POOL' is located on the right side of the building. The plan includes dimensions for various areas, such as '10.0m', '12.0m', '15.0m', '18.0m', '20.0m', '22.0m', '24.0m', '26.0m', '28.0m', '30.0m', '32.0m', '34.0m', '36.0m', '38.0m', '40.0m', '42.0m', '44.0m', '46.0m', '48.0m', '50.0m', '52.0m', '54.0m', '56.0m', '58.0m', '60.0m', '62.0m', '64.0m', '66.0m', '68.0m', '70.0m', '72.0m', '74.0m', '76.0m', '78.0m', '80.0m', '82.0m', '84.0m', '86.0m', '88.0m', '90.0m', '92.0m', '94.0m', '96.0m', '98.0m', '100.0m'. The plan also shows 'LANDSCAPING' areas and 'TREES' along the boundaries. The plan is titled 'LOT 1 D.P. 82888' and 'BELL'S LINE OF ROAD'.

First Floor Plan

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BELLS LINE OF ROAD



Lower Floor Plan

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GENERAL MANAGER

Item: 212 **GM - Outcome of Public Exhibition of Supplementary Resourcing Strategy - (79351, 95496, 79356)**

Previous Item: 186, Ordinary (10 October 2017)
 175, Ordinary (26 September 2017)
 170, Ordinary (26 September 2017)
 159, Ordinary (12 September 2017)
 60, Ordinary (28 March 2018)
 273, Ordinary (13 December 2016)
 241, Ordinary (8 November 2016)
 211, Ordinary (11 October 2016)
 146, Ordinary (26 July 2016)
 138, Ordinary (12 July 2016)
 4, Ordinary (02 February 2016)
 85, Extraordinary (23 June 2015)
 RM, Ordinary (30 June 2015)
 MM, Ordinary (27 October 2015)

REPORT:

Executive Summary

This report has been prepared to advise Council of the outcomes of the public exhibition of the Draft Supplementary Resourcing Strategy 2017-2027 and the Draft Supplementary Delivery Program 2017-2021.

In addressing this matter, the report incorporates the following information:

- a recap of the Fit for the Future timelines and community engagement program
- a summary of the content and key messages within the draft supplementary documents
- a summary of the submissions received following the public exhibition of the draft supplementary documents
- a summary of the issues raised within the submissions for and against Council's preferred investment option
- a more detailed outline of the issues raised within the submissions not supportive of Council's preferred investment option
- an outline of representations and petition received from the Oakville Progress Association.

The report assesses the issues raised in the submissions that have not supported Council's preferred investment option. The factors underlying these issues have been carefully considered by Council and where possible Council has either commenced actions to address them or is proposing to undertake further actions in response to these matters.

The 'not support' submissions point to a strong community sentiment in those localities most affected by recent NSW Valuer-General land valuations. In particular they highlight the concern of residents as to the relative rating impact of these land valuations particularly in localities adjoining the North West Growth Sector which have experienced comparatively large rate increases from 1 July 2017. The submissions therefore call on Council to defer consideration of a special rate increase.

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The report considers the implications of not proceeding with a special rate increase, and by default, limiting future rating increases to the rate peg amount. This option;

- would not enable Council to generate the balance of the revenue required to resource the implementation of Council's Fit for the Future Improvement Plan;
- does not provide Council with an alternate means of achieving the required financial benchmarks and resolve the asset renewal funding shortfall which is the primary factor impacting on Council's long term financial sustainability;
- would not resolve the issues identified by residents as these issues primarily relate to recent land valuations undertaken by the NSW Valuer General and the flow-on rating impacts which took effect from 1 July 2017;

The primary issues raised in the 'not support' submissions would seem to fall outside of the scope of matters that can reasonably be responded to in conjunction with the consideration of a special rate increase and deferring the special rate increase will not in itself resolve these matters.

Consequently, in the absence of other viable options to achieve financial and asset sustainability and satisfy the Fit for the Future requirements, Council Management would propose that Council's preferred investment option should be pursued through the preparation of a special rate application. This course of action will provide Council with the capacity to:

- respond in a meaningful way to the community investment priorities identified by residents during the Fit For The Future consultations;
- deliver on the key activity areas within Council's Delivery Program
- progressively realise the community's long term vision for the Hawkesbury, as set out in the Hawkesbury Community Strategic Plan 2017-2036.

The report concludes that Council should advise the Independent Pricing and Regulatory Tribunal (IPART) of its intention to submit an 'Application for A Special Rate Variation' (Application) based on the preferred investment option, as outlined in the draft supplementary documents.

The proposed Application would be for a Special Rate Variation over three years: 9.5% in 2018/2019, 9.5% in 2019/2020, 9.5% in 2020/2021 (inclusive of rate pegging), with the increase to be permanent and retained within the rate base.

Consultation

The report has been prepared to advise Council of the outcomes of further community consultations undertaken under Council's Community Engagement Policy. The public exhibition of the Draft Supplementary Resourcing Strategy 2017-2027 and the Draft Supplementary Delivery Program 2017-2021, represent a further component of a staged and comprehensive community consultation and engagement program which commenced in July 2016.

Under this Program, Council has delivered the following engagement activities:

- 26 town meetings
- 25 information kiosks and stalls at shopping centres, markets and council events
- two statistically valid telephone surveys run on Council's behalf by Micromex Research
- a mail out of information brochures and postal ballots to all ratepayers
- public exhibition of key documents and calls for submissions
- online surveys and information up-dates on Council's online engagement portal.

The final element of Council's conversation with residents about the future of the Hawkesbury involved the public exhibition of the Draft Supplementary Resourcing Strategy 2017-2027 and the Draft Supplementary Delivery Program 2017-2021 between 13 October 2017 and 10 November 2017.

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In conjunction with the public exhibition period, information about the documents was included in the Spring 2017 Community Newsletter, distributed with the quarterly rates instalment notices, and display copies were made available at Council Offices, Richmond and Windsor Libraries, and the North Richmond Community Centre. Notices were also placed in the Hawkesbury Courier and the Hawkesbury Gazette advising of the public exhibition as well as a media release was issued and information was contained in the "From the Mayor's Desk" online column. Two drop-in information sessions were also held on 2 November 2017 in the Stan Stevens Studio at the Deerubbin Centre, between 6pm to 8pm, and 6 November 2017 at the North Richmond Community Centre, between 3pm and 5:30pm.

Background

The preparation and public exhibition of the Draft Supplementary Resourcing Strategy 2017-2027 and the Draft Supplementary Delivery Program 2017-2021, has been the culmination of a Fit For The Future Improvement Program and community engagement process which commenced in 2014 (as outlined in Figure 1).

Council's Fit For The Future journey commenced well before the 2014 release of the NSW Government's Fit For The Future Reform Program. Since 2007, Council has been implementing measures to improve its long-term financial sustainability, with a particular focus on addressing the legacy of past decades of under-investment in asset renewal.

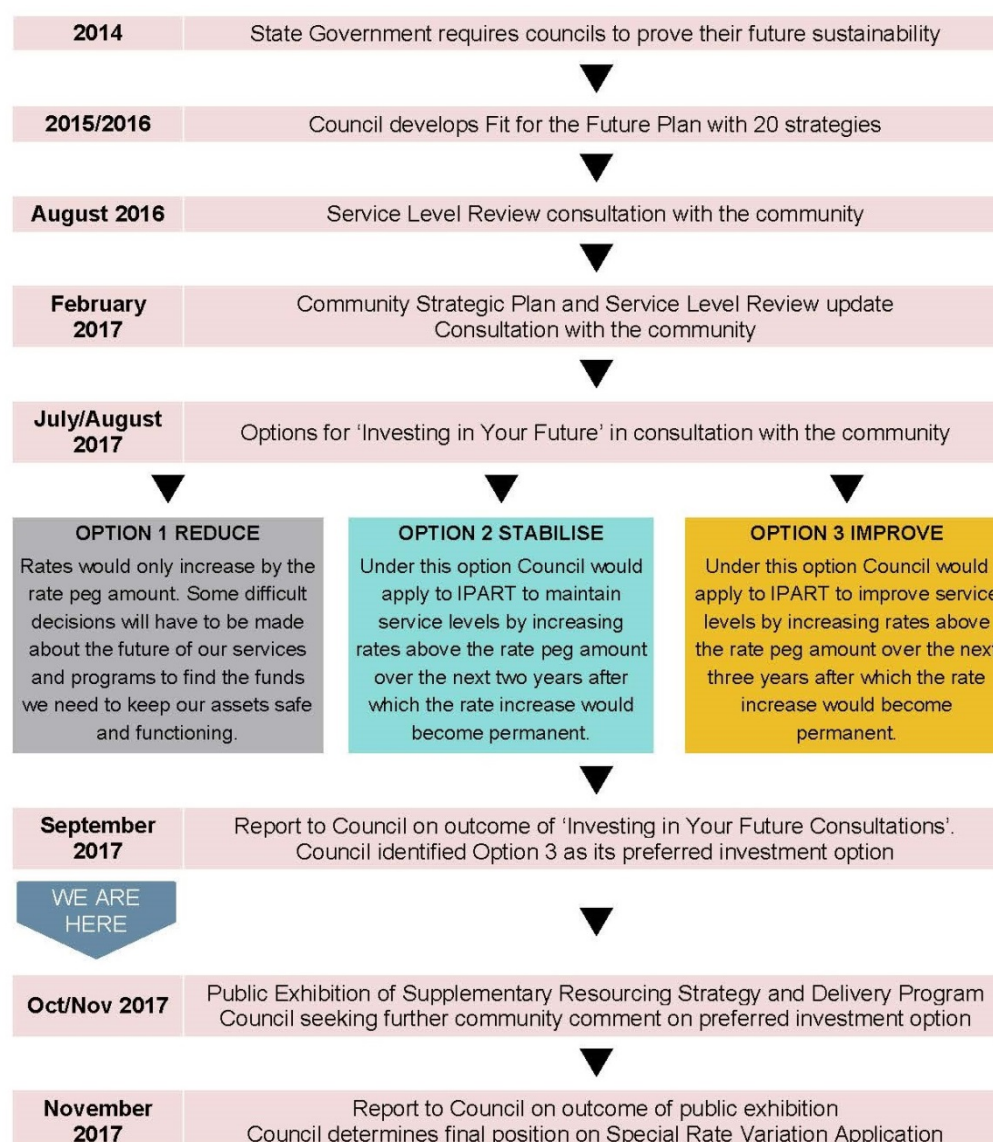


Figure 1: Fit For The Future timeline

As part of this process, Council has considered a number of reports covering the following matters:

- Council's financial position and its future financial sustainability
- Council's capacity to fully fund the cost of maintaining, renewing and replacing community assets and measures taken since 2007 to arrest the decline in the condition of these assets
- additional cost containment and revenue measures to achieve the required Fit for the Future benchmarks and stabilise the condition of community assets
- the findings of independent reports into the sustainability of local government
- the consideration and response to the proposed merger with part of The Hills Shire Council
- independent reviews of Council's financial position and Fit For The Future Improvement Plan
- the outcomes of community surveys and consultations held with residents on future service levels, community investment priorities and options for investing in the future. These community conversations commenced in July 2016 and are summarised in Figure 2.



Figure 2: Fit for the Future Community Engagement Program

On 12 September 2017, Council considered a report which summarised the outcome of the most recent round of community consultations undertaken in July and August 2017, where Council presented three Investing in Your Future resourcing options to residents as outlined below:

- Option 1 - Annual rate increases in line with assumed rate peg over three years
- Option 2 - Special Rate Increase of 14.5% above rate peg over three years
- Option 3 - Special Rate Increase of 22.5% above rate peg over three years.

In considering this report, Council resolved to identify Option 3 as its preferred resourcing option and approved the preparation of draft supplementary documentation for public exhibition.

The information which has been progressively reported to Council was summarised in the Draft Supplementary Resourcing Strategy 2017-2027 and the Draft Supplementary Delivery Program 2017-2021, together with a more detailed assessment of the impact of the three resourcing options on ratepayers, Council's long term sustainability and future service provision. The draft supplementary document was reported to Council on 10 October 2017, with Council resolving to place it on public exhibition with the outcomes to be reported to Council.

Draft Supplementary Resourcing Strategy 2017-2027 and Draft Supplementary Delivery Program 2017-2021 – Summary of Content and Key Messages

The Draft Supplementary Resourcing Strategy 2017-2027 and Draft Supplementary Delivery Program 2017-2021 incorporated the following content and key messages:

Current financial position and financial outlook

- Council is in a sound and stable financial position with expenditure balanced against available revenue.
- Council's current position is due in part to the significant work already undertaken by Council in relation to reducing its operating costs and improving the efficiency of its operations. To date this work has realised a \$7.4 million per annum improvement in its financial position.
- In comparison with neighbouring councils, Council has a lean staffing establishment and a diverse revenue base and is less reliant on rating revenue to fund its operations.
- Like many councils, Council is experiencing a structural funding shortfall due to past under-investment in asset management.
- TCorp's (NSW Treasury Corporation) assessment of Council's financial position confirmed Council's capacity to meet financial commitments in the short to medium term but pointed to a need to increase revenue to address the legacy of asset underspend and stabilise its financial outlook.
- Revenue shortfalls have not enabled Council to fund the total cost of asset management. Without intervention, Council is facing a projected asset funding shortfall of \$69M over the next 10 years.
- Council recently engaged Morrison Low Consultants Pty Ltd to review Council's current financial position and Council's strategies for financial sustainability. Morrison Low found that Council's Fit for the Future strategies were generally consistent with other councils and were found to be appropriate to address Council's financial sustainability. The estimates associated with the strategies were found to be prudent and reasonable and applicable challenges were recognised. Morrison Low also indicated that in their view Council needs a substantial Special Rate Variation.

Issues impacting on financial sustainability

- Council's capacity to achieve long-term financial sustainability has been adversely impacted by rate pegging, cost shifting and a decline in financial assistance from other levels of government.
- The geographic size of the Hawkesbury and lower population density means that in comparison with adjoining councils, Council has a relatively larger asset portfolio and a higher per-capita infrastructure cost.
- Development constraints including significant areas of land subject to flooding and bushfires, have placed limits on the potential for residential development and overall population density will remain low by urban standards.

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- While the Hawkesbury is classified as part of Metropolitan Sydney, its blend of urban and rural settlements is uncharacteristic of the metropolitan area.
- There is a challenge in meeting community expectations for urban levels of service and infrastructure (available in adjoining areas of metropolitan Sydney) from a semi-rural rating base.

Planning to become 'Fit for the Future'

- Council is implementing a Fit for the Future Improvement Plan to achieve, by 2021, the financial benchmarks set by the NSW Government.
- The Fit For The Future Improvement Plan builds on the cost containment, efficiency and revenue measures, that have been progressively implemented since 2007 and which have enabled Council to invest an additional \$7.4M a year in asset management to address the asset funding shortfall.
- By 2021 the Fit for the Future Plan will generate a further round of efficiency savings of \$2.4M a year, increase non-rating revenue by \$1.9M a year, and realise a further \$1.5M in property sales.
- The Fit for the Future Plan includes provision for a special rate increase to raise the balance of the revenue required to achieve financial benchmarks and resolve the asset funding shortfall.
- The proposed special rate increase is being considered only after Council has comprehensively reviewed its operations to achieve ongoing cost reductions and efficiency measures.

Community Engagement and Consultation

- Council has implemented an intensive 3-stage community engagement strategy commencing in July 2016 using a range of engagement platforms;
- The consultations indicated that:
 - the community was not satisfied with current levels of service for a range of Council services, facilities, and activities
 - residents would like Council to improve service levels by increasing investment in Council services, facilities and activities
 - priorities for future investment should centre on roads, public spaces and town centres
 - the majority of residents did not want service levels to reduce and were willing to pay additional rates to maintain or improve services.

Three 'Fit for the Future' Resourcing Options

- Council has presented three resourcing options to the community aimed at improving financial sustainability and meeting the asset funding shortfall.
- two of the options (Option 2 and Option 3) are based on revenue assumptions involving additional rate increases, while Option 1 would require a program of service level reductions:
 - **Option 1** provides no additional investment in services and facilities and would require Council to identify service level reductions of \$4M to \$5M a year from its community, cultural, civic and recreational programs, if it is to maintain core services and critical infrastructure
 - **Option 2** will fund a \$3.4M annual increase in asset maintenance and a 10 year \$22.5M program of new works

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- **Option 3** will fund a \$5.9M annual increase in asset maintenance, a rolling program of new works (\$29.5M in the first 10 years) and a \$1.9M annual investment in community programs.
- Detailed district programs outlining the scope of works to be delivered under each of three resourcing options have been prepared and published.
- Council has identified Option 3 as its preferred investment vehicle as it would best enable Council to maintain and improve service levels to meet community expectations and realise the community's long term vision for the Hawkesbury.
- Other options to achieve long term financial sustainability, including amalgamation, service level reductions, and large-scale residential development have been considered and either rejected by the NSW Government or have limited support within the community.

Impact on ratepayers

- In comparison with 'benchmark' councils:
 - average residential rates in the Hawkesbury are relatively low and have increased at a lower rate over the last five years
 - the proportion of weekly household income required to pay the average residential rate is also lower and has fallen over the last five years.
- Based on relative socio-economic indexes, the Hawkesbury has some of the more advantaged areas in Australia. However there are also suburbs which are relatively disadvantaged.
- Modelling of the impact of the investment options shows that that by 2021 the average residential rate will increase by:
 - \$86 a year or \$1.56 a week under Option 1
 - \$257 a year or \$4.92 a week under Option 2
 - \$351 a year or \$6.73 a week Under Option 3.
- Council has reviewed its rating structure to bring rating yields back into alignment with proportional land values in response to rating inconsistencies, which resulted in residents in the residential rating category, within the same localities, treated differently for rating purposes.
- The rating changes which took effect from 1 July 2017, will lessen the impact of the proposed special rate increases on those relatively disadvantaged localities with the highest proportion of low income households.
- Some properties in localities bordering the North West Growth Sector have experienced large rating increase relative to other areas in the Hawkesbury, as a result of the substantial increase in their NSW Valuer General determined land values.

Outcome of Public Exhibition of Draft Supplementary Resourcing Strategy 2017-2027 and Draft Supplementary Delivery Program 2017-2021

The Draft Supplementary Resourcing Strategy 2017-2027 and the Draft Supplementary Delivery Program 2017-2021, were placed on public exhibition between 13 October 2017 and 10 November 2017.

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In conjunction with the public exhibition period, information about the documents was included in the Spring 2017 Community Newsletter, distributed with the quarterly rates instalment notices, and display copies were made available at Council Offices, Richmond and Windsor Libraries, and the North Richmond Community Centre. Notices were also placed in the Hawkesbury Courier and the Hawkesbury Gazette advising of the public exhibition as well as a media release was issued and information was contained in the "From the Mayor's Desk" online column. Two drop-in information sessions were also held on November 2, 2017 in the Stan Stevens Studio at the Deerubbin Centre, between 6.00 pm to 8.00pm, and November 6, 2017 at the North Richmond Community Centre, between 3.00pm and 5.30pm.

138 submissions, including five late submissions, were received in response to the public exhibition of the draft supplementary documents. One of the submissions primarily dealt with spelling, grammatical and formatting issues and the suggested corrections have been incorporated within the revised Draft Supplementary Resourcing Strategy 2017-2027 and Draft Supplementary Delivery Program 2017-2021, which has been appended to this report under separate cover as Attachment 1.

In addition to these submissions, representations and a petition from the Oakville Progress Association Inc. were also received and are addressed later in this report.

Summary of Submissions Received

Table 1 summarises the submissions received by location and the response to Council's preferred investment option (Option 3).

Table 1: Summary of Submissions Received by Location and Preference

Locality	Email & hard copy	Online	Total	Support for Council's preferred investment option		
				Support	Not support	Not specified
Bligh Park	1	0	1	1	0	0
Cattai	1	0	1	0	1	0
Ebenezer	0	1	1	0	1	0
Freemans Reach	1	0	1	1	0	0
Grose Vale	0	1	1	1	0	0
Grose Wold	1	0	1	0	1	0
Lower Portland	0	1	1	1	0	0
Maraylya	5	2	7	0	7	0
North Richmond	4	1	5	4	1	0
Oakville	67	29	96	0	93	3
Pitt Town	1	0	1	0	1	0
Sackville	1	0	1	1	0	0
South Windsor	1	0	1	0	1	0
Unknown	0	2	2	0	2	0
Vineyard	2	0	2	0	2	0
Wilberforce	1	0	1	0	1	0
Windsor	2	1	3	2	0	1
Windsor Downs	2	10	12	0	12	0
Totals	89	48	138	11	123	4

Table 1 shows that the majority (83%) of submissions (115 of 138) were received from three localities – Oakville, Maraylya and Windsor Downs. None of the submissions from these localities supported Council's preferred investment option and generally supported Option 1. Of the remaining 21 submissions where a resourcing option preference was nominated, 11 submission supported Council's preferred investment option and 11 submissions did not support Council's preferred investment option.

A summary of the content of the 138 submissions received in response to the public exhibition of the Draft Supplementary Resourcing Strategy 2017-2027, and the Draft Supplementary Delivery Program 2017-2021, has been appended to this report (Attachment 2). Redacted copies of each submission have also been appended under separate cover (Attachment 3). It should be noted that the order in which the submissions are summarised in Attachment 2, does not match the order in which they are reproduced in Attachment 3.

Submissions supporting Council's preferred investment option

In general, the submissions which were supportive of Council's preferred investment option largely endorsed the analysis presented by Council within the Draft Supplementary Resourcing Strategy.

Respondents were of the view that the current rating structure is equitable and has redressed the inconsistencies for properties of less than 2 hectares.

Support for Council's preferred investment option was based on its capacity to:

- maintain and improve community assets and meet community expectations for services and facilities to support community life
- address infrastructure backlog and finance best possible service outcomes
- enable Council to be fit for the future and remain independent
- give Hawkesbury City Council long term financial stability
- maintain the amenity of the Hawkesbury and support sensitive, small scale development to preserve the rural and heritage values of the Hawkesbury
- maximise the potential of the Hawkesbury.

Submissions not supporting Council's preferred investment option

There were consistent issues raised within the 123 submissions which did not support Council's preferred investment option. As 112 (91%) of these submissions were from three localities - Maraylya (6% of submissions not supporting Council's preferred investment option), (Oakville (76%), and Windsor Downs (10%) - these issues were location specific and related to the effect of rating changes, land valuations and urban development on properties within these three localities. The submissions from these localities raised the following issues:

- the impact, equity and fairness of the rating system
- a request that Council not proceed with the proposed Special Rate Variation Application (SRV) until the perceived inequities of the current rating system were resolved and rates 'normalised'
- development restrictions preventing residents from benefitting from the increase in land values
- eliminating waste and frivolous expenditures which would negate the need for an SRV
- the representativeness of surveys undertaken by Council or on Council's behalf as a measure of community sentiment
- Council has misled residents in relation to being 'Fit for the Future' and its response to the NSW Government's council merger proposals.

Table 2 summarises the 10 key issues raised in these submissions. As more detailed responses to each of these issues, including actions taken by Council to address them, follows on from Table 2.

ORDINARY MEETING**Meeting Date:** 28 November 2017**Table 2 – Summary of issues and responses for submissions not supporting preferred option**

Key Issue raised by Submission Respondents	Response
1. Rating system discriminates against properties with higher land values.	<ul style="list-style-type: none">• Council's rating structure is determined by the provisions of the NSW Local Government Act, 1993.• Relative rating charges between properties is primarily determined by land value.• Council has made a submission to the IPART review of the local government rating system to increase the equity of rating methodologies and is awaiting response of NSW Government to the IPART review.
2. Why did Council change its rating structure in 2017/2018 to increase rates in Oakville?	<ul style="list-style-type: none">• The rating structure was reviewed to address inconsistencies in the treatment of residential and rural residential properties in the same localities.• The 2016 Valuer General land revaluation was the primary cause of rate increases in Oakville, which commenced on 1 July 2017, due to substantial increases in land value relative to other areas in the Hawkesbury.• Council has worked with NSW Valuer General to explain the land valuation process and options available to request a review of land valuations.
3. Council should defer consideration of special rate until rating structure is normalised.	<ul style="list-style-type: none">• The current rating structure achieves, as far as possible, a fair and equitable distribution of rates based on land valuation, which is central to the calculation of rates under the NSW Local Government Act.• Council's rating structure is not dissimilar to the rating structures of other councils.• Council is investigating further measures available to it to potentially smooth out and address the relative rating impacts of increased land value.
4. The recent doubling of rates together with proposed SRV increase will impose financial hardship.	<ul style="list-style-type: none">• Council is conscious of the impact of the recent land revaluations on ratepayers in suburbs affected by substantial increases in land value.• Based on the 2016 census data there may be up to 183 households in these suburbs whose reported income and housing costs could impact on their capacity to meet cost of living increases, including rates.• Council has broadened the hardship provision within the relevant Policy to provide rate relief in cases of demonstrated financial hardship arising from land revaluations.

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Key Issue raised by Submission Respondents	Response
5. Council should permit land owners to develop their land to benefit from nearby development which has pushed up land values.	<ul style="list-style-type: none"> • Rating categorisation and zoning of land are covered by separate legislation and one does not determine the other. • The plans for the subdivision of land in some areas in Oakville and Vineyard, is well underway by the NSW Department of Planning and Environment (DPE). • The possible extension of these areas will be subject to the provision of required utilities and infrastructure by NSW Government. • Council has unsuccessfully sought approval from the DPE to permit detached dual occupancy in rural zones but has resolved to further investigation these options in Oakville and Maraylya.
6. Council should rein in unnecessary spending before considering and SRV.	<ul style="list-style-type: none"> • Council is proposing an SRV only after it has comprehensively reviewed its operations to achieve ongoing cost reductions and efficiency measures. • Despite these measures Council, like the majority of local councils in NSW, is still facing an asset renewal shortfall. • The SRV is intended to raise the balance of revenue to resolve this shortfall. • Council had commissioned an independent review of its financial sustainability plan which confirmed the need for a special rate variation.
7. The outcome of Council's surveys were not representative of the community.	<ul style="list-style-type: none"> • Since June 2016, Council has been engaged in an ongoing conversation with residents about the future of the Hawkesbury. • The tools used as part of the community engagement program are consistent with IPART guidelines. • The telephone survey element of the program is statistically valid and some confidence can be applied to its outcome which showed that the majority of residents supported a special rate option.
8. Council has misled residents about being Fit for the Future. If you are fit Why do you need and SRV?	<ul style="list-style-type: none"> • Council's Fit for the Future Plan was first submitted in June 2015 and including the provision for special rate increases. • Council's proposal indicated that its future sustainability was contingent on an SRV. • The Plan, inclusive of the special rate option has been approved by the NSW Government for implementation. • Special rate increases are a strategy adopted by most NSW council to resolve their asset funding shortfalls.
9. Council has misled residents about amalgamation with the Hills Shire.	<ul style="list-style-type: none"> • Council's objection to the merger proposal was outlined in its submission to the independent inquiry into the proposed merger. • The independent delegate generally concurred with Council's reasoning and recommended that the proposed merger not proceed – a recommendation that the NSW Government accepted.

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Key Issue raised by Submission Respondents	Response
10. Council is increasing rates but delivering very few services. What are you doing with the rating windfall from recent rate increases in Oakville?	<ul style="list-style-type: none">• Council delivers a range of services across all areas of the Hawkesbury.• The rating income collected from residents contributes to the funding of these services.• Total rates collected each year is determined by a rate peg set by the NSW Government (through IPART).• In 2017/2018, the rate peg amount of 1.5% - as this was less than CPI, the net additional income did not provide Council with extra capacity to increase spending on new works or services.

Detailed responses to Key Issues in submissions not supporting Council's preferred investment option

Issue 1 The current rating system, which is based on land values, discriminates against larger properties and properties with higher land values.

Response Council is required to calculate annual rate charges based on the provisions of the NSW Local Government Act, 1993. Under the Act, rates can be made up of two components, an *ad valorem* rate-in-the-dollar amount applied to the assessed land value of each property, and a *base amount* applied equally to all properties in the same rating category.

The rating income collected under the base amount cannot exceed 50% of the total rates collected from all rateable properties. This means that differences in relative rating charges between properties is primarily determined by land value.

In 2016, the NSW Valuer General updated land valuations for all properties in NSW. Average land valuations for localities in the Hawkesbury varied from a fall of 15% to an increase of 206%, with an average increase across the Hawkesbury of 40%. As a result, assessed rates for individual properties increased or decreased relative to each other based on these different land values.

These relative adjustments occur after each land valuation review by the Valuer General. Council is required to apply the outcome of these revaluations, and is unable to defer the application of land revaluations to the calculation of rates.

The 2016, land revaluations particularly affected properties in areas adjoining the North West Growth Sector which experienced substantial increases in their land values and consequently a proportionally large increase in their rates, relative to other properties in the Hawkesbury. The primary factor driving these rating increases was the rise in land values of these properties relative to other properties.

For the average property in Oakville, rates increased by \$1,628 in 2017/2018 – of this amount \$1,298 (almost 80%) was attributable to the impact of the land revaluations.

Actions taken by Council in response to this issue

In December 2015, the Premier of NSW requested the Independent Pricing and Regulatory Tribunal (IPART) undertake a review of the Local Government Rating System. In May 2016, Council lodged a submission with IPART responding to the 23 issues identified by IPART for public comment and feedback. Council's submission included suggestions for increasing the equity of rating methodologies including a review of the basis for setting the *ad valorem* component of rates (i.e. that portion based on land value).

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The Review has been completed and a report was presented to NSW Government by IPART in December 2016. Council is currently awaiting the NSW Government's response to the IPART review to determine the need for further action in relation to the review of the rating system. In September 2017, Council resolved to submit a Notice of Motion to the 2017 NSW Local Government Annual Conference calling on the NSW Government to expedite the release of the IPART Report.

Issue 2 Why did Council change its rating structure in 2017 which lowered rates for the majority of ratepayers and increased rates in Oakville and a small number of other suburbs?

Response: Council reviewed its rating structure to address inconsistencies which had arisen following previous changes made to the rating structure which took effect from 2013/2014.

Prior to 2012 all properties in the Residential rating category (including the rural residential sub-category) were treated the same for rating purposes. In 2012, Council amended its rating structure to treat rural and rural residential properties differently. A lower ad-valorem rate-in-the-dollar was applied to properties in the rural residential sub-category. The intended purpose of this change was to compensate rural properties for the relative distance of these properties from Council services. In practice this objective was not achieved. The 2012 rating change actually increased rates for smaller properties (less than 2 hectares) in rural and outlying areas.

This occurred as under the NSW Local Government Act 1993, the rating sub-category of rural residential is not defined by the location of a property i.e. whether it is urban or rural, but by the size of the property (if it is between 2 and 40 hectares). Consequently, residential properties (less than 2 hectares) and rural residential properties (more than 2 hectares) can exist side-by-side in the one location. For example, there are rural residential properties in Windsor, Richmond and South Windsor and residential properties in St Albans, Bilpin, Bowen Mountain and most outlying rural areas of the Hawkesbury.

The 2012, changes increased rates for smaller properties across the Hawkesbury, in both rural and urban areas, to fund a decrease in rates for larger properties in the same areas. The 2012 change saw an average increase of \$118 for smaller properties across all areas of the Hawkesbury (less than 2 hectares) and an average decrease of \$512 for larger properties in the same localities (between 2 and 40 hectares). The average decrease in Oakville was \$638.

In considering these impacts, the current Council came to the view that the 2012 rating change was inequitable. Its intended compensatory impact on properties in rural and outlying areas was unevenly distributed. The rating change increased rates for ratepayers with properties with relatively lower land values particularly in areas with higher levels of relative socio-economic disadvantage.

Accordingly, Council changed the rating structure in 2017/2018 to reverse the inconsistencies that flowed from the 2012 change to the rating structure. As was the case prior to 2012, properties in the residential rating category (including the rural residential sub-category), were once again treated the same for rating purposes.

The rural residential sub-category was re-incorporated into the overall residential rating category. The same base amount and the same rate-in-the-dollar ad-valorem amount were applied to all residential properties in all localities in both rural and urban areas.

The impact of these changes resulted in an average decrease of \$97 for residential properties and an average increase of \$405 for properties in the former rural residential sub-category. These changes partially offset the rating increases and decreases that occurred following the 2013 rating change (where average residential rates increased by \$118 and rural residential rates decreased by an average of \$512).

Actions taken by Council in response to this issue

Council's 2017/2018 rating structure applied the same base amount and the same rate-in-the-dollar ad-valorem amount equally to all properties in all suburbs within the Residential rating category. For rating purposes, Oakville was treated the same as all other areas in the Hawkesbury.

In this context, the 2016 land revaluations undertaken by the NSW Valuer General were the primary cause of the rating increases experienced by some properties as a result of the substantial increases in their land values relative to other areas in the Hawkesbury. For the average property in Oakville, the 2017/2018 change to the rating structure accounted for \$338 (just over 20%) of the \$1,628 average rating increase that occurred in Oakville – the balance of the average increase (\$1,298) was attributable to the impact of land revaluations.

In response to concerns raised by residents at the round of 'Investing in Your Future' town meeting held during July and August 2017, about land valuations and rating increases, Council arranged for representatives of the NSW Valuer-General to address concerned local residents at a public meeting held on 30 August 2017. At this meeting, the NSW Valuer-General representatives outlined the land valuation process and their impact on rates, and provided residents with the opportunity to ask questions and make specific enquires about the valuations of their properties.

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In August 2017, Council made representation to the NSW Valuer-General to extend the time period for residents to request a review of their assessed land value. Council is aware that residents have lodged objections with the NSW Valuer-General to seek a review of their assessed land value and as a result valuations have been amended.

Issue 3 Council should defer any consideration of a Special Rate Variation increase until the rating structure is 'normalised'.

Response Council's current 2017/2018 rating structure is consistent with the rating provisions and principles outlined in the NSW Local Government Act. Under the Act, land values are the primary variable used to calculate the rating charges levied on individual properties within each rating category (residential, business, farmland and mining).

In practice, this means that the total rates levied on all properties in a rating category is aligned with the proportional land value of the properties in that category. For example, if properties in the residential rating category account for 50% the total land value across a local government area, then those properties should collectively generate 50% of total rating income. This is referred to as the 'notional yield'. To collect this notional yield, a council calculates an *ad valorem* rate-in-the dollar amount - the total land value of all properties in the same rating category divided by the total proportional rating income to be collected under that rating category (i.e. the notional yield), less that proportion of rates that may be collected through any base amount. The ad-valorem rate-in-the dollar is then be applied to the land value of each property (as assessed by the NSW Valuer General) to determine the rates to be paid by each property.

Councils can vary this formula. For example, a council could reduce the rate-in-the-dollar amount for properties in the farmland category to implement a strategic objective to support agriculture and rural industries. However, the reduction in the rate-in-the-dollar ad valorem amount for properties in the farmland category would need to be offset by an increase in the rate-in-the-dollar ad valorem amount for properties in another rating category if total rating revenues are to be maintained.

Council's current rating structure is consistent with these principles. Table 3 tracks the relationship between land value and notional yield for each rating category over the period 2011 to 2017.

Table 3 – Council rating structure 2011 to 2017

rating category (sub-category)	2011/2012		2013/2014		2017/2018* (without restructure)		2017/2018	
	% of LGA land value	% of LGA rating yield	% of LGA land value	% of LGA rating yield	% of LGA land value	% of LGA rating yield	% of LGA land value	% of LGA rating yield
Residential	84%	85%	57%	65%	56%	65%	87%	85%
(rural residential)			28%	20%	31%	20%		
Farmland	7%	5%	7%	5%	6%	5%	6%	4%
Business	9%	10%	9%	10%	7%	10%	7%	11%

Prior to 2012, residential and rural residential properties were treated the same for rating purposes (rural residential being a sub-category of the residential category). In 2011/2012 the residential rating category (which included the rural residential sub-category) accounted for just under 85% of land values across the Hawkesbury and consequently 85% of rating income collected by Council.

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In 2012, Council amended its rating structure to differentiate between properties of different sizes – 'residential' properties (less than 2 hectares) and 'rural residential' properties (between 2 and 40 hectares) were treated differently for rating purposes. A lower *ad valorem* rate-in-the-dollar was applied to properties in the rural residential sub-category to reduce the rating yield from these properties – this meant that while rural residential properties represented 28% of land values across the Hawkesbury, their rating yield was fixed at 20%. This reduction in rating yield was offset by increasing the rating yield (65%) from the remaining residential properties relative to their proportional land value (57%). This change altered the balance between land value and rating yield.

The 2016, land revaluations undertaken by the NSW Valuer General intensified this imbalance. As shown in Table 2, if the previous rating structure had been retained, rural residential properties which currently account for 31% of land values across the Hawkesbury would have still contributed a fixed 20% of the rating yield, while the rating yield for remaining residential properties would have remained at 65% while their proportional land values would have decreased further (56%). Council changed the rating structure in 2017/2018 to bring rating yields back into closer alignment with their proportional land values. In this respect, the current rating structure has 'normalised' the distribution of rates.

The current structure achieves, as far as possible, a fair and equitable distribution of rates based on land valuation which is central to the calculation of rates under the relevant provisions of the NSW Local Government Act. Council's rating structure is not dissimilar to the rating structures of other councils.

Actions taken by Council in response to this issue

There are currently limited mechanisms under the NSW Local Government Act for councils to 'smooth out' the impact of substantial changes in land values as occurred in Oakville.

Apart from its submission in response to the IPART review of the local government rating system, and representations to the NSW Valuer General on behalf of concerned residents, Council has however resolved to further discuss the rating structure and is presently engaged in this process.

A further Councillor Rates Workshop has been scheduled for February 2018 to investigate options available in regard to the various elements of Council's rating structure, including the distribution of rates across the local government area.

Issue 4 Rates in Oakville have more than doubled and together with the proposed additional SRV increase will impose severe financial hardship on many residents.

Response Council is conscious of the impact of the recent land revaluations on ratepayers in Oakville and other suburbs affected by substantial increases in land value.

As reported above, the average 2017/18 rate increase in Oakville was \$1,628 which represents a weekly increase of \$31.31 – the change to the rating structure was responsible for \$6.50 (a \$338 annual increase) of this amount and the land revaluation \$24.81 (\$1,290 annually). Oakville has been the locality most affected by land revaluation and Council's preferred investment option (Option 3) would result in an additional rating increase of \$18.69 a week by 2021 for the average property in Oakville (\$972 annually).

By 2021, taking into account land revaluation and the change to the rating structure, the weekly average increase in rates in Oakville from 2016/17 will be \$50 (\$2,600 annually), with the change to the rating structure responsible for \$10.38 (\$540 annually) of this amount and land revaluation \$39.62 (\$2,060 annually).

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On top of other cost of living pressures this cumulative rating increase may cause financial hardship for some ratepayers in Oakville, particularly those on pensions or fixed incomes.

The Draft Supplementary Resourcing Strategy includes an assessment of the capacity of ratepayers to meet the cost of increased annual rates. Based on the analysis of Socio Economic Indexes for Areas (SEIFA) compiled by the Australian Bureau of Statistics, the Hawkesbury is ranked as one of the more advantaged communities within Australia in relation to income, employment, housing and other community indicators of well-being.

While the SEIFA data indicates that Oakville, Maraylya and Windsor Downs are relatively socio-economically advantaged compared with other localities in the Hawkesbury, with SEIFA scores well above the average across the Hawkesbury, the most recent census data from 2016 indicates that 116 of the 1,278 households in Oakville, Maraylya and Windsor Downs are low-income households. The Census 2016 data also suggests that there may be up to a further 67 households in housing stress where mortgage or rental payments currently exceed 30% of gross weekly income.

Based on the 2016 census data there may be up to 183 households in Oakville, Maraylya and Windsor Downs whose reported income and housing costs could impact on their capacity to meet cost of living increases, including rates.

Actions taken by Council in response this issue

Council's existing Debt Recovery Policy includes provisions for payment arrangements where ratepayers are experiencing financial difficulties.

Council has recently updated this Policy to include additional hardship provisions to assist pensioners and low income households in demonstrated financial hardship to meet their financial obligations. The revised draft Policy has been placed on public exhibition with the outcomes reported elsewhere in this Business Paper.

The revised Draft Debt Recovery, Pensioner Concession and Hardship Policy provides for assistance to be made available through:

- periodical payment arrangements
- writing off accrued interests and costs
- extension of pensioner concessions
- rate relief or deferment in cases of financial hardship arising from a land revaluation of the local government area.

Following Council's consideration of the draft Policy, information will be distributed to ratepayers advising them of the hardship provisions within the policy and how to contact Council to discuss the requirement for assistance under the policy.

Issue 5 Why can't Council permit land owners to subdivide or build granny flats on their land to allow them to benefit from nearby development which has pushed up land values?

Response The categorisation of land for rating purposes and the zoning of land for land use purposes are covered by separate pieces of legislation.

Rating categories and the levying of rates are covered by the NSW Local Government Act, 1993. Land use planning is covered by the NSW Environmental Planning and Assessment Act 1979 and Local Environment Plans prepared in accordance with the provisions of this Act. Rating categories and land use zones are not interconnected and one does not determine the other.

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Whether or not a residential property can be subdivided is primarily determined by the minimum allotment size pertaining to that property as contained within the Hawkesbury Local Environmental Plan. Any proposed subdivision must also satisfy the development controls within the Hawkesbury Development Control Plan. Land within Oakville (and other similar areas across the Hawkesbury) is primarily zoned as RU4 (Primary Production Small Lots) with a range of permitted uses.

Some areas of Oakville and Vineyard lie within the North West Growth Sector and plans for the rezoning of these areas to permit subdivision are currently being prepared by the NSW Department of Planning and Environment. The potential for the subdivision of further areas surrounding the North West Growth Sector may be investigated by the Department in the future but will be subject to an assessment of the timing of the provision of utilities and infrastructure by the NSW Government to support this further development.

For its part, Council has prepared and submitted planning proposals to the NSW Department of Planning and Environment on three occasions (in 2014, 2015 and 2016) to amend the Hawkesbury Local Environment Plan (HLEP) to permit detached dual occupancy in rural zones. The proposed amendments were not supported by the Department due to flood evacuation concerns. The Department indicated that further consideration of the proposed HLEP amendments would be deferred until the release of the Hawkesbury-Nepean Flood Risk Management Study. Council had made a number of representations to the NSW Government to seeking to expedite the release of the Study. The Hawkesbury-Nepean Flood Risk Management Strategy has subsequently been recently released (June 2017).

Actions taken by Council in response this issue

Following the release of the Hawkesbury-Nepean Flood Risk Management Strategy, Council is now working with state government agencies and stakeholders to undertake further investigations based on the actions within the Strategy aimed at resolving flood evacuation and flood mitigation issues.

In addition to this work, in September 2017, Council resolved to investigate options to allow detached dual occupancy and secondary dwellings in Oakville and Maraylya in areas unaffected by flood evacuation issues. This investigation is currently being progressed.

Issue 6 Council should look closely at its spending and rein in unnecessary costs before considering an SRV. Council should be living within its means.

Response As outlined in the Draft Supplementary Resourcing Strategy, the cost of Council's day-to-day operations are currently balanced against available revenue. However, as successive reviews of the financial sustainability of local government in NSW have indicated, the majority of councils in NSW have been under-spending in the area of asset management and like most councils, Council is facing a structural funding shortfall due to this legacy of under-investment. Without intervention, Council will face a cumulative infrastructure funding gap of \$69M over the next ten years.

Council is proposing an SRV, only after it comprehensively reviewed its operations to achieve ongoing cost reductions and efficiency measures. Since 2007, these measures have enabled Council to invest an additional \$7.4M a year in asset management to address the asset funding shortfall. Council has also adopted a Fit for the Future Improvement Plan, which by 2021, will generate a further round of efficiency savings of \$2.4M a year, increase not-rating revenue by \$1.9M a year, and realise a further \$1.5M in property sales.

In comparison with most of our neighbouring councils, Council has a lean staffing establishment and has been less reliant on rating revenue to fund its day-to-day operations. Despite the measures taken to date, Council is still facing a revenue shortfall if it is to fund the total cost of maintaining, renewing and replacement its \$1.1B portfolio of community assets.

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The purpose of Council's preferred investment resourcing option (Option 3) is to generate the balance of the revenue required to resolve the asset funding shortfall.

Actions taken by Council in response this issue

In September 2017, Council commissioned Morrison Low Consultants Pty Ltd (Morrison Low) to undertake an independent review of Council's Fit for the Future Improvement Plan, including the proposal for special rate increases, to investigate if there were other strategies or options that Council could pursue to improve its long term financial sustainability.

The Morrison Low report concluded that Council's Fit for the Future strategies were prudent, reasonable and appropriate for addressing Council's financial sustainability and were generally consistent with other councils. The report also confirmed that Council required a special rate variation to raise additional revenue.

Issue 7 The outcome of Council's survey of community sentiment was not representative of the community.

Response Since July 2016, Council has been engaged in an ongoing conversation with residents about the future of the Hawkesbury. As part of this consultative process, Council has provided information to residents about the need and purpose of a proposed special rate increase and has sought community feedback on these matters. This community engagement program has incorporated the range of engagement platforms and information elements identified by the Independent Pricing and Regulatory Tribunal (IPART) in their Guidelines for the Preparation of an Application for a Special Rate Increase.

The engagement strategy implemented by Council provided the opportunity for all residents to identify their preferred resourcing option by either the postal ballot sent to all ratepayers, an on-line survey, or through the straw poll conducted at the conclusion of the 10 town meetings held across the Hawkesbury. These engagement platforms were additional to the statistically valid telephone survey carried out on Council's behalf by an independent research company.

The sample size for the telephone survey was 401 respondents. The selected survey sample reflected the demographic profile of the Hawkesbury (age, gender, employment status, location and length of residency). The survey had a margin of error of $\pm 4.9\%$ which meant that if the survey was replicated with a different survey sample of 401 residents, 19 times out of 20 the same result would be achieved plus or minus 4.9%.

Based on the outcome of the telephone survey, community support for Option 1 could conceivably vary from 38% to 48% while support for a special rate option could vary from 52% to 62%. As the telephone survey is statistically valid, some confidence can be applied to the overall outcome which showed that a majority of residents supported a special rate option (either Option 2 or Option 3).

Council acknowledges that while the other engagement platforms (the postal ballot, on-line survey and town meeting straw poll) are not statistically valid, they did demonstrate that the more residents were appraised about Council's financial position and the purpose of the proposed special rates, the greater their level of support for a special rate option and Option 3 in particular.

Actions taken by Council in response this issue

Council will continue to monitor community sentiment through its two-yearly community survey. Council has recognised that creating more opportunities for residents to access information about Council operations and issues would improve its communication with residents. To this end it is currently in the process of implementing a digital communication strategy to enhance its on-line presence and the distribution of information to residents.

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Council is also planning to undertake an annual series of town meetings across the Hawkesbury to report on its activities and future programs and to provide a forum for residents to ask question and raise issues and concerns.

Issue 8 Council has misled residents about being Fit for the Future. If you are Fit for the Future why do you need an SRV?

Response Under the NSW Government's Fit for the Future Reform Program all councils in NSW were required to submit proposals by June 2015 outlining the steps to be taken to achieve financial sustainability by 2021 as measured against the required financial benchmarks.

Council submitted its initial Fit for the Future Improvement Proposal in June 2015. The proposal incorporated provision for further consultation with the community on investment options including the possibility of special rate increases. Council's proposal indicated that achieving the required Fit for the Future financial benchmarks would be contingent on either an SRV or service reductions to find additional expenditure savings equal to the revenue to be raised through a special rate increase.

Many of the Fit for the Future Proposal submitted by NSW councils included either proposed applications for special rate variations, or advised that they had already lodged an SRV application or made reference to an SRV that had already been approved and implemented. Since 2007, 100 of 152 NSW councils have applied for SRV increases to raise the rating revenue required to resolve their asset funding shortfalls.

Council submitted a revised Fit for the Future Improvement Proposal to the NSW Government in November 2016. The revised proposal retained the two options for special rate increase that were outlined in Council's initial Fit for the Future proposal. The proposal for a special rate variation has been in the public domain since June 2015. Council's consultations with residents, and the information distributed to residents, have consistently referred to a requirement for a special rate increase and/or service reductions in order for Council to achieve the Fit for the Future financial benchmarks.

In August 2017, Council's revised Fit for the Future Improvement Proposal, inclusive of the special rate resourcing options was approved for implementation by the NSW Government and will be monitored by the NSW Government through the Office of Local Government.

Actions taken by Council in response this issue

Council is currently implementing the cost containment, efficiency, and revenue measures as outlined in its Fit for the Future Improvement Plan. As part of this process Council will be compiling public 'dashboard' reports to inform the community on progress in achieving these measures.

Issue 9 Council has misled residents about its position regarding the amalgamation with The Hills Shire. You told us that you were Fit for the Future and now you want to impose massive increases to rates.

Response In December 2016, the NSW Government proposed a merger of the Hawkesbury and part of The Hills Shire. Council deferred the implementation of its 'Fit For The Future' Plan pending the outcome of the merger proposal. Council's objection to the proposed merger was outlined in its submission to the independent delegate (Mr Garry West) who was appointed by the NSW Government to conduct the public inquiry into the merger proposal.

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Council's assessment of the merger proposal was that while there were some financial benefits which may have flowed from the merger, these benefits were outweighed by the adverse impacts to the local economy and the community. The relatively modest merger savings projected by the merger proposal could be achieved more effectively and efficiently through the implementation of Council existing 'Fit For The Future' proposal and in particular through its Regional Strategic Alliance with the Blue Mountains and Penrith Councils.

The information provided to residents both pre and post the public inquiry into the merger proposal was the same, residents were advised that Council's financial sustainability was contingent on implementing the 'Fit For The Future' Plan.

The independent delegate generally concurred with Council's assessment and came to the conclusion that the merger entity would not be financially sustainable. The inquiry found that the merged council would operate in deficit for at least 10 years following the merger and that a resourcing strategy, including rating increases, would still be needed to raise the revenue required to meet the asset funding shortfall – particularly to renew the area's rural road network.

The independent delegate recommended that the proposed merger should not proceed - a recommendation that the NSW Government accepted. The merger did not proceed on the basis of the recommendation of the independent delegate and the decision of the NSW Government.

Actions taken by Council in response this issue

Council recognises that despite the decision not to proceed with the merger proposal, it cannot remain complacent and will need to continue to consolidate its strategic capacity and financial sustainability if it is to remain fit for the future and continue to efficiently deliver services and infrastructure to the residents of the Hawkesbury.

To this end Council will continue to collaborate with its Regional Strategic Alliance partners to plan and deliver increased operating efficiencies through economies of scale and shared service arrangements. To date Council has entered into joint arrangements for a number of council functions (internal audit, business improvement), services (regional tourism) and procurements (heavy plant hire). It is currently also investigating regional asset management opportunities.

Issue 10 Council is charging us increased rates but delivering very few services. What services does Council and what is Council doing with the rating windfall from the recent rate increases in Oakville?

Response Council's primary responsibilities involve the management of community assets and facilities (roads, community buildings, parks, stormwater drains); waste management services; town planning; public order, health and safety; emergency services; and the provision of cultural, recreation, civic and community programs. These functions require the provision of a diverse range of services to the community.

These Council services are available to all residents irrespective of where they live, however the distances from these services does impact on the day to day access that residents enjoy to these services. Council provides the same network of services and facilities to all areas within the Hawkesbury – it maintains local roads, bridges, local parks, and other community facilities across the Hawkesbury, it provides town planning, compliance and enforcement, companion animal services, community services, event sponsorship, graffiti removal, stormwater management and other services to all areas in the Hawkesbury, though the frequency of service provision may vary between areas.

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Some facilities, such as the Library, Gallery and Museum, Regional Parks and District Sporting Fields are centrally located in town centres as their catchment populations are regional rather than local, however they are used by all residents which is reflected in the membership of these services and the sporting organisations that use these facilities (for example 43% of library members live in rural localities). Some civic infrastructure such as street lighting, kerb & guttering and footpaths are generally associated with urban areas, while other essential services such as sewer and pump out services, are provided on a fee for service basis and are not funded through ordinary rates. Other infrastructure such as rural fire service sheds, standpipes, and vehicular ferries are predominantly located in rural areas.

The rating income collected from residents (which in 2016/2017 accounted for 32% of Council's income) contributes to the cost of providing these services to all residents within the Hawkesbury.

The total revenue collected from ratepayers from year to year is determined by a rate peg amount set by the NSW Government (through IPART). The rate peg sets the amount by which councils can increase the revenue they generate from rates each year.

Council's total rating income for 2017/2018 increased in line with the 1.5% rate peg amount set by the NSW Government (through IPART). The net increase in rates totalled approximately \$460,000, as a result of the rate peg increase, and a smaller additional amount arising from an increase in rateable properties. As the rate peg increase was less than the increase in the Consumer Price Index, this net additional income did not provide Council with 'extra' capacity to increase spending on new works or services.

Actions taken by Council in response this issue

Council is planning to undertake annual town meetings across the Hawkesbury to report on its activities. These forums will provide the opportunity for Council to outline to each community the programs, services and works which have been delivered or which are planned to be delivered in the coming year. The town meetings will also provide a forum for residents to ask question and raise issues with Councillors and staff.

As part of its recent 'Investing in Your Future' consultations, Council has prepared district work programs to provide residents with a detailed program of works to be delivered under each of the three investment options presented to the community. Council will also be formally reporting to residents on progress in the implementation of these programs.

Representations – Oakville Progress Association

Council has received representations (29 September 2017) and a petition (10 November 2017) from the Oakville Progress Association Inc. The representations and petition included a list of questions. The questions and Council's responses to these question is appended to this report (Attachment 4).

In the main the question raise similar issues to the matters raised in the submissions summarised above. Council has advised the Oakville Progress Association that Council staff would be happy to attend a meeting of the Association to discuss the matters raised in the representations. This invitation is yet to be accepted.

The petition submitted by the Oakville Progress Association was signed by 632 persons. Table 4 provides a breakdown of the residency of the respondents to the position (where identified)

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Table 4: Oakville Progress Association Petition

location	no	%	location	no	%
Agnes Banks	2	0.3%	McGraths Hill	24	3.8%
Bligh Park	12	1.9%	Mountain Lagoon	1	0.2%
Bilpin	2	0.3%	Mulgrave	5	0.8%
Blaxlands Ridge	2	0.3%	North Richmond	31	4.9%
Bowen Mountain	9	1.4%	Oakville	230	36.2%
Cattai	16	2.5%	Pitt Town	68	10.7%
Colo Heights	1	0.2%	Richmond	21	3.3%
East Kurrajong	7	1.1%	Sackville	1	0.2%
Ebenezer	6	0.9%	Scheyville	1	0.2%
Freemans Reach	7	1.1%	South Windsor	6	0.9%
Glossodia	11	1.7%	The Slopes	3	0.5%
Grose Vale	6	0.9%	Tennyson	4	0.6%
Grose Wold	4	0.6%	Vineyard	11	1.7%
Hobartville	2	0.3%	Wilberforce	13	2.0%
Kurmond	1	0.2%	Windsor	8	1.3%
Kurrajong	10	1.6%	Windsor Downs	4	0.6%
Kurrajong Heights	3	0.5%	Yarramundi	4	0.6%
Kurrajong Hills	3	0.5%	Outside LGA	14	2.2%
Lower Portland	1	0.2%	sub-total	566	89.1%
Maraylya	12	1.9%	email address	69	10.9%
			total	635	100.0%

The petition question is reproduced below:

Petition against Hawkesbury City Council's Special Rate Variation

Dear resident, this is a petition against Hawkesbury City Council's intention to additionally increase rates via a SRV. This petition is opposing Option 2 and Option 3 which is the Council's preferred option.

Option 1: is to hold rates as per normal IPART allowable increase. (IPART increase approx. 2.5% per year)

Option 2: is an additional 7% each year for two years over the IPRT allowable increase, cumulative increase above the rate peg of 14.5%

Option 3: is an additional 9.5% each year for three years over the IPART allowable increase, cumulative increase above the rate peg of 22.5%

The Oakville Progress Association has requested that the outcome of the petition be incorporated into the aggregated findings of Council's Fit for the Future Community Engagement as recorded on page v of the Draft Supplementary Resourcing Strategy. The Association has suggested that the inclusion of their petition would now show that 53% of the community support Option 1 and that therefore the SRV should be deferred.

Response to Petition

The petition is a sincere measure of the strong community sentiment and concern regarding the prospect of proposed rating increases, particularly in Oakville and other areas where rating charges from 1 July 2017 were significantly impacted by land revaluations. In considering the request from the Oakville Progress Association to incorporate the findings of the petition into the overall outcomes of Council's Fit for the Future Community Engagement Program, Council would need assess the weight and representativeness of the petition as an indicator of community sentiment across the Hawkesbury. In this regard there are number of issues which Council may wish to consider:

- the petition provides no other option for respondents than to support Option 1, responses from residents who may have been inclined to support Option 2 or 3 were not anticipated and not recorded;
- it is unclear as to whether respondents were provide with information about each option to assist them in determining a position in relation to the petition question;
- the wording of the petition contains an error in its description of Option 3;

A consideration of the response provided to Issue 7 in this Report (covering Council's consultation methodologies) would also be germane to Council's assessment of the request from the Oakville Progress Association to defer consideration of a Special Rate Increase based on the outcome of their petition.

In relation to appropriate consultation platforms, IPART have released Guidelines for the Preparation of an Application for a Special Rate Increase (Guidelines), which include principles and suggested formats for appropriate community awareness and engagement strategies for assessing community feedback about special rate increases. While the Oakville Progress Association is clearly not bound by the IPART guidelines and a petition is a common and valid tool for documenting community opinion, their request to have the petition findings incorporated into Council's community engagement outcomes would need to be assessed in light of the Guidelines. As reproduced below, Council's community engagement program has incorporated all of the consultation elements identified in the Guidelines for appropriate community engagement platforms;

- a mail out to ratepayers with a reply-paid survey
- fact sheets
- media releases
- an online survey
- a random survey of ratepayers, appropriately stratified to capture the population characteristics of the LGA
- public meetings
- listening posts
- resident workshops
- online discussion forums, and
- discussions with particular community groups

The IPART Guidelines are silent on the appropriateness of petitions as a measure of community sentiment.

Comments by Council Management

In the 12 September 2017 Report to Council, which summarised the outcome of the 'Investing in Your Future' community consultations undertaken in July and August 2017, Council Management proposed that Option 3, in conjunction with the other measures in Council's Fit for the Future Plan, should be identified as Council's preferred investment option as it would best deliver on Council's commitment to build a successful future for the Hawkesbury. This recommendation was based on a consideration of the following factors:

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- Capacity to achieve the community vision for the City of Hawkesbury - Option 3 provided for a longer-term revenue solution which would enable Council to respond in a meaningful way to the objectives of the Community Strategic Plan and the community investment priorities identified by residents.
- Community Preference - the clear preference of residents for Council to deliver improved services and facilities and recognition that achieving this outcome would require increased investment through rating increases to supplement the cost containment, efficiency and non-rating revenue measures that have been achieved to date and will be continued under Council's Fit For The Future Improvement Plan.
- Affordability - the Hawkesbury has a low 'rating burden' compared with adjoining and similar councils and Council has taken steps to address the affordability of special rate increases on low income households.
- Commitment to ongoing productivity and efficiency - Council has implemented a rolling program of cost containment, efficiency and non-rating revenue measures to address its asset renewal funding shortfall with Option 3 raising the balance of the revenue required to complete the task of budget repair.

The outcome of the public exhibition of the Draft Supplementary Resourcing Strategy 2017-2027 and the Draft Supplementary Delivery Program 2017-2021 has not fundamentally challenged the substance of these factors. They remain pertinent to Council's consideration of its final position as to which of the three 'Investing in Your Future' resourcing options to proceed with.

As outlined in this report, the factors underlying the issues raised in the submissions that have not supported Council's preferred investment option have been carefully considered by Council and where possible Council has either commenced actions to address them or is proposing to undertake further actions in response to these matters.

The 'not support' submissions point to a strong community sentiment in those localities most affected by recent NSW Valuer-General land valuations. In particular they highlight the concern of residents as to the relative rating impact of these land valuations particularly in localities adjoining the North West Growth Sector which have experienced comparatively large rate increases from 1 July 2017. The submissions therefore call on Council to defer consideration of a special rate increase.

Not proceeding with a special rate increase, and by default, limiting future rating increases to the rate peg amount would have the following implications;

- it would not enable Council to generate the balance of the revenue required to resource the implementation of Council's Fit for the Future Improvement Plan;
- it does not provide Council with an alternate means of achieving the required financial benchmarks and resolve the asset renewal funding shortfall which is the primary factor impacting on Council's long term financial sustainability;
- it would not resolve the issues identified by residents as these issues primarily relate to recent land valuations undertaken by the NSW Valuer General and the flow-on rating impacts which took effect from 1 July 2017;

The primary issues raised in the 'not support' submissions would seem to fall outside of the scope of matters that can reasonably be responded to in conjunction with the consideration of a special rate increase and deferring the special rate increase will not in itself resolve these matters.

Consequently, in the absence of other options to achieve financial and asset sustainability, Council Management would propose that Council's preferred investment option (Option 3) should be pursued. This assessment is based on the following considerations:

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- a) Limited mechanisms for moderating the rating impacts of land revaluations. The issues raised by submissions which did not support Council's preferred investment option were primarily concerned with the impact of recent rate rises particularly in Oakville and other localities adjoining the North West Growth Sector. The primary factor driving these rating increases was the rise in land values of these properties relative to other properties in the Hawkesbury. The submissions requested that Council not proceed with a special rate increase until such time as Council's rating structure could be amended to 'undo' the recent rating increases.

As highlighted in this report, the rating remedy sought by respondents is currently not available under the NSW Local Government Act 1993 which uses relative land values as the primary variable to calculate rating charges for individual properties. The IPART review of the Local Government Rating System may deal with this issue and propose options for providing councils with additional mechanisms to smooth out or stagger the relative rating impacts of substantial increases in land value as occurred in Oakville. In this context, the NSW Government's response to the Review will be an important consideration in responding to the uneven impact of future land valuations on relative rating charges.

- b) The timing of land revaluations and impacts on community responses. The majority (92%) of submissions not supporting Council's preferred investment option were received from three localities adjoining the North West Growth Sector. Most if not all of these submissions emphasised recent increases in their rates as the primary reason for their opposition to Council's preferred investment option.

The NSW Valuer General's 2016 land revaluations were brought forward by 12 months to facilitate the implementation of the now deferred NSW Government's Fire and Emergency Services Levy. It is likely that the timing of the land revaluations impacted on community responses to the 'Investing in Your Future' consultations and the Draft Supplementary Resourcing Strategy. It could be reasonably assumed that the impact of land revaluations rather than the proposed special rate increases were the primary factor behind the volume of submissions from those localities most affected by the revaluations. This suggests that whatever the timing of the land revaluations, they would have generated community concern and given rise to the issues identified in the submissions, independent of any proposed special rate increase.

- c) Monitoring of Council's financial sustainability. Council's Fit for the Future Plan, inclusive of a proposed special rate increase, has been approved by the NSW Government and its implementation is to be monitored by the Office of Local Government. Council has been assessed as Fit For The Future on the basis of the elements within the Plan and accordingly there is an expectation that the Plan will be delivered, reported on and tracked. A deferral of the critical elements within the Plan will impact on Council's trajectory for achieving financial sustainability and may result in intervention from the Office of Local Government.
- d) Resolving the asset renewal funding shortfall. Since 2007, Council has been aggressively pursuing a rolling program of cost containment, efficiency and non-rating revenue measures to address its asset renewal funding shortfall. The purpose of the proposed special rate increase is to generate the balance of the revenue required to resolve this shortfall and to prevent the further deterioration of Council's portfolio of community assets. Without additional revenue Council will not be in a financial position to fully fund the required level of maintenance, renewal, and replacement of the assets that Council manages on behalf of the community.

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- e) Meeting Community Expectations. Option 3 will fund an extensive program of works and will also provide additional staffing and financial resources to enable Council to positively respond to the programs that residents have asked Council to pursue to deliver the future that residents want to see: a vibrant city with a rural feel that values its heritage, waterways, landscapes, public spaces and its community spirit. Option 3 also gives Council the capacity to resource an ongoing program of new works and activities beyond 2027.

Notification to IPART

Should Council determine to pursue its preferred resourcing option, it would be required to notify IPART of its intent by 15 December 2017. Based on the practice of previous years, the notification to IPART would need to include the specific details outlined below which are based on Council's preferred resourcing option:

Table 5: IPART notification requirements

Information Required	Council Response
Type of special rate application	Application under Section 508A of the NSW Local Government Act – being a special rate variation over a period of three years
Percentage increases each year (Inclusive of rate pegging)	As per Option 3 – 9.5% in 2018/2019, 9.5% in 2019/2020, 9.5% in 2020/2021
Permanent or temporary increase	A permanent increase which is retained within the rate base.
Purpose of the special variation	Primary purposes (based on IPART categories): <ul style="list-style-type: none">• maintain existing services• enhance financial sustainability• infrastructure maintenance/renewal.
Principal contact	Executive Manager Community Partnerships

Adoption of Draft Supplementary Resourcing Strategy 2017-2027 and Draft Supplementary Delivery Program 2017-2021

As noted earlier in this report, only one of the 137 submissions received in relation to the Draft Supplementary Resourcing Strategy 2017-2027 and Draft Supplementary Delivery Program 2017-2021, suggested amendments to the draft supplementary documents. This submission primarily dealt with spelling, grammatical and formatting issues and requested the inclusion of updated financial information based on Council's 2016/17 audited financial statements, which had not been completed when the draft document was prepared. These suggested corrections have been incorporated within the revised Draft Supplementary Resourcing Strategy 2017-2027 and Draft Supplementary Delivery Program 2017-2021, which has been appended to this report under separate cover as Attachment 1.

It is proposed that Council adopt the Draft Supplementary Resourcing Strategy 2017-2027 and Draft Supplementary Delivery Program 2017-2021 as amended, with the inclusion of additional paragraphs in the Introductory section of the draft document recording Council's determination with respect to this report, including Council's resolution.

Draft Asset Management Policy

At its meeting of 26 September 2017, Council considered a report into a review of its Asset Management Policy. In considering this report Council resolved to include the revised Draft Asset Management Policy within the Draft Supplementary Resourcing Strategy 2017-2027 and Draft Supplementary Delivery Program 2017-2021 for public exhibition. No submissions were received in relation to the revised Draft Asset Management Policy and it is proposed that Council now adopt the Asset Management Policy.

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Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Leadership

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

Financial Implications

The report proposes that Council confirm its preferred investment option for resourcing the future. The investment option chosen will therefore have a direct bearing on the resources available, in revenue, people and assets to achieve the priorities and aspirations of the community for the City of Hawkesbury as set out in the Hawkesbury Community Strategic Plan 2017-2036.

RECOMMENDATION:

That:

1. Council adopt the Draft Supplementary Resourcing Strategy 2017-2027 and Draft Supplementary Delivery Program 2017-2021 as amended with the inclusion of additional paragraphs in the Introductory section of the draft document confirming its preferred Fit for the Future investment option.
2. Council confirm Option 3 as its preferred Fit for the Future investment option and notify the Independent Pricing and Regulatory Tribunal (IPART) of its intention to prepare an Application for a Special Rate Variation based on the following elements:

Information Required	Council Response
Type of special rate application	Application under Section 508A of the NSW Local Government Act – being a special rate variation over a period of three years
Percentage increases each year (Inclusive of rate pegging)	As per Option 3 – 9.5% in 2018/2019, 9.5% in 2019/2020, 9.5% in 2020/2021
Permanent or temporary increase	A permanent increase which is retained within the rate base.
Purpose of the special variation	Primary purposes (based on IPART categories): <ul style="list-style-type: none">• maintain existing services• enhance financial sustainability• infrastructure maintenance/renewal.
Principal contact	Executive Manager Community Partnerships

3. Council staff prepare an Application for a Special Rate Variation and submit the draft Application for Council's consideration to the Ordinary Meeting on 30 January 2018.
4. Council adopt the draft Asset Management Policy as outlined in the Draft Supplementary Resourcing Strategy 2017-2027 and Draft Supplementary Delivery Program 2017-2021.

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ATTACHMENTS:

- AT - 1** (Amended) Draft Supplementary Resourcing Strategy 2017-2027 and Draft Supplementary Delivery Program 2017-2021 - (*Distributed under separate cover*)
- AT - 2** Summary of submissions received following public exhibition of the Draft Supplementary Resourcing Strategy 2017-2027 and Draft Supplementary Delivery Program 2017-2021
- AT - 3** Redacted copies of submissions received following public exhibition of the Draft Supplementary Resourcing Strategy 2017-2027 and Draft Supplementary Delivery Program 2017-2021 - (*Distributed under separate cover*)
- AT - 4** Representations from Oakville Progress Association Inc. and Responses

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No	Summary of Submission
1	We do not support the Special Rate Variation (SRV) of 30%. We do not agree with the Valuator-General valuing our land so high due to its proximity to the North West Growth Centre. We do not agree with the 180% increase in our rates or the 30% increase of an additional SRV. It is creating hardship for residents, particularly pensioners. The rate system is unfair. We have seen very little improvement to roads, footpaths, or trees maintained in our area.
2	Opposed to Option 3, 22.5% rate increase over 3 years. Council should broaden the rate base so less burden on individual ratepayers.
3	It is creating hardship for Oakville residents, particularly pensioners. The Special Rate Increase should only be applied to properties that have not had a rate increase this year.
4	We want fair rates. Strongly opposed to the SRV rate increase.
5	We are opposed to an SRV increase. Just hit with a 120% for our Oakville property and do not want additional increase as we are retired now.
6	The rate system is unfair. Do not support an SRV. It will create hardship for residents, particularly pensioners. Allow subdivision of land. Council last year claimed to be 'Fit for the Future' but now proposing an SRV.
7	The rate system is unfair. Do not support an SRV. Allow subdivision of Oakville land or at least dual occupancy.
8	Oppose rate increase
9	An SRV will impact on our lifestyle and on families and pensioners. Do not support SRV.
10	The proposed SRV is unfair. It will create hardship for residents, particularly pensioners.
11	SRV should not be considered. The rate system is unfair.
12	The rate system is unfair. Do not support an SRV. Council last year claimed to be 'Fit for the Future' but now proposing an SRV. The Special Rate Increase should only be applied to properties that have not had a rate increase this year.
13	Strongly opposed to an SRV increase. The rate system is unfair. An SRV will cause hardship. It will impact on families and pensioners.
14	Suburbs like Oakville have received large rate increases already. It will impact on families and pensioners. The rate system is unfair. Council last year claimed to be 'Fit for the Future' but now proposing an SRV.
15	No to an SRV. Oakville have received a large rate increases already. Allow subdivision/rezoning of Oakville to fix roads and other infrastructure.
16	Strongly opposed to an SRV increase. The rate system is unfair. It will create hardship for residents, particularly pensioners. The rate increase does not reflect the services received. Council last year claimed to be 'Fit for the Future' but now proposing an SRV.
17	The rate system is unfair. It is creating hardship for Oakville residents, particularly pensioners. The rate increase does not reflect the services received. Council last year claimed to be 'Fit for the Future' but now proposing an SRV.
18	The rate system is unfair. It will create hardship for residents, particularly pensioners.
19	The rate system is unfairly democratic and unjust.
20	No SRV until our rates are normalised. The rate system is unfair. It will create hardship for residents, particularly pensioners.

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No	Summary of Submission
21	The rate system is unfair. Council last year claimed to be 'Fit for the Future' but now proposing an SRV. Strongly opposed to an SRV increase.
22	The formula for calculating rates is unfair. Opposed to an SRV increase until rate distribution and formula are fixed.
23	The rate system is unfair. Do not proceed with an SRV.
24	The rate system is unfair. Oppose an SRV increase.
25	The rate system is unfair. We do not agree with valuing our land so high due to its proximity to the North West Growth Centre.
26	Reject proposed SRV increase. The rate increase does not reflect the services received. The rate system is unfair.
27	The rate system is unfair. It will create hardship for residents, particularly pensioners. Suspend SRV immediately.
28	The rate system is unfair. No SRV. It will create hardship for residents, particularly pensioners
29	Oppose unfair rate system and SRV.
30	The rate system is unfair. It will create hardship for Oakville residents, particularly pensioners. No SRV until rates are normalised/evenly distributed to all residents.
31	The rate system is unfair. Why the change in rates? It will create hardship for Oakville residents, particularly pensioners
32	Why an SRV when my rates have already increase dramatically in the last year? It will create hardship for Oakville residents, particularly pensioners. I strongly oppose SRV increase.
33	I strongly object to your SRV increase. It will cause me hardship. The system needs to be fairer.
34	Please consider the impact of the SRV on Oakville residents. It will cause hardship.
35	The rate increase of 180% in Oakville is unfair. It has created hardship for Oakville residents, particularly pensioners. No SRV until a fairer rate system.
36	No rate increase till council fixes up roads
37	Oppose SRV decision.
38	Objection to SRV. No 30% increase as already facing financial hardship to a significant rate increase last year. The system needs to be fairer. Rate should not be based on land values. When can we subdivide?
39	I object to the proposed SRV. The rate system is unfair and will bring hardship. Council said they were fit and are not so now should merge. No further rate on top of other recent rate hikes.
40	Concern at increase in rates
41	We are opposed to the SRV. The rate system is very unfair after we have been slugged by your rate redistribution and change of rates formula.
42	Received a 180% increase in rates and now want another 30% SRV increase. Council claimed they were fit for the future but are not. The rate system is unfair. It will create hardship for Oakville residents, particularly pensioners. No SRV. The rates we pay do not match the services we receive: stormwater, sewerage, streetlight, and upgrades of roads.
43	Disgust at recent rate rise. Why is the increase so severe? Please do not proceed with an SRV until other rates are reduced.
44	I support the Option 3 rate increase so that the community could be not just maintained but improved. The supporting document is very well thought out. Council to be congratulated.

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No	Summary of Submission
45	I support Council's decision of Option 3 to tackle the problem of deteriorating assets. It is noticeable that support is greatest from those attending Town Meetings. Without (the SRV) services and assets will decline contrary to clearly expressed community wishes.
46	The recent rate increase is hard enough to budget for without an additional 30% SRV. It will create hardship for Oakville residents, particularly pensioners. Amend the rates before imposing an SRV.
47	We highly oppose the SRV increase. We were informed that increase is due to Valuer General's land valuation but Council have changed Oakville rating from Rural Residential to Residential. We are not allowed to subdivide or have a second dwelling to help. Oakville is funding the rest of the Hawkesbury. For these reasons we oppose the SRV increase.
48	The recent rates and changes of rates formula by Council is very unfair. It has created hardship for me. No SRV.
49	I oppose the proposed SRV. It is an unfair increase and unjust treatment by Hawkesbury Council.
50	Thanks to MP for attending Oakville Progress Association. Councillors last year claimed to be 'Fit for the Future' but now proposing an SRV, and misled residents. The rate system is unfair. Combined with huge State Land Tax it is too much for me. Rezone Oakville.
51	We strongly oppose SRV. Rating formula is unfair.
52	Oppose SRV rate increase. Changes rating formula is unfair. Councillors last year claimed to be 'Fit for the Future' but now proposing an SRV. Elderly people impacted.
53	SRV inequitable for Oakville, Pitt Town, Maraylya, and Windsor Downs. Will impact on pensioners. Find alternative measure to fix local roads.
54	No SRV until a fair rate model. Impact on older residents and their families. Not subsidise rest of Hawkesbury.
55	Strong alarm at rate increase. No SRV until rates are fair.
56	Seeking explanation for recent rate increase
57	This rate rise stinks. The recent rates and changes to rates formula by Council are unfair. Will impact on elderly and families.
58	Concern that residents of Oakville had a huge rate increase. Rate system is unfair. Why reduce rates for some is 'unfit'? Rate rise causing hardship on elderly and families in Oakville. No SRV until rate formula is fair.
59	Concern at recent rate increase
60	Attended two community meetings and support Option 3. Suggest not charging interest if rate payer face difficulty.
61	Object strongly to SRV Option 3. Any increase to recent rate rises is unacceptable. No pension rebate on recent increase?
62	Concern at recent rate increase
63	Strongly oppose SRV. Recent increase is unaffordable and unfair. It will impact on aged residents. Rate structure and formula is unfair. Council last year claimed to be 'Fit for the Future' but now proposing an SRV.
64	Disappointed about recent rates redistribution at Windsor Downs. Please consider our support for Option one and our age group (67).
65	Concern about SRV rate increase. Recent increase is unjustifiable and unfair. It will impact on aged residents. Rate structure and formula is unfair.
66	As an aged pensioner I would be disadvantaged if the SRV rate increased is introduced. Land value increase only of benefit if I sell and would require a change of lifestyle. An additional SRV would be unfair.

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No	Summary of Submission
67	Strongly oppose SRV. Recent increase is unaffordable and unfair. It will impact on aged residents. Rate structure and formula is unfair. Council last year claimed to be 'Fit for the Future' but now proposing an SRV.
68	Letter is primarily about numerous spelling, grammar, and formatting of the Draft Supplementary Resourcing Strategy and the Draft Supplementary Delivery Program documents.
69	Concerned with recent and future rate increases. They will cause financial hardship.
70	NRDCAA support Council Application to IPART for Option 3. We ask if ratepayers have difficulties paying new rates for Option 3 that Council wave the interest payments.
71	Support Option 3 investment strategy. Comments regarding need to monitor distribution of notional yield, rating structure, affected Council policies, and interference by the State Treasurer, member for the Hawkesbury. Recommendation that Council formally write to the local MP regarding his comments.
72	We strongly object to the SRV proposal. Council's rating system is unjust, unfair and inequitable. Level of service, roads, no footpaths or kerb and gutter, do not match the rates we pay. There was no consultation with the community.
73	The recent rates review is unaffordable and unfair, with an increase in our area of 110% to 160%. It will impact on aged residents. Level of service, roads, no footpaths or kerb and gutter, do not match the rates we pay. Rate structure and formula is unfair. Council last year claimed to be 'Fit for the Future' but now proposing an SRV.
74	Including a petition of 634 residents, business and investment property owners opposing Option 2 and 3. People did not know what the SRV was, and had already had up to 180% increase in rates in 2017. Council's preferred Option 3 is invalid.
75	My rates have increased due to recent land revaluations. This is unfair because: my salary does not match increases, others areas rates have not increased, it doesn't match the services and infrastructure I receive, and it creates hardship for my family. Is this a ploy by councillors to appear 'fit' for the future?
76	Objection to SRV. My rates have increased by 25% to fund a district 80% rate drop. Elderly people are facing financial hardship to a significant rate increase last year. The system needs to be fairer. Rate should not be based on land values but on net taxable income. Get a fairer model before an SRV.
77	We had an astronomical rate rise this year and now a potential 30% increase. Oakville cannot carry this financial burden, raising our rates while decreasing other areas. Services we receive do not match the rates we pay. Take us back to previous rates before looking at any increases.
78	Oppose SRV increases. It is unfair and will hurt us and all property owners. We were advised that Hawkesbury was fit and sustainable, but is done with continuous rate increases. It does not match the services we receive. We ask for fair rates.
79	Change rates to a fairer and realistic structure. Some Hawkesbury citizens have received a 180% increase. This causes hardship for communities. Find other ways to raise the revenue required by council.
80	As a single person renting I appreciate the recent rate restructure drop proportional to the land values. I support SRV Option 3 to make improvements to the area where I live. Option 3 allows those on lower incomes to get some relief and equitable services are important to me.
81	Oppose an SRV rate increase. It is unfair and there is no equal rate distribution. It will create hardship. People cannot afford the current rate increases or an SRV. Get back to a fair rate model.
82	Concerns about the current rate restructure debate. We work hard and the recent rate reduction allowed us to get into a small 3 bedroom home. We are willing to pay our fair share of rates. Option 3 is the best way forward. Our family live here and we would have to leave if there was an unfair distribution of rates.

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No	Summary of Submission
83	Disgusted that Council has decided to increase our rates and we oppose an SRV as it is unfair on Oakville. Our rates have doubled. It will create hardship. Council services do not match the services we receive. No SRV until a fair rate model.
84	Recent rates redistribution is worst mistake made in the history of the council. We seemingly mistakenly voted for Hawkesbury not to merge with The Hills Council Current rates have placed us in bad financial position - may be forced to move Council should not consider SRV in current climate
85	Recent rate increase is extremely unfair. Land value is overstated if Council does not plan to change zoning of my land. Selective development would reap ten times rate increase and be distributed more widely No added infrastructure to justify recent rate increase – roads need extensive repair.
86	Support Option 3 to address infrastructure backlog and finance best possible service outcomes. Will enable Council to be fit for the future and remain independent. Concerned that rate pegging and cost shifting may undermine financial gains but SRV is necessary.
87	Oppose Option 3 as it discriminates against owners of large areas of land. Burden of rates needs to be fairly distributed. Increase for some and discounts for many other is very biased and un-Australian.
88	Adopt Option 1 and reign in unnecessary costs to keep within budget.
89	Support Option but not strongly opposed to Option 3
90	Oppose any increase in rates. Rates have already doubled. Although there is development occurring nearby we have no benefit and cannot subdivide or build granny flat. Very few facilities and services in Oakville. Council needs to look closely at spending.
91	Supported Council's position not to merge as Council demonstrated ability to be Fit for the Future. Land valuation was then increased dramatically and rates have gone up to impose a genuine hardship. Recent redistribution of rates was not equitable, the Resourcing Strategy does not disclose any increase in services and facilities for Oakville. Understand Council has capability to redistribute rates – need to take appropriate action before considering SRV
92	Chose Option 2 in postal survey but had no idea rates would double. As pensioners finding it increasingly difficult to pay rates. Survey findings in Resourcing Strategy based on a small number of people – do the survey again.
93	Recent rates distribution is unfair. Has created enormous hardship for Oakville residents. SRV should not be considered until rates are normalised. As pensioners we do not have funds to pay increasing rates. Unfair that developers have pushed up land value but we are not allowed to subdivide. Last year Council said it didn't need to merge as it was fit for the future and now you want to impose a huge increase. Unfair that you increased rates by 180% in Oakville to fund a rate drop for 80% of the district.
94	Oppose SRV as rates have already increased this year and my rates are double that paid by ratepayers in urban areas. Hills Shire Rates are cheaper. Council vehemently opposed merger and said it was fit for the future – HCC has misled residents about the true facts. HCC is trying to shift blame for huge rate increases onto Valuer-General but altered formula for rates by reducing base charge from 50% to 30%. Current Council wastes money on unwanted political correctness should focus on areas within your control. HCC must address disparity in current rating system before thinking about SRV
95	Recent rates redistribution is unfair has created enormous hardship for Oakville residents. SRV should not be considered until rates have been normalised. Last year Council said it didn't need to merge as it was fit for the future and now you want to impose a huge increase. Unfair that you increased rates by 180% in Oakville to fund a rate drop for 80% of the district.
96	Object to any further rate increase. Oakville residents have suffered enough from the recent rates increase. Last year Council said it didn't need to merge as it was fit for the future and now you want to impose a huge increase. Recent rates redistribution is obviously unfair. SRV should not be considered until rates have been normalised.

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No	Summary of Submission
97	Option 1
98	I would like to choose Option 1
99	Option 1 is best. Recent rates redistribution is unfair. Created hardship for Oakville residents. SRV should not be considered until rates have been normalised. Last year Council said it didn't need to merge as it was fit for the future and now you want to impose a huge increase. Unfair that you increased rates by 180% in Oakville to fund a rate drop for 80% of the district. I am in RU4 farmland zone and now I'm going to pay residential rates.
100	Object to SRV. My rates have increased by 108%. If HCC was Fit for the Future why do you require an SRV. I have been treated unfairly with changes in category and ad-valorem rate that discriminates on residents with VG increases. SRV cannot be considered in current climate of escalating power and health insurance costs. Have you considered effect on rental market and that reduced spending power will impact on local economy. Last year Council said it didn't need to merge as it was fit for the future and now you want to impose a huge increase. HCC voted Option 3 regardless of what ratepayers voted for. SRV should not be considered until rates have been normalised.
101	Rates have already increased by 180% to fund a small drop in rates for 80% of residents. Until rates are normalised across the district I oppose a further financial impost on the elderly and hard-working ratepayers of Oakville. We receive no benefit from exorbitant rates. I do not regard new chambers, art galleries and other frivolous costs as a benefit to our community. Council should be about roads, rubbish and parks. Recent rates redistribution is obviously unfair. Last year Councillors said it didn't need to merge as it was fit for the future and now you want to impose a huge increase. SRV should not be considered until rates have been normalised.
102	Recent rates redistribution is the worst rates mistake in the history of the Hawkesbury. My rates have increased by over 100% and has placed financial strain on our family.
103	Under no circumstances should an SRV be considered until rates have been normalised. Council amalgamation would have been far more beneficial to residents. Rates increase has greatly impacted on quality of our retirement. It amazes us that NSW Government classify 5 acre holdings as rural properties yet you rate us as a residential property. In our area we have no town water, kerb & gutter, sewage, street lighting, and out stormwater drains are not properly maintained. How can you substantially increase rates in some areas and drop 80% of the districts rates.
104	Recent rates redistribution, and changes to rates formula is obviously unfair. It has created enormous hardship. Under no circumstances should an SRV be considered until rates have been normalised
105	Do not support raising funds by a special rate rise when an unfair rate rise has been passed onto ratepayers. Rates should be paying for these types of infrastructure maintenance.
106	Under no circumstances should you go ahead with an SRV until you make the rates distribution fair again. As a result of you actions people will be forced to sell. The way you marketed your strategy meant that most people were not aware of your plans, your rates redistribution, what an SRV is or its impact and your sample is not representative of the district. Some people will get a net increase of 8% and some 220% - you created huge inequity when you said you would make rates fair.
107	I will choose Option 1
108	Having read the Draft Supplementary Resourcing Strategy, I believe that the rate increases applied this year (2017) are unfair and disadvantage those who do not have the financial means to sustain Council preferred option because Option 3 asks farmland ratepayers to fund the majority of your future strategy. I would recommend a fourth option – an option that does not disadvantage and disempower those who have asset (land size). You will force an increasingly ageing population out of their home. Option 3 is unfair, Option 4 is the way forward as a compromise to those who have objected and challenged Council's actions.

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No	Summary of Submission
109	Under no circumstance should as SRV be considered until the rates have been normalised It has created enormous hardship for long term and the elderly rate payers
110	Earlier this year Council sent us a brochure that said we could choose different levels of SRV to improve Council services. We were taken aback when this year's rates increased from \$2,400 to \$4,400. We question whether the prospect of a 30% SRV on top of this fair. Information provided by the Oakville Progress Association showed that about 80% of Council residents has a reduction/negligible increase in rates nothing like the \$2000 increase imposed on Oakville residents. There is no fairness in this situation and we feel we are being forced out. Rates need to be more fairly distributed, under no circumstances should an SRV be introduced.
111	Council has placed a server financial burden on the residents of Oakville. This situation discriminates against the rate payers of Oakville and Council should put into place a fairer system that shares all the costs across the district.
112	The socialist approach is plain wrong, we reject the wholesale increases of rates to hardworking people's homes. Option 2 and 3 are untenable
113	Reject options 2 and 3
114	We are opposing both Council's Option 2 and 3
115	The proposed SRV is unfair, particularly to our suburb, where our rates have doubled this year. Whilst our property values have increased substantially due to neighbouring suburbs (in different council areas), we do not have the extra value in our pockets unless we were to sell. All we are asking for is a fairer system where every household is paying a fair share.
116	We are opposing both Council's Option 2 & 3.
117	As a resident of the Hawkesbury I was shocked to receive my last land rates which had increased substantially. For what little I see being done with our rates the current cost of rates are unjustified. My preference is Option 1.
118	We object to an SRV increase. The rates are already taking a substantial part of my income. People who are either retired or have huge mortgages simply cannot afford such an increase.
119	SRV will result in unfair and inequitable rate increase to ratepayers especially in Oakville due to the current unfair rating structure. The Document does not present honest view of impact of SRV and the current rating structure – no mention is made of the disparity in rates between Oakville and other parts of the Hawkesbury. The inability of pensioners and self-funded retirees should be addressed in the document. Council implied that the SRV is only temporary yet the document states the rise in rates will become permanent. Council has been deceptive and until these issues are dealt with the SRV should be put on hold. Last year councillors declared that Council was fit for the future so there should be no need for an SRV. If there was a need for an SRV, why were council rates decreased for a large number of ratepayers at the expense of other rate payers.
120	The SRV should not go ahead until the housing rate distribution is fair again. The extreme increase in rates for some suburbs of the Hawkesbury comparative to others is unfair. I understand that rates must rise, based on land values, but the disparity is so disproportionate that questions must be raised on its justification. Please stop the SRV this issue is resolved.
121	We support the Draft Resourcing Strategy exhibited and applaud Councils 2017 decision to redress the previous 2013 rating decision that created inconsistencies for properties less than 2 hectares. We don't support any proposed changes to the base rate to accommodate those areas that have had an independent increase in their NSW Land Valuations. We fully support Option3 because it will give Hawkesbury City Council long term financial stability. We agree with the vision of keeping the amenity of the Hawkesbury and avoiding larger scale development preferring the approach of sensitive small scale development to preserve the rural and heritage values of the Hawkesbury.

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No	Summary of Submission
122	SRV will result in unfair and inequitable rate increase to ratepayers especially in Oakville due to the current unfair rating structure. The Document does not present honest view of impact of SRV and the current rating structure – no mention is made of the disparity in rates between Oakville and other parts of the Hawkesbury. The inability of pensioners and self-funded retirees should be addressed in the document. Council implied that the SRV is only temporary yet the document states the rise in rates will become permanent. Council has been deceptive and until these issues are dealt with the SRV should be put on hold. Last year councillors declared that Council was fit for the future so there should be no need for an SRV. If there was a need for an SRV, why were council rates decreased for a large number of ratepayers at the expense of other rate payers.
123	I only received notification of Councils intention to request a SRV today, not from Council, but from another ratepayer. My rates have increased by 14.7%, I believe Council is seeking 9.5% over the IPART increases. This increase is outrageous and I strongly object to it. To say the least it is offensive in the extreme.
124	I oppose option 2 & 3
125	We totally support Option1 and totally oppose to Option 2 and Option 3. We have never seen such a kind of cumulative increase above the rate peg. This is not acceptable.
126	Object Option 2 and 3
127	The redistribution of rates has created a class structure for rates in the Hawkesbury – divisive and creating hardship for a few to pander to the many. Under no circumstances should an SRV be considered until the rates have been normalised. It is unfair to increase the rates in Oakville and other suburbs by up to 180% to fund a small rate drop for 80% of the district. I oppose the SRV and ask that Council consider postponing such an increase until rates are fair for everyone in the Hawkesbury.
128	I strongly object to the SRV proposal. The recent rate redistribution unfair and has created enormous hardship for long term rate payers. Under no circumstances should an SRV be considered until the rates have been normalised. Families cannot afford the current unfair 180% rates increase imposed by the council, let alone another 20-30%. Last year councillors said we didn't need to merge and we were fit for the future. Very unfair to increase the rates in Oakville and a few other suburbs by 180% to fund a rate drop for 80 % of the district. Under no circumstance should you consider an SRV until you get back to fair rate model.
129	I support Option 3 which would allow improvement of our assets and provision of new services. As a ratepayer in the Hawkesbury LGA, I see improvements in our assets and services as the only way we can move forward as a community and for the Hawkesbury to maximise its potential.
130	We strongly oppose and object to Option 2 and 3
131	We have recently been hit with a massive 180% increase in our rates and find this to be completely unfair and without merit. We are struggling to make ends meet as it is. Last year we were informed by council that we didn't need to merge with The Hills and that we were fit for the future. Now you are forcing only a few suburbs, including Oakville, to finance your 'viability' plans whilst giving 80% of the district a drop in rates so they won't feel the pain of the further 30% increase required. I am not totally opposed to an SRV as long as it is fair and reasonable and that the current rates hike is normalised and gets back to a fair model..
132	I am against any rate rise as my rates have increased 180% and has created hardship for us, when some rate payers received a decrease.

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No	Summary of Submission
133	<p>We are writing to express our dissatisfaction with Council's proposed SRV will be on top of a massive rate increase already introduced this year. The rate increase appear to be linked to increases in the VGs unimproved value of properties in Oakville and a change in council's rating formula that leverages the high property values. Not all Oakville properties are located within the growth sector area yet the VGs unimproved values for all properties have dramatically increased creating the current rate windfall for council. Many properties with increased unimproved values cannot be subdivided. Many residents are not currently enjoying the same standard of infrastructure provided for other residents in other suburbs in the Hawkesbury local government area. We believe the introduction of the proposed SRV at this time is wrong and unfair. It appears Oakville residents are effectively being asked to fund rate deductions for other suburbs in the Hawkesbury local government area. Council should review the rating formula to ensure a more equitable outcome for residents and that the SRV proposed is not introduced at this time.</p>
134	<p>Object to SRV. My rates have increased by 108%. If HCC was Fit for the Future why do you require an SRV. I have been treated unfairly with changes in category and ad-valorem rate that discriminates on residents with VG increases. SRV cannot be considered in current climate of escalating power and health insurance costs. Have you considered effect on rental market and that reduced spending power will impact on local economy. Last year Council said it didn't need to merge as it was fit for the future and now you want to impose a huge increase. HCC voted Option 3 regardless of what ratepayers voted for. SRV should not be considered until rates have been normalised</p>
135	<p>Dissatisfied with rating increases imposed on residents of the Eastern District of Council and reinforce my opposition to further SRV rating increase.</p>
136	<p>We were told we shouldn't merge with The Hills, this was a mistake as Council saw fit to increase rates in Windsor Downs to a level that will cause hardship. Under no circumstances should an SRV be considered until rates have been normalised.</p>
137	<p>I support Option 3 as it will allow Council to provide the necessary infrastructure and facilities to maintain and support our communities. WE get what we pay for. My annual Telstra bill is greater than the rates I pay to HCC - why would I not support an SRV!</p>
138	<p>Rates have more than doubled from 2016-2017 - there has been no increase to services and I am not in an approved subdivisional area. The recent rates redistribution is obviously unfair and has created enormous hardship. Under no circumstances should an SRV be considered until the rates have been normalised we cannot afford current unfair 180% rates increase imposed by the council, let alone another 20-30%. Last year these councillors said we didn't need to merge and we were fit for future. It is unfair to increase the rates in Oakville by 180% to fund a rate drop for 80% of the district. You need to be realistic with the rates in this rural area.</p>

AT - 4 Representations from Oakville Progress Association and Responses

Part A - Questions submitted to Council on 29 September 2017

1. *Mr Conroy, when the council did its modeling to consider changes to the rating formulas which Cllr John Ross, and Cllr Rasmussen told us in open council went on for many months with "meeting after meeting after meeting", it would have been clear that Oakville residents would be paying a huge increases due to land revaluations done one year early by the State Liberal government, and it would have been obvious to you this was unfair.*

Was the council in possession of Data from the Valuer General which confirmed in advance that several thousand properties would have land values increase from 50% to 200%?

Response The Report prepared for the Ordinary Meeting of Council held on 31 January 2017 included modeling of the 4 different rating options considered by Council. The detailed modeling of Option 3 (identified by Council as its preferred rating alternative) incorporated the projected rating impact of the 2016 land revaluations completed by the NSW Valuer General.

The Council Report can be accessed from the following link: [Item 17: Rating Strategy for the 2017/2018 Financial Year](#) under 'Support Services' in the Table of Contents)

2. *You the council and in particular the Mayor have publicly positioned the rates changes as making it fairer for everyone in the Hawkesbury.*

Fairness would mean equality and balance in the community in consideration of:

- *Land Values*
- *Income*
- *Social demographics*
- *Use of and access to services*

Within your Purview, Council can exercise some control and create equality by changing simple parameters. Far from pursuing equality, you proceeded to

- A. *Dissolve the Rural residential category,*
- B. *Change your rates Base Rate from 50% to 30%*
- C. *Increase the AV calculation from .13 to .177.*

The net effect was to maximise the increase in rates to Oakville from 100%-180% when you had the ability to decrease our rates. And as a direct result you were able to drop the rates significantly for 18,000 odd properties in this LGA. (This act alone seems highly questionable, and is put into perspective when you realise this action would minimise the effect of a SRV on those 18,000 properties)

- a) *Why did council intentionally do this to Oakville please when you could have decreased our rates?*

Response Council reviewed its rating structure to address inconsistencies which had arisen following changes made to the rating structure which took effect from 2013/2014. The following explanation outlining the reasons for the review of the rating structure should be considered in conjunction with the data outlined in the table below.

Prior to 2012 all properties in the Residential rating category (including the rural residential sub-category) were treated the same for rating purposes. The total rates levied on all properties in the residential category (which included the rural residential subcategory) were linked to the proportional land value of these properties. Properties in the residential category accounted for just under 85% of the total land value across the Hawkesbury, and accordingly the notional rating yield for these properties was set at 85% of total rating income.

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Table: Summary of changes to rating structure 2011 to 2017

2011//12 Rating Category	% of LGA Land Value	% of Notional Yield	base amount	ad valorem rate-in- the-dollar
Residential	84.4%	85.1%	\$0	0.325064
Farmland	6.7%	5.1%	\$0	0.243798
Business	8.8%	9.8%	\$190	0.325064

2013/14 Rating Category	% of LGA Land Value	% of Notional Yield	base amount	ad valorem rate-in- the-dollar
Residential	56.71%	65%	\$490	0.198048
Rural Residential	27.88%	20%	\$650	0.124164
Farmland	6.63%	5%	\$0	0.257728
Business	8.78%	10%	\$904	0.199022

2017/18 Rating Category	% of LGA Land Value	% of Notional Yield	base amount	ad valorem rate-in- the-dollar
Residential	87.20%	85%	\$340	0.172337
Farmland	5.92%	4%	\$340	0.155103
Business	6.88%	11%	\$340	0.344674

To collect the rating income based on the % of the notional yield, council calculates an *ad valorem* rate-in-the dollar amount (the total land value of all properties in the same rating category divided by the total proportional rating income to be collected under that rating category). The *ad valorem* rate-in-the dollar is then applied to the latest land value of each property provided by the NSW Valuer General to determine the rates to be paid by each property.

In 2012 Council amended its rating structure to treat rural and rural residential properties differently for rating purposes. A lower ad-valorem rate in the dollar was applied to properties in the rural residential sub-category. The intended purpose of the 2012 changes was to compensate rural properties for the relative distance of these properties from Council services and facilities. However in practice this objective was not achieved. The 2012 rating change actually increased rates for smaller properties (less than 2 hectares) in rural and outlying areas.

This occurred as under the NSW Local Government Act 1993, the rating sub-category of rural residential is not defined by the location of a property i.e. whether it is urban or rural, but by the size of the property (between 2 and 40 hectares). Consequently, residential (properties less than 2 hectares) and rural residential properties (more than 2 hectares) can exist side-by-side in the one location. There are rural residential properties in Windsor, Richmond and South Windsor and residential properties in St Albans, Bilpin, Bowen Mountain and most of the outlying rural areas of the Hawkesbury.

In effect the 2012 changes increased rates for smaller properties in both rural and urban areas to fund a decrease in rates for larger properties in the same areas. The 2012 changes saw an average increase of \$118 for smaller residential properties across all areas of the Hawkesbury (less than 2 hectares) and an average decrease of \$512 for larger residential properties in the same localities (between 2 and 40 hectares). The average decrease in Oakville was \$638.

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In considering these impacts, the current Council came to the view that the 2012 rating changes were inequitable. Their intended 'compensatory' impact on properties in rural and outlying areas was unevenly distributed and they increased rates for ratepayers with properties with relatively lower land values particularly in areas with higher levels of relative socio-economic disadvantage.

This occurred because the 2012 changes disrupted the nexus between notional yield and land value. As highlighted in Table 1 the changes that occurred between 2011/2012 and 2013/2014 meant that the 20% rating yield for properties in the rural residential sub-category (i.e. properties of between 2 and 40 hectares) was less than the proportional land value of these properties at 28%. Conversely, the remaining properties in the Residential category, which accounted for 57% of proportional land values across the Hawkesbury, contributed 65% of the total rating yield.

When taking into account the impact of the 2016 land revaluations, this imbalance in notional yield was intensified. Under the 2012 rating structure, rural residential properties would have accounted for 31% of total land values but only 20% of the rating yield, while conversely residential properties which accounted for 56% of land values would have generated 65% of the rating yield. These figures were highlighted in the 31 January 2017 Report to Council (Table 6 in the Report). Accordingly, Council changed the rating structure in 2017/2018 to reverse the inconsistencies that flowed from the 2012 changes to the rating structure. As was the case prior to 2012, properties in the residential rating category (including the rural residential sub-category), were once again treated the same for rating purposes).

The rural residential sub-category was re-incorporated into the overall residential rating category and the rating yield for the residential rating category was brought back into closer alignment with its proportional land value. These changes applied the same base amount and the same rate in the dollar *ad valorem* amount to all properties in all suburbs in the residential category in both rural and urban areas. Council also increased the proportional rating yield for the business rating category to enable the farmland ad-valorem rate in the dollar to be set at 90% of the residential ad-valorem rate,

The impact of these changes resulted in an average decrease of \$97 for residential properties and an average increase of \$405 for properties in the former rural residential sub-category. These changes partially, but not completely, offset the rating increases and decreases that occurred following the 2012 rating changes (where average residential rates increased by \$118 and rural residential rates decreased by an average of \$512).

The 2016 land revaluations particularly affected properties in areas adjoining the North West Growth Sector which experienced substantial increases in their land values. The relative increases and decreases that occurred in rates for individual properties were primarily a function of their assessed land value. Those properties with the largest increases in land values did see a considerable increase in their rates. The rating changes implemented by Council accounted for a small proportion of these increases - for the typical property in Oakville the rating changes, excluding the impact of the land revaluations, would have seen rates increase by \$345.

The primary driver of the rating increase experienced by some property owners has been the relative land values of their properties. While the changes to Council's rating structure did contribute to these increases, they were only responsible for a small proportion of the increases. Changing the rating structure is therefore likely to only have a correspondingly small impact on rates. Nevertheless, Council has resolved to further discuss the rating structure, including the base rate, and is currently engaged in this process.

In terms of a consideration of land values, income and other socio-economic factors Council has recently completed an analysis of these variables in assessing the impacts of rating changes and proposed special rate increases on Hawkesbury households and in particular those suburbs with a high proportion of low-income households and higher levels of socio-

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economic disadvantage. This analysis has been included in draft supplementary documents, which are currently on public exhibition.

Council is seeking comment and submission from residents in relation to the information presented in the Draft Supplementary Resourcing Strategy 2017-2027 and the Draft Supplementary Delivery Program 2017-2021 and would welcome a submission from the Oakville Progress Association (the socio-economic analysis is covered on pages 38-46 in the draft document).

The draft supplementary documents can be accessed from the following link:

http://www.hawkesbury.nsw.gov.au/_data/assets/pdf_file/0011/100271/DRAFT-Supplementary-Resourcing-Strategy-incorporating-Draft-Supp-Delivery-Program-Exhibition.pdf

- b) *Do you acknowledge that what you have done is unfair and a significantly worse mistake than any rates errors made by any previous councils and has resulted in the worst inequity in rates in the history of the Hawkesbury?*

Response As highlighted in the response to the previous question, the 2017/2018 rating structure applies the same base amount and the same rate in the dollar *ad valorem* amount equally to all properties in all suburbs within the Residential rating category.

The relative rating impacts on individual properties reflect differences in their Valuer General assessed land values. The ad valorem component of rating charges is based on the same rate-in-the-dollar amount. Properties with a higher land value, irrespective of their location, would generally pay a higher ad-valorem rating component compared with properties with relatively lower land values.

3. *As most residents have lived in this strip of Oakville for many years, are now elderly, not earning and can't subdivide for another 15 years, the rate increase cannot be justified either now or in the near future or until the land is about to be rezoned for further subdivision or development.*

Your actions will force older people to sell up just before they can realise large capital gains, so why did you do this now?

Response Council is required to calculate annual rate charges based on the relevant provisions of the NSW Local Government Act 1993. Prospective subdivision is not a rating consideration covered under the Act. Council has applied the provisions of the Act in determining the rating structure and rating charges for 2017/2018.

The rating increases experienced by some property owners in Oakville and areas bordering the North West Growth Sector were primarily the result of the increase in land valuations for these properties as assessed by the NSW Valuer General.

The NSW Valuer General determines the timing of land revaluations. Council is required to apply the outcome of these revaluations based on the most current land valuations available. It is unable to defer the application of land revaluations to the calculation of rates.

4. *As Local government in the Hawkesbury, you have a responsibility to govern for everyone. You have devastated Oakville, a suburb representing 2.4% of the properties who you are now expecting to pay 8.7% of the rates for the Hawkesbury. This is patently unfair; as stated in Hawkesbury Residents & Ratepayers Association, no resident in the Hawkesbury has the ability to pay more rates than any other resident. Irrespective of the fact Oakville have some of the worst roads in the Hawkesbury, and have been waiting for basic services like mowing and tree trimming for 20 years.*

What steps are you taking as a group to redress your mistakes, and start treating Oakville fairly?

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Response As highlighted in the response to previous questions, the 2017/2018 rating structure applies the same base amount and the same rate- in- the- dollar *ad valorem* amount equally to all properties in all suburbs within the residential category. For rating purposes, Oakville has been treated the same as all other areas in the Hawkesbury.

5. *It could be said that this council has inherited a broken system.*

When the people of Bowen Mountain were given an increase of 27% there was a huge public outcry, and those people have \$1000-\$2000 a year of their rates for a pump out service. They actually get services in return for their rates!

What services are you going to provide for Oakville please?

Response Council's primary responsibilities involve the management of community assets and facilities (roads, community buildings, parks, stormwater drains); waste management services; town planning; public order, health and safety; emergency services; and the provision of cultural, recreation, civic and community programs. These functions require the provision of a diverse range of services to the community which are documented in Council's annual Operational Plan.

These Council services are available to all residents irrespective of where they live, however Council recognises that distances from these services does impact on the day to day access that residents enjoy to these services. Council provides the same network of services and facilities to all areas within the Hawkesbury – it maintains local roads, bridges, local parks, and other community facilities across the Hawkesbury, it provides town planning, compliance and enforcement, companion animal services, community services, event sponsorship, graffiti removal, stormwater management and other services to all areas in the Hawkesbury, though the frequency of service provision may vary between areas.

Some facilities, such as the Library, Gallery and Museum, Regional Parks and District Sporting Fields are centrally located in town centres as their catchment populations are regional rather than local, however they are used by all residents which is reflected in the membership of these services and the sporting organisations that use these facilities (for example 43% of library members live in rural localities). Some civic infrastructure such as street lighting, kerb & guttering and footpaths are generally associated with urban areas, while other essential services such as sewer and pump out services, are provided on a fee for service basis and are not funded through ordinary rates. Other infrastructure such as rural fire service sheds, standpipes, and vehicular ferries are predominantly located in rural areas.

The rating income collected from residents (which in 2016/2017 accounted for 32% of Council's income) contributes to the cost of providing these services to all residents within the Hawkesbury.

6. *Given that some things are within the control of council, and some are State controlled, what is council doing within their control to rectify the grossly unfair way you have treated Oakville, and what is council doing to influence State leadership to make the necessary changes to provide a fair system, for all councils please?*

Are you working with other councils to make a representation to the state government to change the dependence on Land Value to determine rates?

Response In December 2015, the Premier of NSW requested the Independent Pricing and Regulatory Tribunal (IPART) undertake a review of the Local Government Rating System. As part of this review IPART released an Issues Paper and Draft Report and called for submissions.

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In May 2016, Council, along with 174 other respondents, lodged submissions with IPART responding to the 23 issues identified by IPART for public comment and feedback. Council's submission included suggestions for increasing the equity of rating methodologies including a review of the basis for setting the ad valorem component of rates (i.e. that portion based on land value).

The Council Report on rating review the can be accessed from the following link: [Item 87: Review of the Local Government Rating System under 'Support Services' in the Table of Contents](#)). Council is awaiting the outcome of the rating review.

The NSW Local Government Act 1993 is state legislation and amendments to the Act would need to be considered and adjudicated on by the NSW Parliament. In this context, direct representations from residents to State parliamentarians would provide a powerful advocacy tool to address concerns of residents about the land valuation process and its rating impacts.

7. *Why were you so determined to provide a rate decrease to the greater Hawkesbury when it was within your ability to make the rates fairer for all, and the state government clearly told you our LGA rates had to go up by 30% or you would not be viable?*

Surely a rate decrease was completely unnecessary? We should ask this question again, why does an unviable council drop rates?

Response Council did not decrease its rating revenues in 2017/2018. The total revenue collected from ratepayers from year to year is determined by a rate peg amount set by the NSW Government (through IPART).

The rate peg sets the amount by which councils can increase the revenue they generate from rates from year to year. In 2017/2018 the rate peg amount was set at 1.5% which generated approximately \$460,000 in additional rating income. Council collected this overall increase in rating revenue by applying the allowable rate peg increase to its rating base. The most recent land revaluations undertaken by the Valuer-General determined how the total rating collection for 2017/2018 was apportioned.

Percentage increases in the Valuer Generals land valuations for individual suburbs in the Hawkesbury varied from a fall of 15% to an increase of 206%, with the average increase across the Hawkesbury of 40%. As a result, assessed rates for individual properties increased or decreased relative to each other based on these different land values. These relative adjustments occur after each land valuation review by the Valuer General.

While rates did decrease for individual properties (due to a combination of changes to the rating structure together with the re-apportionment of rates based on changes in land values) Council did not 'forgo' any of the available rating revenue it was permitted to collect in 2017/18.

8. *We the residents of Oakville have lost all confidence in this council and the Mayor. 8.7% of your rate base now believe you are not fit to govern.*

As you have decided that as a council you don't intend to represent the best interests of Oakville, which suburbs are you going to represent please?

Response The Hawkesbury City Council area is an undivided council area with no wards. Councillors are elected to represent the whole Hawkesbury and not any individual suburb or locality.

9. *If the council is so bankrupt that you must increase the rates of one suburb to the point of forcing people to sell land some have owned some for 40 years, why not stop wasting our money on trivial things we don't want or need in the Hawkesbury.*

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We do not want a bicycle path to the Mayors Village at Kurrajong, we don't want or need Sister City programs, or support for the arts, we need safe roads.

Response Council undertakes extensive and ongoing consultation to identify the community's investment priorities and its works programs and services are aligned with these priorities. Council accepts that residents may have differing views about these relative priorities.

The (elected) Council considers and approves Council's Operational Plan including the annual budget and works program. As part of this process, Council takes into account identified community priorities, the financial and human resources required to maintain current service levels, and the funds required to undertake asset maintenance and renewal based on the technical condition data within Council's Asset Management System. These core requirements generally account for a substantial proportion of Council's expenditures. Council's budget processes provide the opportunity for residents to make submissions in relation to its draft annual budget and works program and Council welcomes community input into this process.

In 2017/2018, 40% (\$20.3M) of Council's expenditure (excluding waste management) were allocated to roads and transport works. Roads account for the most substantial individual component of Council's expenditures – which reflects the priority the community has placed on Council maintaining a safe and well-maintained road network.

In relation to Council's financial position, Council's auditors have indicated that Council is currently in a sound and stable financial position, but that it is facing financial challenges in funding the full cost of maintain and renewing community assets.

10. *Our rate contribution from Oakville has moved as follows:*

2016-17 around \$880,000

2017-18 to \$1.8 million from our residents

As you are taking 1 Million dollars extra from Oakville residents now, what services are you giving us please?

When are you going to open and seal old Hawkesbury Rd. please?

When are you going to seal Brennan's dam Rd. please?

Is Old stock route Rd. ever going to join up with Pitt Town Dural Rd. or Cattai Rd?

What services are you giving us please?

Response As highlighted in the response to Question 7, Council's rating income for 2017/2018 increased in line with the 1.5% rate peg amount set by the NSW Government (through IPART) which generated approximately \$460,000 in additional rating income. This revenue will be used to offset the increased operating cost of delivering the services outlined in the response to Question 5.

The Valuer Generals most recent land revaluations, determined how the total rates collection were apportioned. Areas with relatively higher land values generally experienced an overall increase in rates, however, the total rates collected across the Hawkesbury was capped in line with the rate peg.

The net increase in rates totalled approximately \$460,000, as a result of the rate peg increase, and a smaller additional amount arising from an increase in rateable properties. As the rate peg increase was less than the increase in the Consumer Price Index, this net additional income did not provide Council with 'extra' capacity to increase spending on new works or services.

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As part of its recent 'Investing in Your Future' consultations, Council has prepared district work programs to provide residents with a detailed program of works to be delivered under each of the three investment options presented to the community. The works program covering Oakville can be accessed from Councils website using the following link.

<http://www.yourhawkesbury-yoursay.com.au/27535/documents/59409>

Depending on the investment option, there are works programmed for Old Hawkesbury Road and Old Stock Route Road commencing in 2018/2019 with a value of \$1.04M under Option 1 to \$1.78M under Option 3. An outline of what each of the three investment options means is included in the works program document.

The upgrade of Brennans Dam Road will be considered in conjunction with planning for Stage 2 of The Vineyard Precinct as part of the NSW Government's North West Priority Growth Area

11. *Both sides of our Hawkesbury council have stated that they are aware Oakville has an 85% Liberal voting demographic, we didn't know that, but it seems very clear that you knew it.*

What part did this play in your decision as a group to target Oakville please? The Oakville progress association would ask you to please provide details about the political demographics of those areas receiving a rates decrease.

Response Both the 2016 local government elections and the 2015 NSW Government Election were conducted by the NSW Electoral Commission. The results of the 2016 local government election, by venue, can be obtained from the following link:

http://www.pastvtr.elections.nsw.gov.au/LGE2016/hawkesbury-city-council/councillor/pp_list.htm

The results of the most recent 2015 state election, by polling booth venue and vote count for the Hawkesbury Electorate can be obtained from the following link:

http://www.pastvtr.elections.nsw.gov.au/SGE2015/la/hawkesbury/cc/fp_summary/index.htm

The outcomes of the 2015 state election and the 2016 Council election were not matters that were considered as part of the modeling and subsequent decision making on the 2017/2018 rating changes (apart from the obvious point that as a group, the 12 Councilors elected at the 2016 local government elections determined the rating structure for 2017/2018) .

12. *If the Council proceeds with a 30% Special rates variance application in November, and the state goes forward with an FESL fire levy, some Oakville residents will go from \$1800 to between \$6,000-\$9,000 P.A This equates to taking \$60,000 per family from one suburb over the next 10 ten years. People will have to sell up, before their properties reach their real potential.*

How can you justify what you are doing to good people who have contributed so much to the Hawkesbury?

Response Since July 2016, Council has been engaged in an ongoing conversation with residents about the future of the Hawkesbury. As part of this consultative process Council has provided information to residents about the need and purpose of proposed special rate increase and has sought community feedback on these matters.

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To inform and progress these community conversations, Council prepared an information package which was sent to all ratepayers, conducted a telephone and on-line surveys, and held a series of information kiosks and town meeting across the Hawkesbury. More recently, Council has prepared supplementary documentation which is currently on public exhibition, outlining the outcome of these consultations as well as the impact of three investment options on long-term provision of Council services, the maintenance, renewal and upgrade of community assets, and Council's capacity to achieve the objectives of Hawkesbury Community Strategic Plan 2017-2036.

The documentation provides information on the factors consider by Council in developing the three investment options, and has been prepared to enable residents to come to their own determination as to whether Council's preferred investment option is reasonable . Council is seeking comment and submission from residents in relation to the information presented in the Draft Supplementary Resourcing Strategy 2017-2027 and the Draft Supplementary Delivery Program 2017-2021 and would welcome a submission from the Oakville Progress Association.

The draft supplementary documents can be accessed from the following link:

http://www.hawkesbury.nsw.gov.au/_data/assets/pdf_file/0011/100271/DRAFT-Supplementary-Resourcing-Strategy-incorporating-Draft-Supp-Delivery-Program-Exhibition.pdf

Information and queries about the Fire and Emergency Services Levy should be directed to the NSW Treasury through the following link:

<https://www.treasury.nsw.gov.au/projects-initiatives/fire-and-emergency-services-levy>

All income collected by Council through the Fire and Emergency Services Levy (FESL) was to be remitted to the NSW Government.

13. *Do we the citizens of Oakville now have our right to vote in council elections prorated to match our new rates weighting please?*

It seems fair that if we are paying 8.7% of the rates we will now exercise 8.7% of the vote, can you please confirm this?

Response The NSW Local Government Act 1993 sets out voting entitlements for local government elections. Section 268 of the Act stipulates that each elector is entitled to one vote. The relevant sections of the Act can be viewed from the following link:

http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/nsw/consol_act/lga1993182/s266.html

14. *When you increased our rates to an unsustainable level, why didn't you change the covenants on our properties to allow us to use our land to generate income?*

Response The categorisation of land for rating purposes and the zoning of land for land use purposes are covered by separate pieces of legislation.

Rating categories and the levying of rates are covered by the NSW Local Government Act 1993. Land use planning is covered by the NSW Environmental Planning and Assessment Act 1979 and Local Environment Plans prepared in accordance with the provisions of this Act. Rating categories and land use zones are not interconnected and one does not determine the other.

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The 2017/2018 rating changes did not change the rating categorisation of properties within the Hawkesbury. Properties categorised as residential (including the rural residential sub-category) for rating purposes, remained residential properties. All properties in the residential category were treated uniformly for rating purposes.

Similarly, the permitted uses for properties remain unchanged as determined by the land use zones within The Hawkesbury Local Environment Plan 2012. Land within Oakville (and other similar areas across the Hawkesbury) is primarily zoned as RU4 (Primary Production Small Lots) with a range of permitted uses which can be accessed from the following link:

<https://www.legislation.nsw.gov.au/#/view/EPL/2012/470/partlanduseta/include3>

Changing the zoning of land to allow for additional permitted uses (provided they do not conflict with the provisions of NSW Environmental Planning and Assessment Act 1979) would require a change to the Hawkesbury Local Environment Plan 2012 in accordance with the provision of the Act and would require community consultation and Ministerial approval. Any changes would then generally apply to all land within the Hawkesbury covered by the relevant land use zone.

At its Ordinary Meeting of 12 September 2017, Council resolved to investigate options to allow detached dual occupancy and secondary dwellings in Oakville and Maraylya in areas unaffected by flood evacuation issues. This investigation is currently being progressed.

15. *You the council used our money to intensely fight off amalgamation with the Hills, a viable and professional council. We supported you on the basis of local representation.*

Why didn't you tell us beforehand that the only way you could become viable or "fit for the future" would be to expect one suburb in this district to pay around \$6000 per family

This would have changed the decision on whether to amalgamate.

Response The NSW Valuer General's updated 2016 land values were received by Council in early 2017, having been brought forward by one year as part of the implementation of the NSW Government's Fire and Emergency Services Levy. As outlined in the response to Question 2, the rating increases experienced by some property owners in Oakville and areas bordering the North West Growth Sector were primarily the result of the substantial increase land values as assessed by the NSW Valuer General.

The public inquiry into the amalgamation proposal commenced in December 2015 and concluded in February 2016 with Council advised of the outcome of the inquiry in May 2016. The public inquiry process therefore commenced and was completed prior to the release of the 2016 land valuations by the NSW Valuer General. Consequently, Council was not in a position to model the rating impacts of the 2016 land revaluations prior to the public inquiry into the amalgamation proposal.

However, in general terms, the proposal for special rate increase had been in the public domain since June 2015 when Council submitted its Fit for the Future Proposal to the NSW Government. The Proposal including provision for consultation with the community on investment options including the possibility of special rate increases. Council's June 2015 Fit for the Future Proposal can be accessed from the following link (the sections dealing with the proposed special rate increase are on pages 28 and 56-58 of the document):

https://www.ipart.nsw.gov.au/files/sharedassets/website/shared-files/investigation-section-9-fit-for-the-future-proposal-hawkesbury-city-council/council_improvement_proposal.pdf

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The investment options including the two options for special rate increases, which are currently the subject of further public consultation, remain largely unchanged from that which was presented in the June 2015, Fit for the Future Proposal.

16. *It seems clear this council is not viable, we feel ambushed as we were not notified of changes, and most people found out what you had done by reading rates notices, as none of us get the Courier in Oakville, it's not delivered.*

You performed letterbox drops to inform us of the Valuer General meeting which seemed to any sensible person a cynical exercise to obfuscate your culpability in your rates mistake.

Why didn't you inform us of the rates changes by letterbox drop?

Response The amended rating structure was approved by Council in June 2017, and was preceded by the required consultation and public exhibition period as set down in the NSW Local Government Act 1993. This has been the process followed by Council in previous years, including those years where land revaluations have occurred.

Council mailed-out information to areas most affected by the 2016 land valuation to advise residents of the Valuer General public meeting. These areas included Agnes Banks, Tennyson, McGraths Hill, Bligh Park, The Slopes, Hobartville, Cattai, Scheyville, Maraylya, Oakville, Windsor Downs, and Vineyard. It took these steps in response to concerns raised by some residents at the round of 'Investing in Your Future' town meeting during July and August 2017 to provide the opportunity for residents to speak directly with representatives from the NSW Valuer General.

Council has recognised that creating more opportunities for residents to access information about Council operations and issues would improve its communication with residents. To this end it is currently in the process of implementing a digital communication strategy to enhance its on-line presence and the distribution of information to residents. Council is also planning to undertake annual town meetings across the Hawkesbury to report on its activities and future programs and to provide a forum for residents to ask question and raise issues and concerns.

17. *On the topic of the Valuer General:*

- A. *Have all suburbs in the Hawkesbury been revalued please?*
- B. *What restrictions were placed on access to or independent analysis of the data from the Valuer General when you did your rate modeling please?*
- C. *It seems reasonable that all residents would accept a small increase in rates, as land values have surely improved, have you approached the state government what changes have you asked for at a state level , like pegging land valuations, or staged increases?*
- D. *It also seems that if you as a council were striving for a fair system, you comprehensively failed, which is OK if you fix it, by changing things within your power, and lobbying for changes external to the LGA.*

If only one or two suburbs were revalued or doubled in value, would you not consider using the mechanisms available to you as council to minimise the net effect and deliver a fairer outcome to all suburbs until this is resolved for the best outcomes in the LGA ?

Response The NSW Valuer General land revaluation process covered all areas in NSW. The presentation made by representatives of the NSW Valuer General at the public meeting held on 30 August 2017 outlined the methodology and approach underpinning the land valuation process.

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Council received the revised valuations in early 2017, and as outlined in the response to Question 1, applied them to the 4 different rating options that were reported to Council on 31 January 2017. As noted earlier, Council has made submissions in response to the local government rating review commissioned by the NSW Government and is currently awaiting the outcome of the review.

There are currently limited mechanisms under the NSW Local Government Act 1993 for councils to 'smooth out' the impact of substantial changes in land values as determined by the NSW Valuer General. The primary driver of the rating increase experienced by some property owners has been the relative land values of their properties. While the changes to Council's rating structure did contribute these increases, they were only responsible for a small proportion of the increases. Changing the rating structure is therefore likely to only have a correspondingly small impact on rates.

Council has resolved to further discuss the rating structure, including the base rate, and is currently engaged in this process.

18. *Special Rate Variation*

On the Subject of the SRV, Mr Ford presented to the Oakville Progress association on Wednesday 23rd August, and one of the things he told us was that the State Government approached the council and told you that as a council you were not viable. You had the option of merging with the Hills a viable council, or increasing your rates by 30%.

This has been confirmed independently by several current councillors. Over recent years ANY increase in rates was vigorously opposed by Mayor Lyons-Buckett, and the councillors, and you prevented the previous council from increasing rates. This is a matter of public record, you stood in the way of what you now want us to believe is good government. Yet as soon as you took over this Government, this is what you did.

It looks like you prevented the previous council from acting in the interest of the community. If the SRV is necessary, by proposing it now you are asking the community to accept a position regularly put by the previous government and opposed by the current mayor and councillors. It seems that the previous government had it right, and your previous position on rates increases was wrong and disruptive, and a rates increase is needed for good government. Is that correct?

The way you recently marketed the Special Rates increase, was to redistribute the rates in the district prior to asking the community to accept an SRV. So, many people received a rates decrease just prior to you proposing your SRV. You proposed this in terms of small increases necessary to provide services to the district and create stability in government.

What you failed to inform the community was that in order for 18,000 odd residents to have a minimal impact of an SRV, you were going to redistribute the rates first, so that the majority of the District would get a rate drop, followed by a small increase, and a few suburbs, Oakville, Pitt town, Maraylya, parts of Cattai would have massive increases imposed on them to fund this SRV.

Of course, the majority of the Hawkesbury community would accept an SRV on those terms, without knowing what you did to the elderly people in Oakville. Why didn't you honestly tell the community what you had done, and the historical inequity you created to achieve a YES for the SRV?

Response The role of Council staff in relation to Special Rate Variations (SRV) was to prepare advice and reports for Council's consideration in relation to Council's long-term financial position and options for securing its financial sustainability. Whether or not Council resolves to proceed with a special rate application will be a decision of the elected council, following the completion of the processes outlined in guidelines prepared by the Independent Pricing and Regulatory Tribunal for the preparation of a SRV application. This is the process that has been followed in relation to the special rate increases that have been the subject of the most recent community consultations.

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The preparatory work for the proposed special rate increases commenced in the term of the previous Council. As outlined in the response to Question 15, the proposal for special rate increases was included in Council's Fit for the Future Proposal submitted in June 2015. The implementation of the Council's Fit for the Future Proposal was subsequently put on hold pending the resolution of the amalgamation proposal, which was finalised in May 2016.

In July 2016, the previous Council endorsed a staged community engagement strategy to canvass with residents their level of satisfaction with current service levels, their priorities for future investment and their preferred resourcing options for funding the asset renewal shortfall. This strategy was consistent with IPART requirements for the possible consideration of an SRV.

Stage 1 of this strategy was implemented from July to August 2016, with the outcomes reported to the newly elected Council in October 2016. Council subsequently resolved to continue with the implementation of the remaining stages of the community engagement strategy which commenced during the term of the previous Council. These further stages were undertaken in February/March 2017 and July/August 2017 and the outcomes reported to Council in September 2017 at which time Council identified a preferred investment option.

As noted in the response to Question 12, Council has prepared additional documentation for further community consultation and is currently seeking comments from residents about this preferred option. The outcomes of the public exhibition of these documents will be reported to Council in late November 2017 to enable Council to determine its final position in relation to a possible SRV application.

In relation to the rating changes that commenced on 1 July 2017, the reasons for Council proceeding down this path were summarised in the response to Question 2. The primary purpose was to apply the same *base* rate and the same *ad valorem* rate-in-the dollar to all properties in all suburbs in the same rating category.

The relative increases and decreases that occurred in rates for individual properties were primarily a function of their assessed land value. Those properties with the largest increases in land values did see a considerable increase in their rates. The rating changes implemented by Council accounted for a small proportion of these increases - for the typical property in Oakville the rating changes, excluding the impact of the land revaluations, would have seen rates increase by \$345.

19. *And the question arises again, you are proposing an SRV to deliver services, funded for the whole LGA by Oakville, Pitt Town, Maraylya, what services are you proposing for Oakville, you have never told us at any stage what you will deliver, but have already taken an additional 1 million dollars from us before the SRV kicks in.*

We have always paid higher rates than most, and we have waited 25 years for basic services which have not been delivered, and now you ask us to pay up to Triple our rates from last year on the pretext of more services. Please tell us what they are? We don't know how you will implement the SRV.

It seems that a 30% SRV on the 18,000 odd residents who received a rate drop will be a small number in the order of \$400, but for those residents whose rates you increased to \$3800-\$5000 it will be a big number in the order of \$1200-\$1500 on top of our current unfair rates bill. Is that true please?

Response Should Council resolve to proceed with an SRV application, and if subsequently approved by IPART, any special rate increase will be applied equally to all rateable properties within the Hawkesbury.

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While the rates for all properties will increase by the same percentage, it would be the case that the dollar increase for properties will vary depending on their current assessed rates based on relative land values. The actual dollar increase for properties with lower land values and lower rates will be less than for those properties with relatively higher land values and higher rates.

Part B - Additional Questions received from Oakville Progress Association on 10 November 2017 in conjunction with tabled petition.

1. *A representation of 2.3% of the population had submitted their Option 1, 2 or 3 via the 4 survey means. Those choosing Option 2 cannot be considered or part of Option 3 per page V of the report as this was not an Option presented at any of the meetings, this was a Council report that chose to combine Options 2 and 3. Equally those choosing Option 2 could also be included as Option 1 if no clear direction was given therefore a clear mandate for Option 1 could also be made as an assumption but not represented in the report or accounted for.*

Response Page v of the Draft Supplementary Resourcing Strategy does not conflate responses to Option 2 and Option 3 – the responses for each Option are separately recorded. It does however make the simple observation that the majority of residents supported a special rate option (either Option 2 or Option 3).

2. *It was evident at the town meetings that some people were attending multiple meetings and had the opportunity to vote several times. There was no control in place to stop multiple attempts to vote at these town meetings. It was poorly executed and not reliable.*

Response Attendance sheets for the 10 town meetings were signed by 380 persons. Of this number 11 persons were recorded as attending two meetings, one person attended three meetings and one person attended six meetings – 13 people in total (3.4% of recorded attendances).

Apart from the person who attended six town meetings, persons attending multiple meetings involved people attending two of the Windsor, Pitt Town and/or Maraylya town meetings.

Council staff did monitor the casting of the 'straw poll' votes and would have been aware of any irregularities. Fortunately, the town meeting attendees were respectful of the voting process and observed the appropriate protocol. Council staff were aware of the identity of the person who attended six meetings and clearly advised them that they were entitled to one 'vote' only.

3. *At several of the town meetings residents departed prior to voting taking place therefore did not cast their vote. The Meetings were badly run, and people were not aware of the vote. No attempt was given to request these people submit votes prior to departure.*

Response Generally Council received positive feedback as to the content and format of the town meetings. The agenda for the meetings was outlined at the commencement of proceedings. Attendees were advised that following the presentation of information by Council staff, there would be a simple exercise where they would be asked, after considering the information presented to them, to identify their preferred resourcing strategy option.

Issues did arise at three of the town meetings – Windsor, Pitt Town and Maraylya - where the agenda was varied to accommodate requests to deal with rating questions associated with land valuations and changes to the rating structures. These discussions were robust and intense. At times Council staff and some attendees were required to intervene to seek the co-operation of participants so that questions could be responded to and issues discussed in an orderly way.

ORDINARY MEETING

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At the conclusion of the rating discussions, residents were encouraged to stay to participate in the remainder of proceedings, including the preferred option exercise. The meeting was structured to provide participants with information to enable them to make an informed decision as to their preferred option. In this sense, there was no capacity for residents to vote prior to the presentation of the information which outlined in detail each of the three resourcing options, their impact on services and rates, and the scope of works to be delivered under each option. A number of residents chose to leave prior to completion of these proceedings.

4. *Is 2.3% of potential respondents statistically valid? With the vote split as follows:*

Option 1 – 34%

Option 2 – 32%

Option 3 – 34%

It would appear that neither of the options have a conclusive or overwhelming majority of votes in its own right.

Response The engagement strategy implemented by Council provided the opportunity for all residents to identify their preferred resourcing option by either a postal ballot, an on-line survey, or through the straw poll conducted at the conclusion of each town meeting. These engagement platforms were additional to the statistically valid telephone survey carried out on Council's behalf by an independent research company.

The sample size for the telephone survey was 401 respondents. The selected survey sample reflected the demographic profile of the Hawkesbury (age, gender, employment status, location and length of residency). The survey had a margin of error of $\pm 4.9\%$ which meant that if the survey was replicated with a different survey sample of 401 residents, 19 times out of 20 the same result would be achieved plus or minus 4.9%.

Based on the outcome of the telephone survey, within the Hawkesbury community support for Option 1 would vary from 38.1% to 47.9% while support for a special rate option would vary from 52.1% to 61.9%. As the telephone survey is statistically valid, some confidence can be applied to the overall outcome which showed that a majority of residents supported a special rate option (either Option 2 or Option 3).

Council acknowledges that while the other engagement platforms (the postal ballot, on-line survey and town meeting straw poll) are not statistically valid, they did demonstrate that the more informed residents were about Council's financial position and the purpose of the proposed special rates, the greater their level of support for a special rate option and Option 3 in particular.

5. *To assume it is acceptable to put some rates up by 180% and drop others pre SRV is unprofessional, when most of this council stood on a platform of making rates fair.*

Response Council is required to calculate annual rate charges based on the relevant provisions of the NSW Local Government Act 1993. Under the Act rates can be made up of two components – an *ad valorem* amount based on land value and a base amount applied equally to all properties in the same rating category. The base amount cannot exceed 50% of the total rates collected from all rateable properties.

The total revenue collected from ratepayers from year to year is determined by a rate peg amount set by the NSW Government (through IPART). In 2017/2018 the rate peg amount was set at 1.5% which generated approximately \$460,000 in additional rating income. Council collected this overall increase in rating revenue by applying the allowable rate peg increase to its rating base. The most recent land revaluations undertaken by the Valuer-General determined how the total rating collection for 2017/2018 was apportioned.

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Percentage increases in the Valuer General's land valuations for individual suburbs in the Hawkesbury varied from a fall of 15% to an increase of 206%, with the average increase across the Hawkesbury of 40%. As a result, assessed rates for individual properties increased or decreased relative to each other based on these different land values. These relative adjustments occur after each land valuation review by the NSW Valuer General.

The rating increases experienced by some property owners in Oakville and areas bordering the North West Growth Sector were primarily the result of the increase in land valuations for these properties as assessed by the NSW Valuer General. The NSW Valuer General determines the timing of land revaluations. Council is required to apply the outcome of these revaluations based on the most current land valuations available. It is unable to defer the application of land revaluations to the calculation of rates.

There are currently limited mechanisms under the *NSW Local Government Act 1993* for councils to 'smooth out' the impact of substantial changes in land values as determined by the NSW Valuer General. The primary driver of the rating increase experienced by some property owners has been the relative land values of their properties. While the changes to Council's rating structure did contribute these increases, they were only responsible for a small proportion of the increase - for the typical property in Oakville the rating changes, excluding the impact of the land revaluations, would have seen rates increase by \$345.

6. *We would respectfully suggest you postpone the SRV until you can fairly say it is representative of the wishes of the majority of people in the district, not just a tiny sample of the population.*

Response Council has been implemented a comprehensive community engagement program over the past 16 months commencing in July 2016. This community engagement program has incorporated the range of engagement platforms and information elements identified by the Independent Pricing and Regulatory Tribunal (IPART) in their Guidelines for the Preparation of an Application for a Special Rate Increase.

Council has provided residents with the opportunity to participate in a range of engagement activities and has provided residents with detailed information about the special rate proposals. Council has recorded resident views and has responded to issues and questions raised by residents. As noted in the response to a previous question, a statistically valid survey has indicated that the majority of residents support a special rate option.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 November 2017

Item: 213 **GM - Submission - Consultation Drafts for the updated Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW - (79351, 79353, 125612)**

Previous Item: NM, Ordinary (29 August 2017)

REPORT:

Executive Summary

On 23 October 2017, Council received a Circular from the Office of Local Government (OLG), accompanied by a related media release from the Minister of Local Government, and Consultation Drafts for the updated Model Code of Conduct for Local Councils in NSW (the Code), and for the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (the Procedures).

The proposed updated Code and Procedures are currently on public exhibition, and the OLG has invited councils to make submissions on the extensive proposed amendments to the Code and Procedures. The closing date for submissions is 4 December 2017.

A submission in response to the exhibition documents has been prepared for Council's consideration.

This report recommends that the submission on drafts of the new Model Code of Conduct for Local councils in NSW and associated Procedures, attached as Attachment 1 to this report is submitted to the Office of Local Government.

Background

In November 2016, the OLG advised all councils in NSW that it had initiated a review of the Model Code of Conduct for Local Councils in NSW and the associated Procedures. At that time, the OLG requested "suggestions for improvement" from interested councils. Whilst no submission was made within the consultation period, Council did make a submission more recently, which was tabled as a Mayoral Minute at the Council meeting of 29 August 2017.

Council's submission of September 2017 was focused around two main standpoints, which are summarised below:

1. **Part 8 – Maintaining the Integrity of the Code of Conduct**

Council's first suggestion was to include new information in the Code to prevent the Code from being used by members of the public to make complaints against Council officials about matters which are not dictated by the Code. The aim of the change was to limit the improper use of the Code by members of the public to justify repeated unfounded complaints of misconduct by Council officials.

2. **Procedures for the Administration of the Model Code of Conduct**

Council's second suggestion was for the "confidentiality" section of the Procedures to be amended to allow a Council official, who was subject to a Code of Conduct investigation where the allegation of breaching the Code was found to be unfounded, to publicly disclose that the allegation was found not to be a breach of the Code.

Under the current provisions of the Procedures, all information relating to Code of Conduct complaints must be treated as confidential, including the nature of the allegation and the outcome of the investigation, regardless of the findings.

Based on the draft Code and Procedures that have now been released, it appears that the Office of Local Government determined not to incorporate Council's suggestions. No new information has been added to the draft Code which would prevent the Code from being used by members of the public to make vexatious and unsubstantiated complaints against Council officials. However, the draft Procedures does include new detailed and stringent guidelines regarding what does and does not constitute a Code of Conduct complaint.

There have been no changes to the "confidentiality" section of the Procedures which would allow a Council official who was subject to a Code of Conduct investigation, where the allegation of breaching the Code was found to be unfounded, to publicly disclose that the allegation was found not to be a breach of the Code. However, other new clauses included in the confidentiality section may assist in inhibiting perpetuation of rumours and allegations within the community which have been investigated and found to be baseless, by preventing a complainant who has previously publicly disclosed confidential information in relation to a Code of Conduct complaint from receiving information which they may misuse.

Despite the above, the draft Code and Procedures do contain a significant amount of new information, which will impact Council's operation in a variety of ways. The majority of additions to the draft Code and Procedures are clarifications or expansions upon already existing provisions, or are already included in Council's own policies. Incorporating this information into an expanded Code of Conduct will make the Code a more valuable resource for Council officials and members of the public to locate information about appropriate conduct.

Due to the large amount of amendments and new requirements, Council will need to commit additional resources to allow for proper introduction and administration of the new Code. For example, several aspects of the new Code will need to be incorporated into Council's existing policies, and Councillors and other Council officials will need to be provided with information sessions and possibly training in order to fulfil the requirements of the new Code.

A copy of the Consultation Drafts for both the updated Model Code of Conduct and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW can be access by clicking on the following link: <https://www.olg.nsw.gov.au/news/17-30-consultation-drafts-new-model-code-conduct-local-councils-nsw-and-associated-procedures>.

A submission in response to the exhibition documents has been prepared for Council's consideration.

The submission acknowledges that once implemented, the new Code and Procedures will be valuable tools to improve the integrity and transparency of Council business and uphold public confidence in the Council. The submission also requests clarification of a number of sections which have been added or expanded in the draft Code and Procedures.

Below is a summary of the matters included in the submission:

1. Part 3 – General Conduct Obligations

Clarification is sought in order to confirm that this section of the Model Code regulating Council's land use planning, development assessment, and other regulatory functions will still apply to Councillors once Independent Hearing and Assessment Panels (IHAPs) have commenced and the Councillors statutory role to determine planning matters and development applications is removed.

Also, further consideration would be required as whether or not the new Model Code provisions mentioned above would apply to members of IHAPs when they become compulsory for our and other NSW Councils in March 2018. Currently the proposed Model Code of Conduct for Local Councils and the proposed Code of Conduct for Local Planning Panel Members are not consistent with one another.

1. Part 4 – Pecuniary interests

The revised pecuniary interest section, in particular the incorporation of information which was previously included in the supplementary 'self-help guidelines' which were supplied by the OLG, is supported.

The new requirement to publish the disclosures of Councillors on Council's website, in keeping with the objective of the Government Information (Public Access) Act 2009 (GIPA Act) to promote open access to council information in the public interest, which our Council is committed to supporting, is supported.

3. Part 6 – Personal Benefit – Gifts and Benefits

Clarification is sought regarding whether terminology in this section includes 'token' gifts and benefits, noting that Council's current Gifts and Benefits Policy defines as gifts above the value of \$10.

4. Part 8 – Access to Information and Council Resources – Social Media and Records Keeping

Clarification regarding a number of clauses in this section is sought and numerous suggestions of additional information which could be included in the Code in future amendments are made.

The section addressing social media is of particular interest to Council as it is currently in the early stages of implementing a Digital Media Strategy, which includes an official Council presence on social media as a community engagement tool. In particular, there are some outstanding questions regarding the ability of Councillors and other Council officials to personally engage with social media platforms independently of their relationship with Council.

In the submission, it is also suggested that the legitimacy of social media as a community engagement tool should be acknowledged in the Records Keeping section of the new Code.

In addition to the matters summarised above, the suggestions forwarded by Council in September 2017 that appear not to have been addressed in the exhibition documents, have also been included in the submission.

Conclusion

In summary, Council's submission is overall supportive of the proposed amendments to the Code and Procedures, whilst also containing numerous suggestions for further improvements which could be introduced for the benefit of Councillors, Council officials and the general public.

Accordingly, it is recommended that the submission on the drafts of the new Model Code of Conduct for Local councils in NSW and associated Procedures, attached as Attachment 1 to this report, is submitted to the OLG.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Future

5.1 Strategic Planning Governance

5.1.2 Council's decision making on all matters is transparent, accessible and accountable.

Financial Implications

No financial implications applicable to this report.

ORDINARY MEETING

Meeting Date: 28 November 2017

RECOMMENDATION:

That the Submission – Consultation Drafts for the updated Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, as attached as Attachment 1 to this report, be forwarded to the Office of Local Government before the end of the consultation period on 4 December 2017.

ATTACHMENTS:

AT - 1 Submission - Consultation Drafts for the updated Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

Attachment 1: Submission - Consultation Drafts for the updated Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

Consultation on drafts of the new Model Code of Conduct for Local Councils in NSW and associated Procedures

Hawkesbury City Council Submission

Council has reviewed both Consultation Drafts for the updated Model Code of Conduct for Local Councils in NSW (the Code), and for the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (the Procedures), in conjunction with the current Code and Procedures, and Council's existing Code of Conduct and other relevant Policies. Council appreciates the opportunity to make a submission regarding the proposed amendments, and would like to offer the following comments.

In general, Hawkesbury City Council is in favour of the new Code and Procedures. The high level of detail and clear definition of key terms in most sections makes them easy to interpret, both for Council officials and members of the public who have an interest in Council conduct. The majority of additions to the Code and Procedures are clarifications or expansions upon already existing provisions, or are already included in other Council Policies. Incorporating this information into an expanded Code of Conduct makes the Code a more valuable resource for Council officials and members of the public to locate information about appropriate conduct, rather than needing to reconcile a number of different documents.

Due to the large amount of amendments and new requirements, Hawkesbury City Council and other councils will need to commit additional resources to allow for proper introduction and administration of the new Code. Several aspects of the new model Code will need to be incorporated into Council's existing policies, including the Code of Conduct, Code of Meeting Practice, Fraud and Corruption Policy, and Policy for the Provision of Information and Interaction between Councillors and Staff. In addition, Councillors and other Council officials will need to be provided with information sessions and possibly training in order to fulfil the requirements of the new Code. Despite this, Council believes that the new Code, once implemented, will be a valuable tool to improve the integrity and transparency of Council business and uphold public confidence in the Council.

Although Council is generally in favour of the new Code and Procedures as stated above, Council's review of the documentation has raised some points which Council believes require clarification.

Part 3 – General Conduct Obligations

Land use planning, development assessment and other regulatory functions

Council appreciates the inclusion of new requirements regarding the exercise of Council's planning, development assessment and regulatory functions. Given that Independent Hearing and Assessment Panels (IHAPs) are to become mandatory for all Councils in the Sydney area in March 2018, we request clarification that the requirements in this section will still apply given the Councillors statutory role to determine planning matters and development applications will be removed.

In addition, further consideration would be required as whether or not the new Model Code provisions mentioned above would apply to IHAP members. In particular, we note that Clause 3.15 ("... *You must keep a written record of all meeting and other communications...*") has been removed from the draft Code of Conduct for Local Planning Panel Members, which is purported to be based upon the Model Code of Conduct for Local Government. If the requirements of these two Codes are inconsistent, then this is liable to cause confusion, especially in relation to the more stringent requirements which have been added to the *Records keeping* section, upon which we have commented below.

Council suggests that, as the new Model Code of Conduct for Local Councils and the Model Code of Conduct for Local Planning Panel Members are both to come into effect in 2018, the two Codes should be made to be consistent with one another from the beginning.

Part 4 – Pecuniary Interests

The abundant amount of detail included in this Part will be of great assistance to Councillors and Council officials, who often have questions about what to include when completing their disclosure forms. This information, which is currently included in the OLG's 'self-help guidelines', will be more accessible when included in the Code of Conduct, which is regularly referred to throughout the year.

In addition, the requirement to publish the disclosures on Council's website is in keeping with the objective of the Government Information (Public Access) Act 2009 (GIPA Act) to promote open access to Council information in the public interest, which Hawkesbury City Council is also committed to supporting.

Part 6 – Personal Benefit**Gifts and Benefits**

It is not clear whether Section 6.4 includes "token" gifts and benefits, which are defined in the following section, or is only referring to gifts and benefits of value. Clarification is sought as to whether the amended Code is intended to capture all gifts and benefits, regardless of value. The current Gifts and Benefits Policy of Hawkesbury City Council only requires Council officials to declare on the Register all gifts above the "token value" of \$10.

Clarification in regard to this matter will guide Council as to whether a revision of it policy is required.

Part 8 – Access to Information and Council Resources**Social Media**

Council agrees with the inclusion of detailed guidelines in Section 8.21 as follows on the appropriate use of social media:-

8.21 You must not use social media to post comments, photos, sound recordings or other information that:

- a) compromises your capacity to perform your official duties in an unbiased manner*
- b) has the potential to have a negative impact on your working relationships within the council or with external parties*
- c) is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council*
- d) has the capacity to damage the council's reputation or contains content about the council that may be misleading or deceptive*
- e) divulges confidential council information*
- f) breaches the privacy of other council officials or those that deal with council*
- g) contains allegations of suspected breaches of this code or information about the consideration of a matter under this code, or*
- h) could be perceived to be an official comment on behalf of the council where you have not been authorised to make such comment.*

This section is of particular interest to our council as we are currently in the early stages of implementing our own Digital Media Strategy, which includes an official Council presence on social media as a community engagement tool.

There are areas of concerns for Council staff and Councillors that have arisen from the emerging prominence of social media and further guidance in the new Model Code is necessary.

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Council Staff

Many Council officials are also ratepayers who live or own property in the local government area where they work as Council officials. As ratepayers, these Council officials are entitled to make submissions regarding Council decisions and Council matters which are open for community consultation. In addition, participation in local social media pages or community groups with a social media presence is an integral part of social life for many Council staff.

However, it is possible that such submissions or other posts may for example "*have the potential to have a negative impact on [the official's] working relationships within the council*", or otherwise exclude the official from performing some of their regular work duties, both of which are prohibited by Section 8.21.

Councillors

Councillors with political affiliations should retain the right to express their own views, or those views taken by their affiliated party, which may not be in agreement with the view which has been adopted by the Council through a majority vote. It will be difficult for Councillors to maintain separate social media presences to represent their own personal views, the views of their party, *and* the views resolved by the Council. It will also be difficult for members of the public to reconcile the different information which may be posted across different accounts or web pages.

It is suggested that consideration is given to the inclusion of guidance in regards to these various scenarios as outlined above.

Record Keeping

Council agrees with the inclusion of Sections 8.22 and 8.23 regarding Council Record Keeping as outlined below:

- 8.22 *All information received in your official capacity is a council record and must be managed in accordance with the council's approved record management practices and policies.*
- 8.23 *All information stored in either soft or hard copy on council supplied resources is deemed to be related to the business of the council and can be used by the council as a council record regardless of whether the original intention was to create the information for personal purposes.*

The inclusion of these sections is in agreement with the State Records Act 1998 and the objectives of the Government Information (Public Access) Act 2009, which promotes open and transparent access to Council information for members of the public.

In addition to the proposed clauses, it is suggested that the definition of a Council record to be expanded to include all information 'created' in a person's official capacity in addition to information 'received'. In addition, we suggest an additional clause indicating that records of Council business should *only* be created and stored on Council supplied resources, and Council business should not be conducted using personal resources (for example, personal email accounts).

In conjunction with Council's comments in respect to social media above, further consideration and clarification is required as to whether or not official social media posts made by Council and posts made to Council social media platforms by members of the public must be appropriately captured as Council records. It is suggested that this should be provided for in the Records Keeping section of the new Code.

Mayoral Minute Submission

Part 9 – Maintaining the Integrity of the Code of Conduct

Council made a submission in September 2017 to the OLG that suggested an enhancement to this Part with the aim of limiting improper use of the code by members of the public to justify repeated unfounded complaints of misconduct by Council officials.

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Council's submission suggested that "*The provision [of Part 8 of the existing Model Code] could be tightened to specify circumstances whereby this is not the instrument to use particularly when other avenues of review for council decisions generally exist*". Council welcomes the expanded definition of "*What is a code of conduct complaint?*" included in Part 4 of the new Model Procedure, and the inclusion of the new section "*What complaints may be declined at the outset?*", which clearly eliminates the eligibility of repeated or vexatious complaints.

However, Council notes with disappointment that Council's second suggestion, of allowing the person subject of a Code of Conduct complaint (whose conduct was subsequently found not to be a breach of the Code) to publicly disclose the substance of the allegation made and outcome of the investigation at a Council meeting was not adopted. Surely it is within the public interest for the public to be informed of the outcome of an investigation in general terms, whether the behaviour was or was not found to be in breach of the Code.

Council's reasoning in requesting this suggestion be included was that the provision would "*inhibit perpetuation of rumours and allegations within the community if they have been investigated and found to be baseless*". Council acknowledges that the other new clauses included in Section 12 – *Confidentiality*, may assist in achieving this, by preventing a complainant who has previously publicly disclosed confidential information in relation to a code of conduct complaint from receiving any further information which they may misuse in the same way.

Conclusion

In conclusion, Council overall supports the amendments made to the Code and Procedures, which we believe will ensure the integrity and transparency of Council business and uphold public confidence in the local government system. The expanded information in each section will be of great assistance to Council staff in their efforts to comply with the Code at all times. The introduction of new sections on social media and Council records keeping provide an incentive to our Council to review and improve our current practices in these areas.

Clarification of the points mentioned above will assist us to do this. Council also maintains our previous position that it would be in the public interest for the public to be informed of the outcome of code of conduct complaint investigations.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 November 2017

CITY PLANNING

Item: 214 **CP - Conservation Management Plan - 1029 St Albans Road, Lower Macdonald - Lot 1 DP 605179 - (95498, 124414)**

REPORT:

Executive Summary

Council is in receipt of a Conservation Management Plan (CMP) prepared for the former St Joseph's Catholic Church at 1029 St Albans Road, Lower Macdonald. This CMP has been submitted for the endorsement and approval of Council.

The subject property is listed as a local heritage item under Schedule 5 of the Hawkesbury Local Environmental Plan (LEP) 2012 on the basis that it contains a sandstone former church building and part of a cemetery. The property has a current approval for use as tourist and visitor accommodation and has also been used previously as a function centre without Council approval.

The submitted CMP is titled 'Conservation Management Plan for St Joseph's Catholic Church (Former)' and has been prepared by Edwards Planning and is dated July 2017. This CMP provides an assessment of the significance of the heritage item, identifies constraints and opportunities affecting the item, and finally provides a policy framework to guide the conservation and maintenance of the item. Approval of the CMP will allow future development applications to be considered so as to implement parts of the approved Conservation Management Plan document and the approved document may also be used to access the provisions of Clause 5.10 of the Hawkesbury LEP 2012 to undertake development that would assist in the implementation of the approved CMP.

The CMP is generally consistent with the advice and comments received from Council's Heritage Advisor. It is therefore recommended that Council endorses and approves the supplied CMP.

The approval of the CMP does not permit the change of use of the site or allow works at the site that require development consent. Similarly the approval of the CMP will not prejudice the future consideration of development applications for the property. Any future development application must still satisfy the full merit assessment criteria required by the development application assessment for matters such as noise, traffic, parking, hours of operation, etc., that are relevant to any such application.

Consultation

The CMP has been submitted to Council for endorsement and does not form part of a development application. The notification of CMPs is not required under Council's planning controls.

Any future development applications for works to and/or for the use of the premises will be subject to the notification requirements of Part A Chapter 3 of the Hawkesbury Development Control Plan (DCP) 2002. Depending on the proposed use this may involve notification to individual property owners, erection of a site sign on the property and advertising in the local newspaper. The approval of the CMP does not override the requirements for any future development application to be subject to the full merit assessment for matters that are relevant to that application, such as noise, traffic, parking, hours of operation, etc.

Background

Site and Locality Description

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

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

Surrounding development generally consists of rural residential and agricultural properties.

Development History

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

The restoration and use of the former church as a dwelling house was approved with Development Consent No. DA0459/09. Significant works were completed under this consent to restore the building from ruins. Council's 'conservation incentives' provisions of the Hawkesbury LEP 2012 (Clause 5.10) were not relied upon for the determination of this application.

Development Consent No. DA0642/15 was originally submitted to Council for the operation of tourist and visitor accommodation and a function centre from the property. As function centres are prohibited within the E4 Environmental Living zone that application sought to rely on the conservation incentives provisions of Clause 5.10(10) of the Hawkesbury LEP 2012. However, Council was unable to consider the otherwise prohibited function centre use under Clause 5.10(10) of the Hawkesbury LEP 2012 as the application was not supported by an approved CMP.

The operation of the conservation incentives clause is reliant on the approval of a heritage management document relating to the heritage item prior to the submission of a development application. This procedural requirement applies so that the application can, in addition to the usual full merit assessment criteria, be properly assessed against the provisions of the relevant approved heritage management document. As such Development Consent No. DA0642/15 did not approve the Function Centre use and was issued for tourist and visitor accommodation only.

The operation of a function centre from the premises was again considered with the submission of Development Application No. DA0270/17. As a CMP had not been approved Council was unable to favourably consider the application and, following discussion and consultation with the applicant, it was refused.

Conservation Management Plan

The subject property contains the former St Joseph's Catholic Church and cemetery and is listed as a local heritage item under Schedule 5 of the Hawkesbury LEP 2012. A CMP has been prepared to provide a framework for the ongoing management of the heritage item, including policies regarding its conservation, future use and development.

A CMP was previously prepared for the property in 2003. However at that time the church building was in a ruinous state and the former CMP did not address the restoration and adaptive reuse of the building as a dwelling house and tourist and visitor accommodation. The current CMP therefore seeks to update and supersede the former CMP by providing a revised conservation framework based on the item's current condition and its adaptive reuse.

The Dictionary of the Hawkesbury LEP 2012 provides the following definition for 'heritage conservation management plans':

***heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Public Service agency responsible to the Minister administering the Heritage Act 1977 that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained*

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CMPs are a form of heritage management document and aim to help owners, managers and assessing authorities make sound decisions concerning the conservation and management of heritage items. Guidelines prepared by the Heritage Council (Office of Environment and Heritage) outline that CMPs are to include an analysis of what makes the heritage item significant, develop policies to retain that significance and provide conservation strategies to achieve the long term viability of the item. A CMP can also help guide planning and expenditure when changes or works to a heritage item are proposed.

The approval of the CMP will allow future development applications to be considered, if required and in addition to the usual merit assessment criteria for such applications, for works to implement the approved CMP. The CMP would also allow a development application to be assessed utilising the provisions of Clause 5.10 of the Hawkesbury LEP 2012.

Clause 5.10(10) of the Hawkesbury LEP 2012 states:

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

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

Clauses 5.10(4) and (6) of the Hawkesbury LEP 2012 may also require the submission of a conservation management plan or development applications to also be considered against the policies of a heritage management document.

The submitted CMP has been prepared in accordance with the 'Conservation Management Documents' guideline prepared by the Heritage Council and Dr Kerr's 'The Conservation Plan', which is a widely used publication guiding building conservation in Australia. The CMP includes a historical overview, analysis of physical evidence, comparative and thematic analysis, assessment of cultural heritage significance, constraints and opportunities, conservation policies and implementation guidelines. The conservation policies address matters such as maintenance and repair, the reinstatement of missing fabric, new work and adaptive re-use.

The CMP was referred to Council's Heritage Advisor for comment. To provide context to the Advisor's comments, they were made in relation to the consideration of a previous development application for the site. That application did not progress, however, the comments are still relevant to the review and assessment of the CMP. Council's Heritage Advisor provided the following comments with respect to the CMP:

The current version of submitted CMP outlines the heritage significance of the church and also outlines the Applicant's past renovations to the church. However, Council needs to ensure under Item 10(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent. For this clause to be satisfied Council needs to understand what works are proposed now and into the future.

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There is a benefit to the owner in moving from a residential use to a commercial use, however there needs to be a clear, articulated outline of works that will indicate what will be the benefit of the change of use for the current and ongoing preservation of the church... There needs to be a detailed schedule of current and proposed works for a minimum of 20 years forward, together with ... input of heritage professionals such as (a) conservation architect, experienced banker mason ... and costings established with the input of an experienced Quantity Surveyor (with demonstrated conservation experience).

... As the applicant is seeking the use of the heritage incentive clause there needs to be a clear outline of what the public benefit is for the use of the site as a function centre. Hence, (the) minimum will involve the scheduling of the proposed restoration catch up works and a clear detailed Schedule of Works that is costed by a practicing Quantity Surveyor for at least a 20 year forward basis. The Maintenance Plan (is) to outline exterior and interior works of the former church building, the cemetery and the overall site generally.

The current CMP has been revised to generally reflect the above recommendations of the Heritage Advisor. Section 7.8.5 and Policy 25 of the CMP address the potential adaptive reuse of the site, whilst Section 8.4 provides a schedule of conservation and remedial works. A Structural Engineer's Report, Stonemason's quote, Quantity Surveyor's Report and timed Maintenance and Repair Schedule have also been provided and form an addendum to the CMP.

The Heritage Advisor's suggestion that the CMP should include a detailed discussion regarding the operation of a function centre under the conservation incentives clause is not supported. It is considered that a CMP is not the appropriate platform to provide detailed commentary and assessment regarding a specific use.

Whilst the CMP should comment on adaptive reuse of a site of heritage importance it should be prepared without being prejudiced by any specific development proposals. Any future proposal would be the subject of a separate development application that is considered and assessed in accordance with the statutory requirements at the time of lodgement. Such commentary would be most appropriately suited to a Heritage Impact Statement should a future development application for a change of use be lodged. The application is then assessed against the full merit assessment criteria for the proposed use and that assessment also includes an assessment against the CMP and Heritage Impact Assessment.

The CMP satisfies the definition of a heritage conservation management plan under the Hawkesbury LEP 2012 and is generally consistent with the Heritage Council guidelines and comments received from the Heritage Advisor. It is therefore considered that the supplied CMP is adequate for endorsement.

The approval of the CMP will not prejudice the future consideration of a development application for the property. In this regard the approval of the CMP does not guarantee the future approval of the premises as a function centre or any other permitted or prohibited use. Any future application would still be subject to a full merit assessment under the provisions of the *Environmental Planning and Assessment (EP&A) Act 1979*, Hawkesbury LEP 2012 and other relevant planning controls.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

The CMP is consistent with the following Focus Areas, Directions and Strategies within the CSP:

Our Community

2.5 Cultural Development and Heritage

- 2.5.3 Recognise, conserve and promote the areas history and heritage for current and future generations.

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Our Future

5.2 Management of Aboriginal and Non-Aboriginal and the Built Environment

- 5.2.3 Sympathetic adaptive and creative uses for heritage sites and buildings across the City will be encouraged and promoted.

Financial Implications

There are no financial implications applicable to this report.

Conclusion

The CMP is acceptable and generally consistent with Heritage Council guidelines and comments received from Council's Heritage Advisor. It is therefore recommended that Council endorses and approves the CMP.

RECOMMENDATION:

That:

1. Council as the consent authority approve the 'Conservation Management Plan for St Joseph's Catholic Church (Former) prepared by Edwards Planning and dated July 2017 for Lot 1 DP 605179, known as 1029 St Albans Road, Lower Macdonald.
2. The applicant be advised that the approval of the Conservation Management Plan does not approve any change of use or works to the property that require a separate planning approval. Any future application for change of use or works will be subject to the full merit assessment criteria, such as parking, traffic, noise, operating hours, number of persons at the site, etc., that is relevant to that application.

ATTACHMENTS:

AT - 1 Locality Map

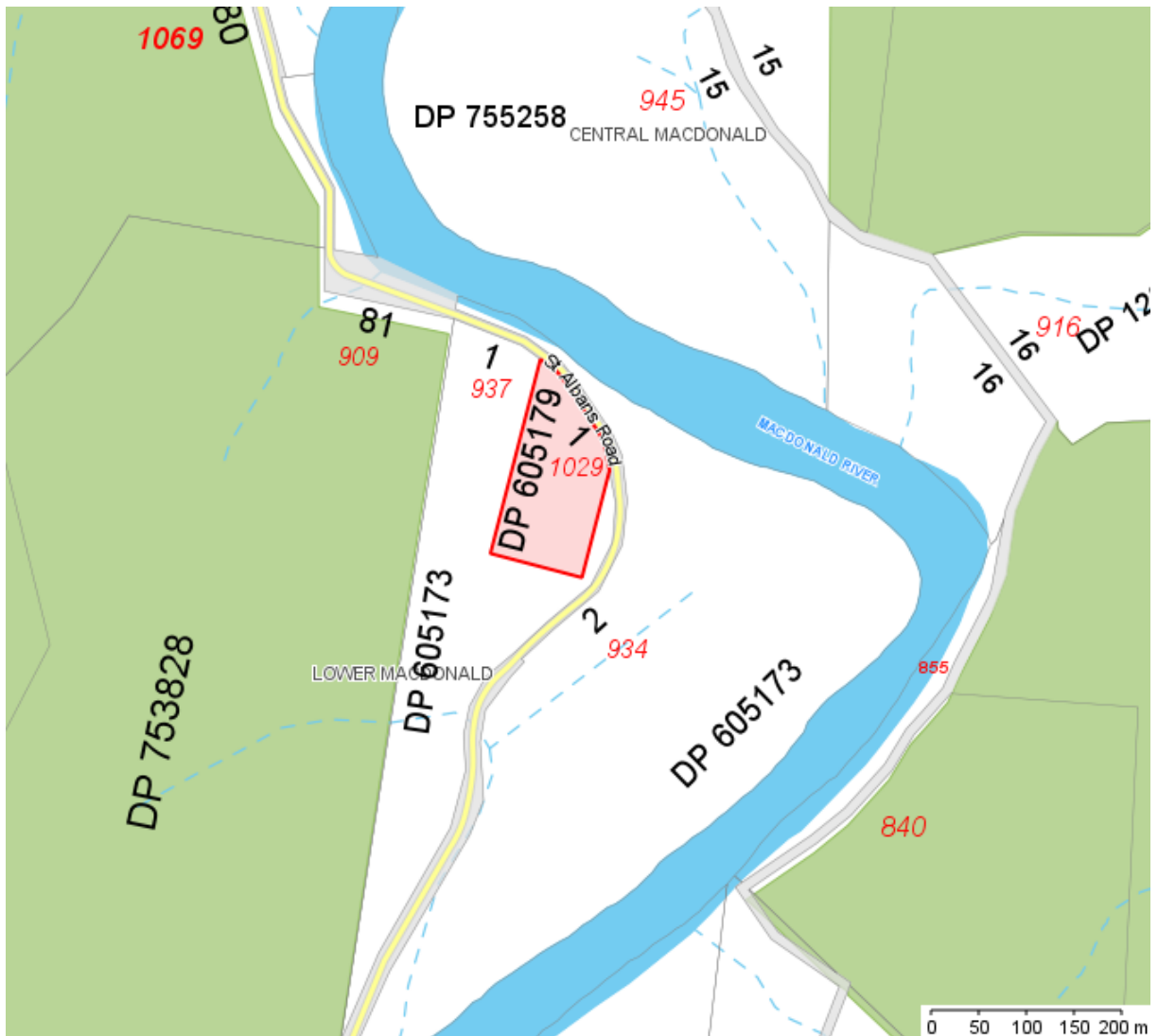
AT - 2 Aerial Photograph

AT - 3 Conservation Management Plan for St Joseph's Catholic Church (Former)' prepared by Edwards Planning and dated July 2017 (*Distributed Under Separate Cover*)

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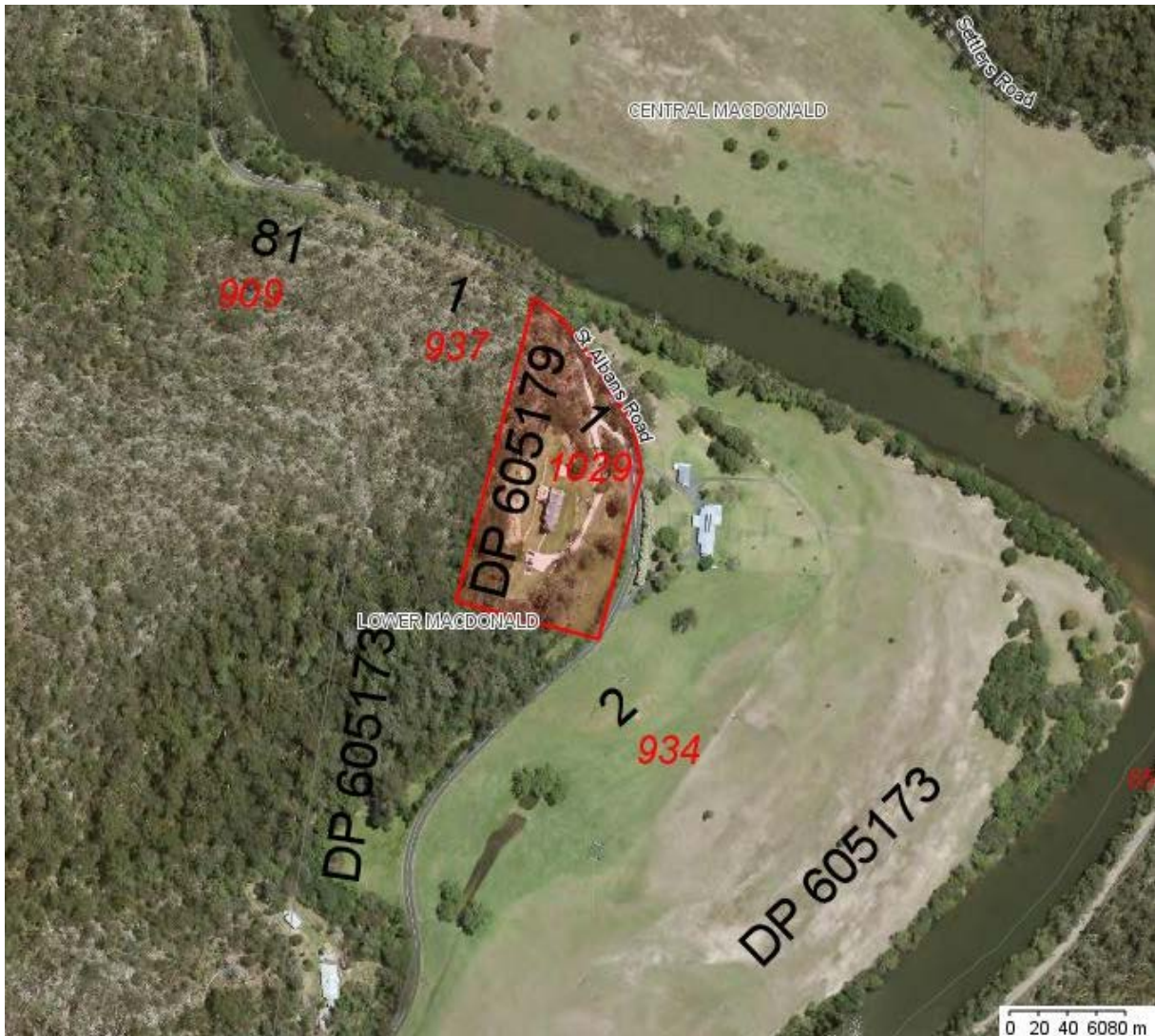
AT - 1 Locality Map



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AT - 2 Aerial Photograph



oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 November 2017

Item: 215 **CP - Minutes of Town Centres Master Plan Project Group - 19 September 2017 - (95498, 124414)**

Previous Item: 116, Ordinary (27 June 2017)
 52, Ordinary (14 March 2017)
 37, Ordinary (28 February 2017)
 NM5, Ordinary (11 October 2016)

REPORT:

Executive Summary

Following the establishment of the Town Centres Master Plan Project Group, as required by Council resolution, the minutes of the Project Group are being reported to Council.

Consultation

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

Background

Council resolved to establish a Town Centres Master Plan Project Group at its Ordinary Meeting on 14 March 2017, with an adopted Terms of Reference to govern the activities of the Project Group.

Nominations were called for community representatives to sit on the Town Centres Master Plan Project Group, and Council considered nominations and appointed six community representatives at its Ordinary Meeting on 27 June 2017.

The Project Group has formed, and as per Council's resolution when it established the Town Centres Master Plan Project Group, the minutes of each meeting are being reported back to Council.

The first meeting of the Project Group took place on 19 September 2017, with the minutes and presentation that was given to that meeting included as Attachment 1.

The primary purpose of the meeting was to highlight to the Project Group the challenges and opportunities associated with Town Centres Revitalisation, and to discuss with Project Group members what it was they hoped to achieve as part of the Project Group.

An election was held for the position of Chairperson and Deputy Chairperson, with Councillor Wheeler being appointed to the Chairperson role, and Councillor Garrow being appointed to the Deputy Chairperson role. Project Group members were asked to undertake homework ahead of the next meeting by providing photos and ideas of good and bad town centres, and potential 'sweet spots' in Richmond and Windsor where there was the opportunity to undertake testing of town centre revitalisation concepts and ideas.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Future

5.1 Strategic Planning Governance

5.1.1 Council's planning is integrated and long term.

5.1.2 Council's decision making on all matters is transparent, accessible and accountable.

ORDINARY MEETING

Meeting Date: 28 November 2017

- 5.1.3 Council will continually review its service provision to ensure best possible outcomes for the community.
- 5.1.4 Encourage increased community participation in planning and policy development.
- 5.1.5 The needs of our community will be reflected in Local, State and Regional Plans.
- 5.2 Management of Aboriginal and Non Aboriginal and the Built Environment
 - 5.2.1 Our planning and actions will ensure that Aboriginal and Non Aboriginal heritage are integral to our City.
 - 5.2.2 Encourage and implement progressive urban design, sensitive to environment and heritage issues.
 - 5.2.3 Sympathetic adaptive and creative uses for heritage sites and buildings across the City will be encouraged and promoted.
 - 5.2.4 As a community, we will identify ways to become better connected with our Aboriginal people, their history and culture.
- 5.3 Shaping our Growth
 - 5.3.1 Growth and change in the Hawkesbury will be identified, planned for and valued by the community.
 - 5.3.2 The diverse housing needs of our community will be met through research, active partnerships and planned development.
 - 5.3.3 Plan for a balance of agriculture, natural environment and housing that delivers viable rural production and maintains rural character.
- 5.4 Celebrating our Rivers
 - 5.4.1 Celebrate and use our rivers for a range of recreation, leisure, tourism and event activities.
 - 5.4.2 Develop active partnerships and implement programs designed to improve the health of our rivers and river banks.
 - 5.4.3 Encourage agricultural production, vegetation conservation, tourism, recreation and leisure uses within our floodplains
- 5.5 Reinforcing our dynamic places
 - 5.5.1 Revitalise and enhance our two significant town centres of Windsor and Richmond, to create thriving centres each with its own character that attracts residents, visitors and businesses.
 - 5.5.2 Create active partnerships to develop a network of vibrant centres, creating opportunities for business growth and community connection.
 - 5.5.3 Assist our town and village centres to become vibrant local hubs
- 5.6 Instigating Place Making Programs
 - 5.6.1 Foster and promote an annual program of events, festivals, sporting and cultural activities that allows our communities to connect and celebrate with one another.
 - 5.6.2 Masterplanning processes will be prepared in consultation with the community, key stakeholders and partners to establish the specific strategies for town and village centres.
- 5.7 Tourism and Economic Development
 - 5.7.1 Working in partnership we will actively market our City and our capabilities to existing and potential businesses, visitors and investors.
 - 5.7.2 Develop Hawkesbury Tourism to enhance and strengthen opportunities within our tourism sector.
 - 5.7.3 Businesses are encouraged and upskilled to adopt more ethical and sustainable practices.

ORDINARY MEETING

Meeting Date: 28 November 2017

Financial Implications

No financial implications applicable to this report

RECOMMENDATION:

That the minutes of the Town Centres Master Plan Project Group of 19 September 2017 be received and noted.

ATTACHMENTS:

AT - 1 Minutes - Town Centres Master Plan Project Group - 19 September 2017

AT - 2 Presentation delivered to the Project Group by Mr Peter Conroy, General Manager - (*Distributed Under Separate Cover*)

ORDINARY MEETING

Meeting Date: 28 November 2017

AT - 1 Minutes - Town Centres Master Plan Project Group - 19 September 2017

Minutes - Town Centres Master Plan Project Group - 19 September 2017

The meeting commenced at 12pm in Council Committee Rooms.

Present: Councillor Danielle Wheeler, Chairperson
Councillor Emma-Jane Garrow, Deputy Chairperson
Ms Abigail Ball, Community Representative
Mr Darren Pead, Community Representative
Ms Jo Wilbow, Community Representative
Ms Sue Wingate, Community Representative
Ms Venecia Wilson, Community Representative

Apologies: Ms Alicia Goldstein, Community Representative
Ms Suzanne Stuart, Hawkesbury City Council

In Attendance: Mr Peter Conroy, Hawkesbury City Council
Mr Matthew Owens, Hawkesbury City Council
Mr Andrew Kearns, Hawkesbury City Council
Mr Chris Amit, Hawkesbury City Council
Mr Garry Baldry, Hawkesbury City Council

CONFIRMATION OF MINUTES

As this was the first meeting of this Project Group there are no previous minutes to be confirmed.

1. Welcome and Introductory Exercise

Town Centres Master Plan Project Group members were welcomed, and an introductory exercise was undertaken in order to gain a sense of what members hoped to achieve as part of the Working Group. Responses recorded during this introductory exercise included:

- Positive ideas and changes for Windsor in particular, not just talk but action.
- Thriving liveable places presenting the Hawkesbury as a desirable place to visit and reside.
- Revitalisation of shopping precincts and bringing people back into town centres eg. Southern Highlands (Bowral).
- Something that the community believes is a success.
- Establish revitalised town centres, vibrant, diverse, realistic delivery not fake.
- Represent another element of society and create an inspired community.
- Get love back into the towns, and create proud positive vibe.
- Revitalisation, with a focus on heritage, the river, and Windsor to attract people back into the area.
- Use assets, river, keep mall and generate growth in the area.
- Achieve good outcomes with Council and community involvement.
- Workable plan to improve Windsor not start again, build on what we have.

The Terms of Reference and Role of the Project Group were outlined.

2. Town Centres Masterplanning Considerations for Richmond & Windsor

A Power Point presentation was provided by Council's General Manager, Mr Peter Conroy on Masterplanning Considerations for Richmond & Windsor. Opportunities were afforded to Project Group members throughout the presentation to ask questions or provide comment, which were responded to during the presentation. Questions and comments recorded during the presentation included:

- What progress had been made with the Hawkesbury Horizons Project.
- Need for connectivity to bring the two centres together and across the river.
- Importance of Windsor and Richmond to complement each other and grow together.
- Need for connectivity within the towns themselves.
- Need for connectivity with existing shopping centres eg Coles (Richmond), being the current main drawcards into town centres and the opportunity to learn from examples of other regional centres.
- Need to engage with other groups such as the Windsor Business Group and Richmond Main Street who have a close connection and understanding of the issues associated with each town centres, and not just the Chamber of Commerce.
- Issues associated with Richmond Marketplace being its own centre and being disconnected with the main street and opportunities for activity between the Marketplace and the main street as businesses at the bottom end of the main street were considered to be struggling.
- Opportunities for gateway areas, Windsor in particular to address current inadequacies of entry/first impressions. Need for awareness of sweet spots, with heritage vistas, different forms of art work to give a sense of arrival including Windsor and Toll House/Jolly Frog, Richmond Road near the WSU entry, Macquarie Street from Bligh Park.
- Currently more businesses are locating in Richmond, which is not always a good thing.
- Intrusion of RMS onto town centres, Richmond in particular.
- Need for parking and public toilets to be more accessible.
- Public transport issues – no buses between Windsor and South Windsor during the day as buses are timed around school timetables.
- Need a focus on business parking issues in Windsor, and no bus parking areas in Windsor's shopping precinct.

The General Manager, Mr Peter Conroy indicated that a copy of the presentation would be distributed to Group members, which was subsequently distributed via email.

3. Election of Chair & Deputy Chair

Nominations were called for the position of Chairperson.

A nomination was received for Councillor Wheeler as the Chairperson who accepted the nomination.

As there were no other nominations, Councillor Wheeler was declared as the Chairperson of the Town Centres Master Plan Project Group.

Nominations were called for the position of Deputy Chairperson.

A nomination was received for Councillor Garrow as the Deputy Chairperson who accepted the nomination.

As there were no other nominations, Councillor Garrow was declared as the Deputy Chairperson of the Town Centres Master Plan Project Group.

ORDINARY MEETING

Meeting Date: 28 November 2017

4. Homework and Future Meetings

The General Manager, Mr Peter Conroy asked for group members to provide examples of good and bad town centres from other places along with accompanying photos, whether they were group members own photos, from magazines or articles or any other sources, and to indicate what it was that group members liked or disliked about those town centres.

It was also requested that members look at some of the Hawkesbury's "Sweet Spots" in terms of town centres (the places that really work) and provide photos and notes on why these work, or the potential for those spots to work.

It was also highlighted that Council was also interested in obtaining examples from group members of what they felt were good markets and what made them successful from group members perspectives.

It was highlighted that there would be a guest speaker to attend the next meeting of the Project Group to present and discuss town centre revitalisation.

Discussion also took place in terms of future meetings in terms of dates and times, with a preference for meetings during the middle of the day (not Tuesdays). The outcome of that discussion was to be considered in setting future meeting dates and times.

The meeting closed at 1:50pm.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 November 2017

Item: 216 **CP - Minutes of Town Centres Master Plan Project Group - 8 November 2017 - (95498, 124414)**

Previous Item: 116, Ordinary (27 June 2017)
 52, Ordinary (14 March 2017)
 37, Ordinary (28 February 2017)
 NM5, Ordinary (11 October 2016)

REPORT:

Executive Summary

Following the establishment of the Town Centres Master Plan Project Group, as required by Council resolution, the minutes of the Project Group are being reported to Council.

Consultation

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

Background

Council resolved to establish a Town Centres Master Plan Project Group at its Ordinary Meeting on 14 March 2017, with an adopted Terms of Reference to govern the activities of the Project Group.

Nominations were called for community representatives to sit on the Town Centres Master Plan Project Group, and Council considered nominations and appointed six community representatives at its Ordinary Meeting on 27 June 2017.

The Project Group has formed, and as per Council's resolution when it established the Town Centres Master Plan Project Group, the minutes of each meeting are being reported back to Council.

The second meeting of the Project Group took place on 8 November 2017, with the minutes and presentations that were given to that meeting included as Attachment 1.

The primary purpose of the meeting was for a consultant with experience in town centre revitalisation to present to the Project Group on 'How to Create Sustainable and Prosperous Towns'.

A presentation was also given to the Project Group on the main take away lessons from the Cities and Towns Conference in Melbourne, and the Night Time Economy Forum held in Parramatta recently.

The homework submitted by Project Group members was collated and provided as a presentation back to the Group. These included photos and ideas of good town centres that Project group members thought had relevance to Richmond and Windsor, and potential 'sweet spots' in Richmond and Windsor where there was the opportunity to undertake testing of town centre revitalisation concepts and ideas. Based on these presentations there was further ongoing discussion with the Project Group in terms of opportunities.

The next steps in the process were highlighted, including the commencement of preparation of a scope of works for a brief to consultants to undertake the master planning process. Additionally, the need for a combined meeting/workshop with the Town Centres Master Plan Project Group, Heritage Advisory Committee, and Tourism Committee was also highlighted, with a date for such a meeting to be set.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Future**5.1 Strategic Planning Governance**

- 5.1.1 Council's planning is integrated and long term.
- 5.1.2 Council's decision making on all matters is transparent, accessible and accountable.
- 5.1.3 Council will continually review its service provision to ensure best possible outcomes for the community.
- 5.1.4 Encourage increased community participation in planning and policy development.
- 5.1.5 The needs of our community will be reflected in Local, State and Regional Plans.

5.2 Management of Aboriginal and Non Aboriginal and the Built Environment

- 5.2.1 Our planning and actions will ensure that Aboriginal and Non Aboriginal heritage are integral to our City.
- 5.2.2 Encourage and implement progressive urban design, sensitive to environment and heritage issues.
- 5.2.3 Sympathetic adaptive and creative uses for heritage sites and buildings across the City will be encouraged and promoted.
- 5.2.4 As a community, we will identify ways to become better connected with our Aboriginal people, their history and culture.

5.3 Shaping our Growth

- 5.3.1 Growth and change in the Hawkesbury will be identified, planned for and valued by the community.
- 5.3.2 The diverse housing needs of our community will be met through research, active partnerships and planned development.
- 5.3.3 Plan for a balance of agriculture, natural environment and housing that delivers viable rural production and maintains rural character.

5.4 Celebrating our Rivers

- 5.4.1 Celebrate and use our rivers for a range of recreation, leisure, tourism and event activities.
- 5.4.2 Develop active partnerships and implement programs designed to improve the health of our rivers and river banks.
- 5.4.3 Encourage agricultural production, vegetation conservation, tourism, recreation and leisure uses within our floodplains

5.5 Reinforcing our dynamic places

- 5.5.1 Revitalise and enhance our two significant town centres of Windsor and Richmond, to create thriving centres each with its own character that attracts residents, visitors and businesses.
- 5.5.2 Create active partnerships to develop a network of vibrant centres, creating opportunities for business growth and community connection.
- 5.5.3 Assist our town and village centres to become vibrant local hubs

5.6 Instigating Place Making Programs

- 5.6.1 Foster and promote an annual program of events, festivals, sporting and cultural activities that allows our communities to connect and celebrate with one another.
- 5.6.2 Masterplanning processes will be prepared in consultation with the community, key stakeholders and partners to establish the specific strategies for town and village centres.

ORDINARY MEETING

Meeting Date: 28 November 2017

5.7 Tourism and Economic Development

5.7.1 Working in partnership we will actively market our City and our capabilities to existing and potential businesses, visitors and investors.

5.7.2 Develop Hawkesbury Tourism to enhance and strengthen opportunities within our tourism sector.

5.7.3 Businesses are encouraged and upskilled to adopt more ethical and sustainable practices.

Financial Implications

No financial implications applicable to this report

RECOMMENDATION:

That the minutes of the Town Centres Master Plan Project Group of 8 November 2017 be received and noted.

ATTACHMENTS:

AT - 1 Minutes - Town Centres Master Plan Project Group - 8 November 2017

AT - 2 Presentation delivered to the Project Group - "Take Aways From Cities and Towns Conference & Night Time Economy Forum" (Steven Burgess) - *(Distributed Under Separate Cover)*

AT - 3 Presentation delivered to the Project Group - "Sustainable and Prosperous Town Centres" - (Steven Burgess) - *(Distributed Under Separate Cover)*

ORDINARY MEETING

Meeting Date: 28 November 2017

AT - 1 Minutes - Town Centres Master Plan Project Group - 8 November 2017

Minutes - Town Centres Master Plan Project Group - 8 November 2017

The meeting commenced at 12:30 in Council Committee Rooms.

Present: Councillor Danielle Wheeler, Chairperson
Councillor Emma-Jane Garrow, Deputy Chairperson
Ms Abigail Ball, Community Representative
Ms Alicia Goldstein, Community Representative
Mr Darren Pead, Community Representative
Ms Jo Wilbow, Community Representative
Ms Sue Wingate, Community Representative
Ms Venecia Wilson, Community Representative

Apologies: Nil

In Attendance: Mr Peter Conroy, Hawkesbury City Council
Mr Matthew Owens, Hawkesbury City Council
Mr Andrew Kearns, Hawkesbury City Council
Ms Suzanne Stuart, Hawkesbury City Council
Mr Chris Amit, Hawkesbury City Council
Mr Garry Baldry, Hawkesbury City Council
Mr Steven Burgess, MRCagney Consulting

CONFIRMATION OF MINUTES

RESOLVED on the motion of Councillor Garrow, seconded by Ms Wingate that the Minutes of the Town Centres Master Plan Project Group held on 19 September 2017, be confirmed.

Attendance Register of Town Centres Master Plan Project Group

Member	19.09.17			
Councillor Danielle Wheeler	✓			
Councillor Emma-Jane Garrow	✓			
Ms Abigail Ball	✓			
Mr Darren Pead	✓			
Ms Jo Wilbow	✓			
Ms Sue Wingate	✓			
Ms Venecia Wilson	✓			
Ms Alicia Goldstien	A			

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

Item 1 - Presentation given by Mr Steven Burgess on Town Centres Revitalisation (PowerPoint presentation to be circulated to all members of the Project Group).

Main topics covered in Mr Burgess's presentation were:

- How to create sustainable and prosperous towns.
- Prosperous towns are attractive to Millennials and Gen Y, as they offer medium/high density living, have low private ownership and have high urban walking activity.
- The balance between distance and parking, and the fact that no matter how much parking you provide, it will never be enough to satisfy everyone, and over supply can be detrimental.
- Poorly designed suburbs can cause chronic diseases such as obesity and depression which will cost the health systems millions of dollars in the future.

ORDINARY MEETING

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- What attracts millennials and Gen Y to set up home in areas other than the big cities?
- The needs of the car and the needs of the people are diametrically opposed – the better you make it for the car, the less people will like being there.
- Town centres aren't about how much fun it is to get there, it's about how much fun it is to be there.
- Case studies of how you can get businesses and the community involved in coming up with ideas for town revitalisation, how these can be trialled and then implemented by having the businesses own the process.
- Examples of removing or reducing car parking to create liveable spaces that attract people.
- Promote alternative thinking – celebrate strangeness.
- Process and certainty aren't necessarily your friends.
- Have a simple repeatable identifiable vision.
- Streets are the backbone to high quality public realm.
- Understand homogeneity.
- Avoid the average.

Item 2 - Cities and Towns Conference, Night Time Economy Forum and Presentation of Homework

Mr Kearns presented the takeaways from the Cities and Town Conference attended by Mr Kearns and Councillors Wheeler and Garrow the Night Time Economy Forum in Parramatta attended by Mr Kearns. Following that, the "Homework – pictures of good and bad, sweet spots" submitted by group members was presented and discussed.

The PowerPoint presentation is to be circulated to all members of the Project Group.

Main topics covered by Mr Kearns in his presentation were:

Takeaways from Cities and Towns Conference

- You design good streets, you design good cities.
- Look for your point of difference - things we take for granted, others can't get.
- Refresh shop fronts and create interest that something is happening.
- Create instagrammable moments and unique experiences
- Place for people, stickiness of place, give people the places they want, not what you think, wayfinding, embrace technology and communication.
- Regulatory problems for place making, create processes that enable change.
- If market can do it, market should do it, we plan, private sector builds, innovation never changes.
- Tactical urbanism, best places are made over time by many people, see the long term picture, but take it in bite size pieces, not everything has to be permanent.
- Thoughtful planning takes time, but we don't have forever, don't let quest for perfection restrict you.
- Big C and little c cultures approaches to public art.

Takeaways from the Night Time Economy Forum

- Night time economy - \$34 billion (19% of economy, 340,000 jobs)
- Food 61%
- Entertainment 30%
- Drink 8%
- Focus On 5pm - 9/10pm
- Building capacity, relationships, and enable the community.
- Start small and build on that from lessons learnt.
- Parramatta Lanes - test, trial and implement concepts, budget \$40K 2013 - \$500K 2017.
- Offer, activate, support, engage, change perceptions and safety.

ORDINARY MEETING

Meeting Date: 28 November 2017

- Wollondilly - illuminARTe (30,000 visitors, 120 stalls, \$1.35 Million, Local artists only, always includes an Aboriginal Art component).

The display of photos and comments provided by Project Group members were then shown and discussions took place during the presentation of these slides amongst the group.

Item 3 - Next Steps

Mr Kearns discussed the next steps in the process being:-

- Scope of works for brief to consultants for Master Plan
- Drafting based on inputs
- Draft to be circulated
- Combined meeting/workshop between:
 - Town Centres Master Plan Project Group
 - Heritage Advisory Committee
 - Tourism Committee

Item 4 - General Business

1. Councillor Wheeler raised the suggestion of creating a sub-committee to develop a Markets Policy. It was agreed that this would be a good idea and the sub-committee will comprise of Ms Wingate, Ms Wilson and Councillor Wheeler.
2. Councillor Wheeler raised discussion on the towns of Windsor and Richmond celebrating Christmas with lighting and other festive decorations and activities. Richmond will be working with Richmond Market Place in providing lights in the main street and other areas. Windsor Business Group is organising activities in the Mall with lighting, evening markets and stalls, performers consisting of a choir and various soloists. Ms Wingate raised concerns regarding the stage to perform on, with Council's stage having been booked but locating the stage outside Loder House in the Mall was causing some issues. The General Manager Mr Peter Conroy asked for this issue to be left with him for further discussions with relevant parties to resolve the matter. Other discussions took place on expanding these activities, but it was decided for this year, to work with what has already been organised and look at potentially to expanding these activities in the future for Christmas 2018 based on further research and discussions. Information is to be gathered prior to Christmas 2018, as to what the community wants in relation to lighting and activities in the townships to celebrate the festive season.
3. Banners/flags in the Mall were discussed and it was decided that the current banners/flags erected by Mr Pead were a good example of the testing of concepts associated with Town Centres Revitalisation. It was also highlighted that Mr Pead would maintain the flags on the poles in the Mall until such time as the Project Group or Council were able to take over the responsibility for them or arrive at a more permanent or alternative option.
4. Concerns were raised regarding Thompson Square and the condition of the outdoor dining areas and buildings. The group was advised that the funding for the Conservation Management Plan (CMP) of Thompson Square had been approved and a consultant engaged. The CMP will address many of these concerns that were discussed.

The meeting closed at 1:50pm.

Next Meeting: Week ending 15 December 2017

oooO END OF REPORT Oooo

Item: 217 CP - Submission to Draft Future Transport Strategy 2056 - (95498, 124414)

REPORT:**Executive Summary**

The purpose of this report is to briefly outline the Draft Future Transport Strategy 2056 released by the NSW State Government for comment, and to recommend the issues that a submission from Council should address in response to the draft. The submission would then be prepared consistent with those issues prior to lodging with the NSW State Government.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy given they are matters about which the NSW State Government is undertaking community consultation.

Background*Draft Future Transport Strategy and Plans*

Future Transport 2056 is an update of NSW's Long Term Transport Master Plan. It is a suite of strategies and plans for transport developed in conjunction with the Greater Sydney Commission's Sydney Region Plan, Infrastructure NSW's State Infrastructure Strategy, and the Department of Planning and Environment's regional plans, intended to provide an integrated vision for the state.

The Draft Future Transport Strategy sets the 40 year vision, directions and outcomes framework for customer mobility in NSW which will guide transport investment over the longer term. The intention is for it to be delivered through a series of supporting plans.

The Draft Services and Infrastructure Plans set the customer outcomes for Greater Sydney and Regional NSW for the movement of people and freight to meet customer needs and deliver responsive, innovative services. The plans are intended to define the network required to achieve the service outcomes.

The Draft Supporting Plans are more detailed issues-based or place-based planning documents that help to implement the Strategy across NSW as depicted in Figure 1 below. The suite of Future Transport 2056 plans can be viewed at:

<https://future.transport.nsw.gov.au/react-feedback/future-transport-strategy-2056/>

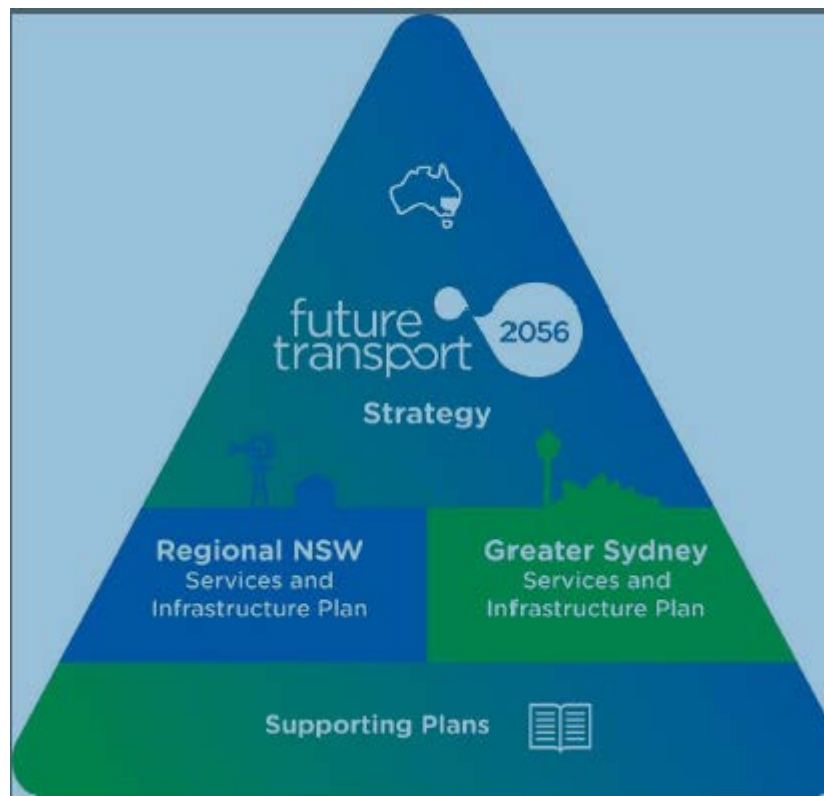


Figure 1 - Suite of Draft Future Transport 2056 documents

What is Future Transport 2056?

Future Transport is the NSW Government's 2017 update of the 2012 Long Term Transport Master Plan. The Draft Strategy and its supporting Plans are intended to respond to the significant changes occurring today, and build on the achievements of the Master Plan, which aimed to establish a once in a generation transport and infrastructure investment pipeline for the state. The document highlights the following:

- What is Future Transport 2056?
- Why planning transport for 40 years is critical
- Building on our achievements
- What change is Future Transport responding to?
- How you can help shape Future Transport

The current drafts of the suite of documents are open for public comment until 3 December 2017, and feedback is being sought by the NSW State Government on the Draft Future Transport 2056 Strategy and its supporting plans, including:

- Draft Future Transport 2056 Strategy
- Draft Greater Sydney Services and Infrastructure Plan
- Draft Regional NSW Services and Infrastructure Plan
- Draft Road Safety Plan
- Draft Tourism and Transport Plan

Future Transport 2056 - A vision for Transport

Future Transport 2056 recognises that transport is a major enabler of all economic and social activity in NSW and contributes to long term economic, social and environmental outcomes.

The vision sets the long term vision for mobility and transport provision in NSW, explains how the customer experience of transport will change and what this means for Greater Sydney and Regional NSW. The vision is built on six outcomes:

- A Customer Focus
- Successful Places
- A Growing Economy
- Safety and Performance
- Accessible Services
- Financial and Environmental Sustainability

which is depicted in Figure 2 below:



Figure 2 - Six customer and network outcomes

What does Future Transport mean for Greater Sydney?

Future Transport 2056 details that for a global metropolis where personal and business-related mobility are amongst the best in the world, Sydney should grow as a global metropolis with benefits distributed more evenly across the city, driven by major placed-based planning and investment around the new Western Sydney Airport and Badgerys Creek Aerotropolis. New technology and innovation will make the network far more responsive to demand and better able to manage congestion. The vision for Greater Sydney as a metropolis of three 30 minute cities (Figure 3) will guide many of the planning, investment and customer outcomes (Figure 4) for the city including faster, convenient and reliable travel times to major centres.

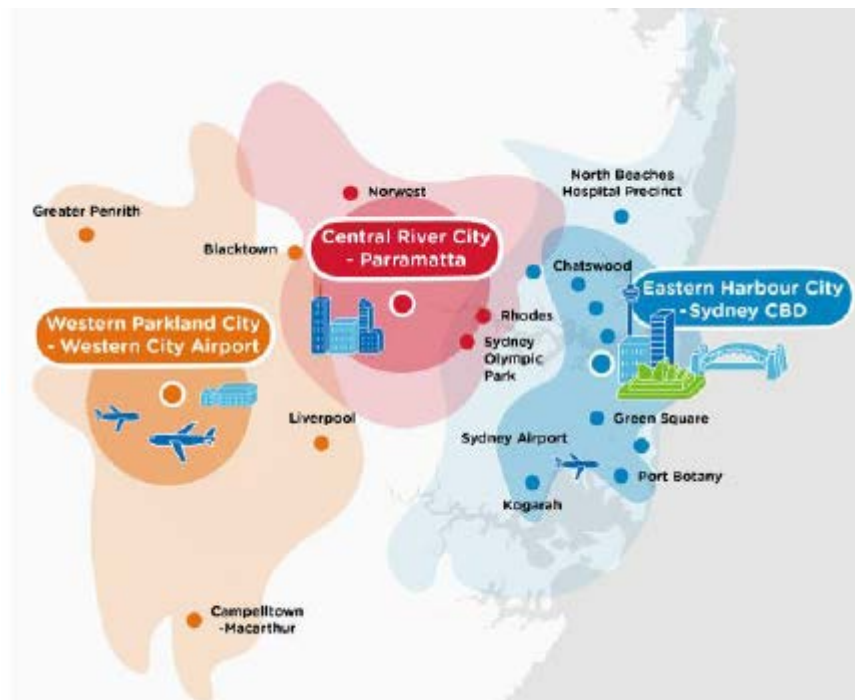


Figure 3 - A metropolis of three cities

Greater Sydney customer outcomes	
1.	Efficient, reliable and easy-to-understand journeys for customers, enabled by a simple hierarchy of services
2.	Efficient and reliable freight journeys supported by 24/7 rail access between key freight precincts and convenient access to centres
3.	A safe transport system for every customer with zero deaths or serious injuries on the network by 2056
4.	30 minute access for customers to their nearest centre by public transport 7 days a week
5.	Fast and convenient interchanging, with walking times of no longer than 5 minutes between services
6.	Walking or cycling is the most convenient option for short trips around centres and local areas, supported by a safe road environment and attractive paths
7.	Vibrant centres supported by streets that balance the need for convenient access with enhancing the attractiveness of our places
8.	Fully accessible transport for all customers
9.	New technology is harnessed to provide an integrated, end-to-end journey experience for customers
10.	Future forms of mobility are available to customers and integrated with other modes of transport
11.	Transport services and infrastructure are delivered, operated and maintained in a way that is affordable for customers and the community
12.	A resilient transport system that contributes to the NSW Government's objective of net-zero emissions by 2050

Figure 4 - Customer outcomes in Greater Sydney

Future Transport 2056 highlights that placing the customer at the centre of everything they do is at the heart of all of their transport service and infrastructure decisions.

Their customers rely on them every day, whether they are regional students travelling to school, commuters travelling to work or drivers delivering goods to retailers and consumers. Every one of their customers expects reliable, convenient and timely services and high quality, safe infrastructure.

Future Transport 2056 looks at how services can improve in order to attract more people onto public transport and considers the major priorities for key customer groups including:

- Public transport customers
- Road customers
- Freight customers
- People who require greater access to the transport network to support inclusion and participation
- Aboriginal and Torres Strait Islander communities
- Visitors and tourists

Future Mobility

Future Transport 2056 details that technology is transforming the customer experience. Even in 2012, it was not anticipated how smartphones would so dramatically change the way customers plan and purchase transport, and engage with service providers. Emerging transport technologies will continue to evolve and to change customer behaviour in ways that are difficult to predict today. With technology becoming a key factor in transport planning, the need to be more nimble, and to plan for a wider range of options than ever before is evident.

Opportunities and challenges posed by a number of technology developments and how these could change customer mobility, and the capabilities of transport providers includes:

- Technology enabled mobility
- World-class mass transit
- More service possibilities with Connected and Autonomous Vehicles (CAVs)
- New personalised devices for short trips
- Using drones to support the future transport task
- Technology that enables the use of alternative fuels

Future of Services

Future Transport 2056 highlights that the transport service 'ecosystem' is undergoing significant change. Services are increasingly being delivered by a market of providers, including community groups, businesses, automobile and technology companies, and recreational or tourism planners and in so doing boosting choice, service quality and customer convenience.

Ways in which Future Transport 2056 purports to change the future of transport services for the better include:

- A focus on service outcomes for customers
- Technology is catalysing new services
- Providing customers with integrated information, pricing and trip planning
- Customer-led services
- The role of government in enabling new services
- A service hierarchy for the future

The Future Network

Future Transport 2056 highlights that the infrastructure network, being the physical corridors, road and rail infrastructure, and surrounding land uses are the backbone upon which technology and services operate, and transport customers travel. The network has long lead times for development, and once built, is difficult and costly to alter.

ORDINARY MEETING

Meeting Date: 28 November 2017

Therefore, the need for network development to be as flexible as possible, and embed future optionality, maximise capacity and re-use of assets, and support innovative service and technology provision and demand management to optimise network performance is paramount.

The network issues that need to be addressed as part of Future Transport 2056 for the improvement, use and management of the future network over the next 40 years, include:

- Planning tomorrow's network
- Promoting sustainable development and healthy lifestyles
- Developing the digital network
- A safely operated network
- Optimising the network and better using existing infrastructure
- Growing the Greater Sydney and Regional NSW networks to deliver our vision of places

The following Figures 5-16 have been extracted from the Future Transport 2056 document that highlights the proposed staged expansion of the Greater Sydney network to serve three cities and improve 30 minute access to centres.

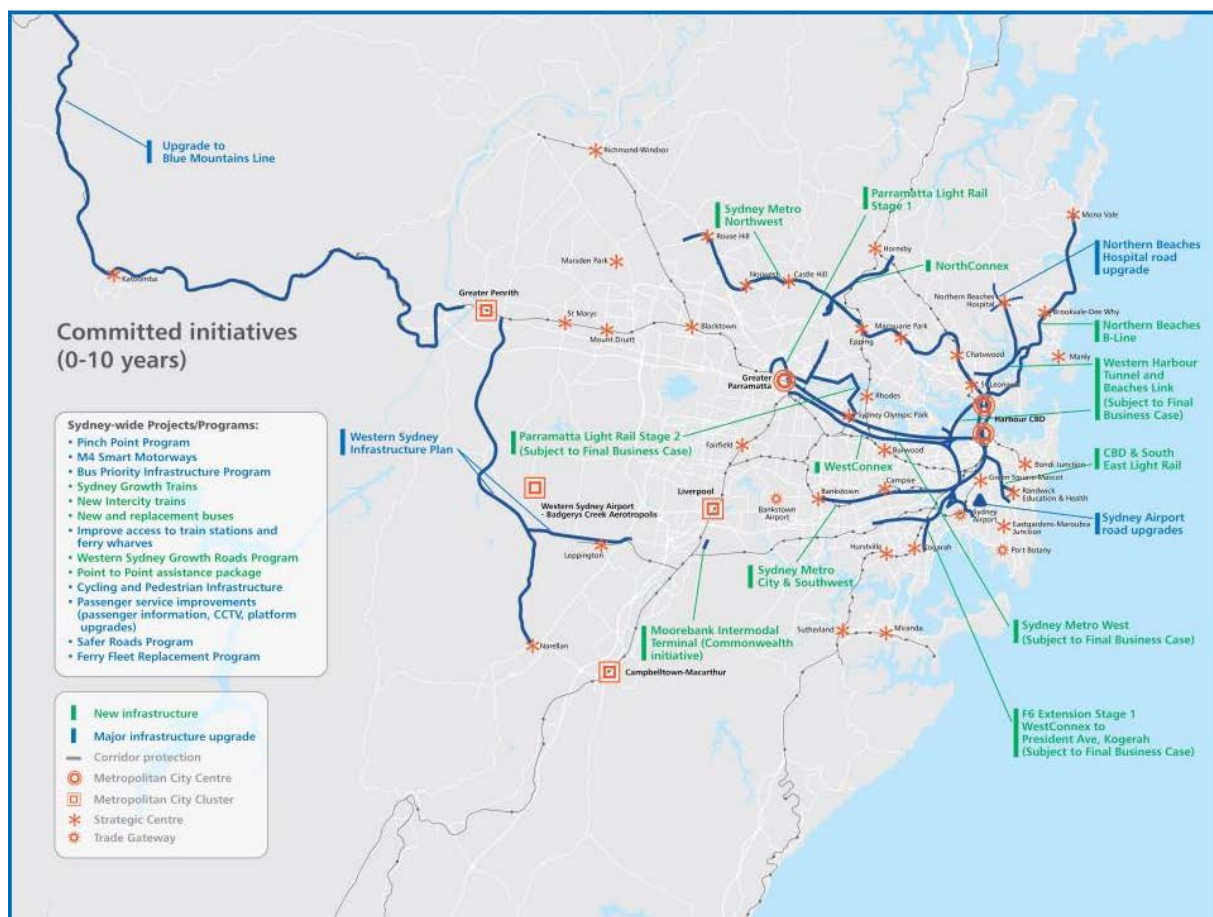


Figure 5 - Committed Initiatives (0-10 Years)

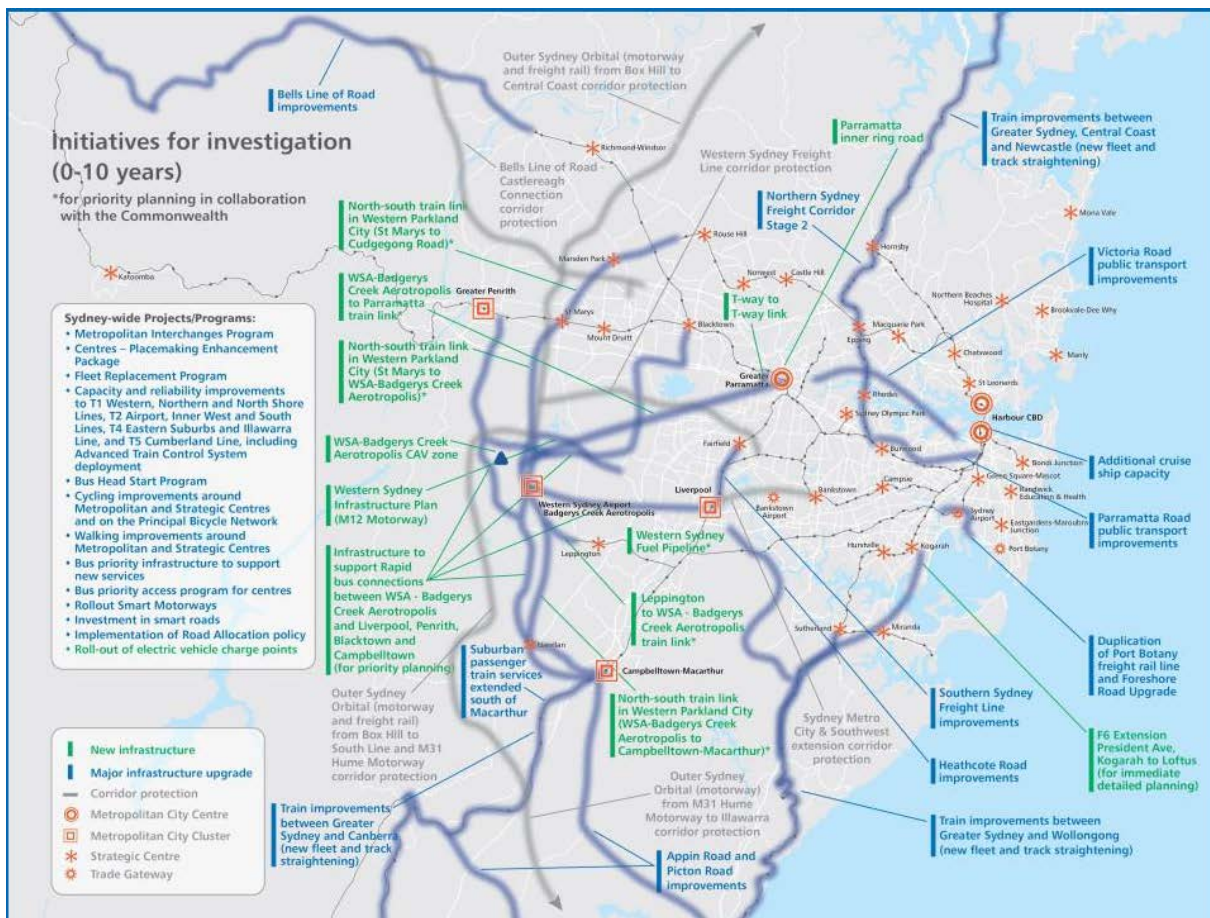


Figure 6 – Initiatives for Investigation (0-10 Years)

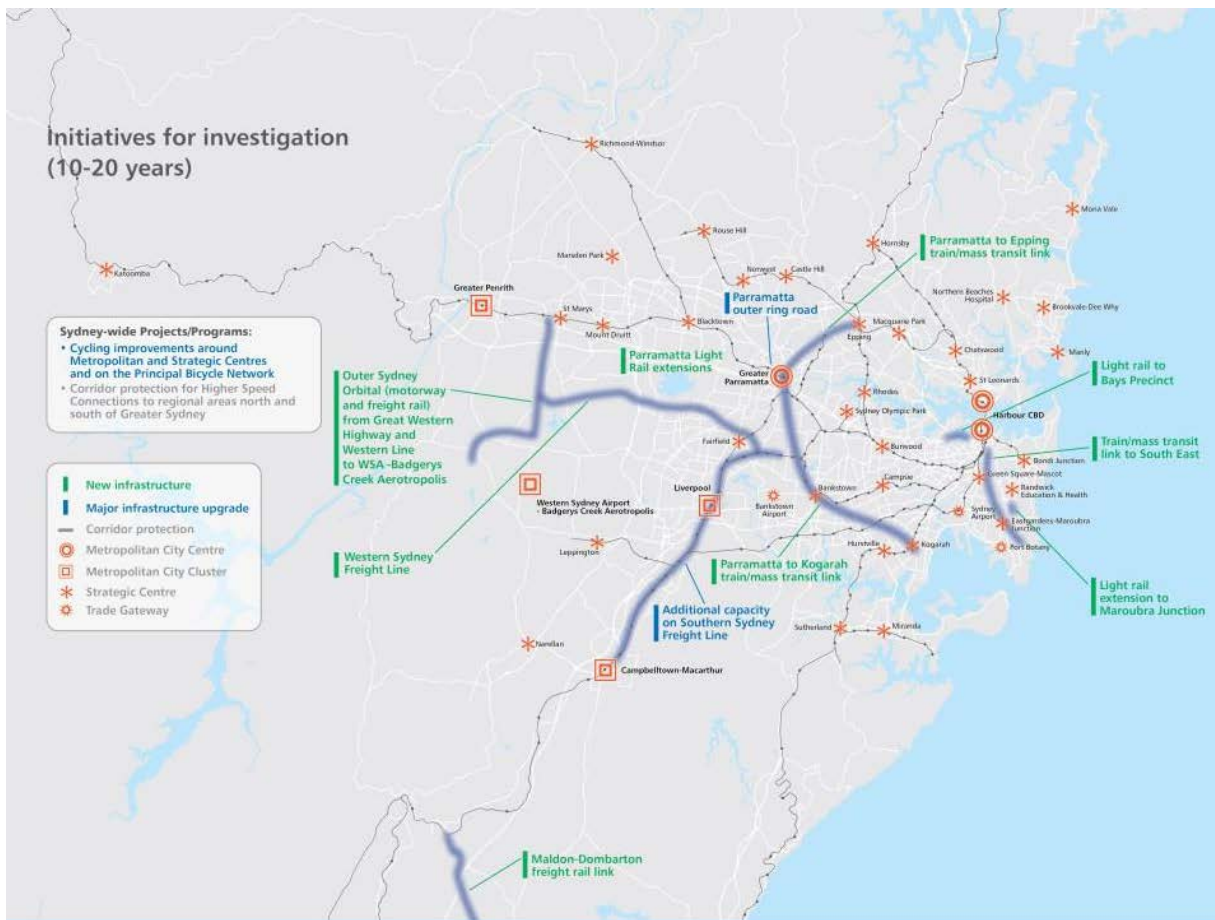


Figure 7 - Initiatives for Investigation (10-20 Years)

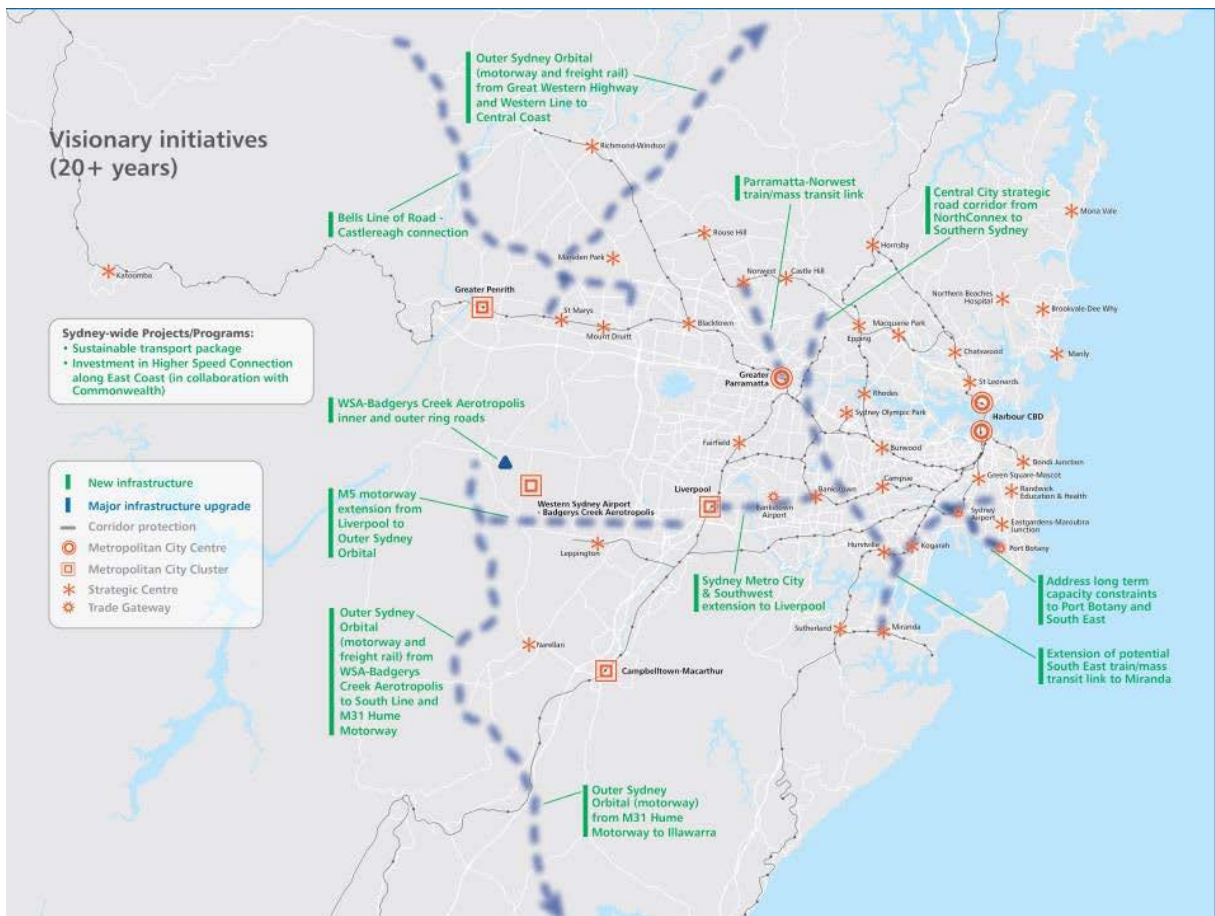


Figure 8 - Visionary Initiatives (20+ years)

In terms of mass transit/train network, the following figures highlight the Future Transport 2056 approach.

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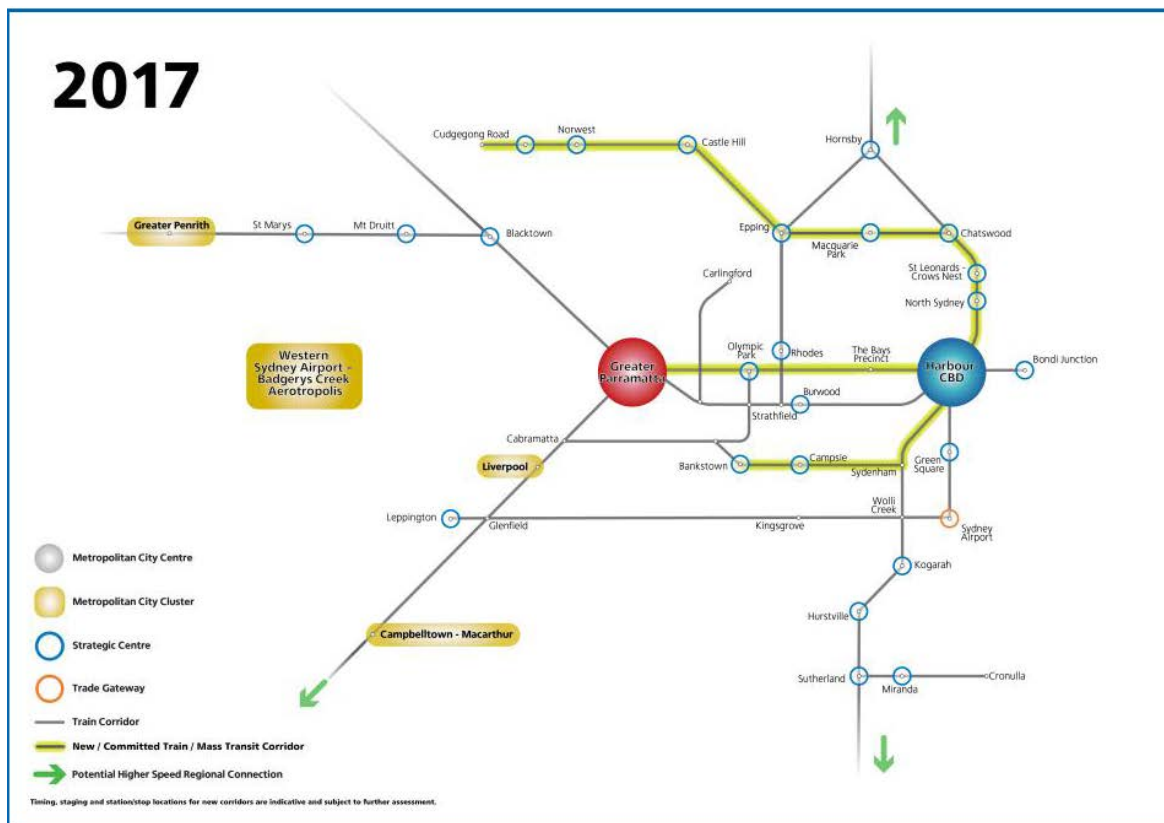


Figure 9 - Greater Sydney Mass Transit/Train Network (Committed and Existing)

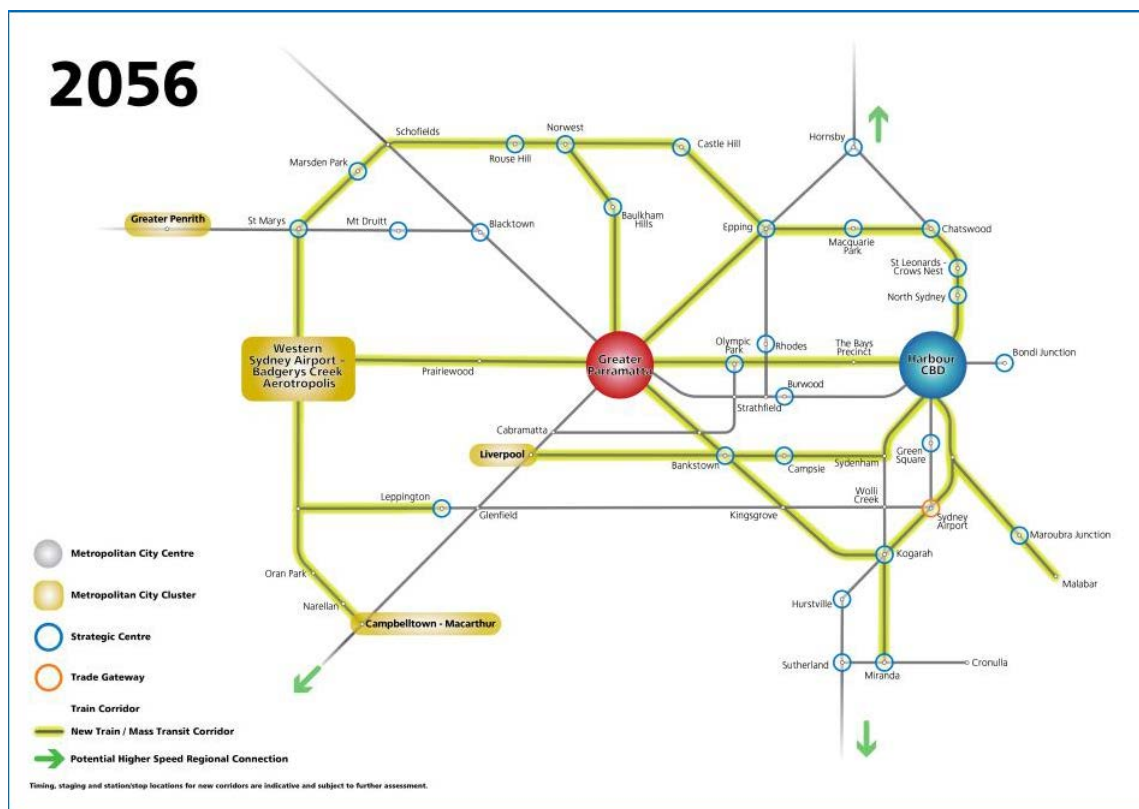


Figure 10 - Greater Sydney Mass Transit/Train Network (Visionary)

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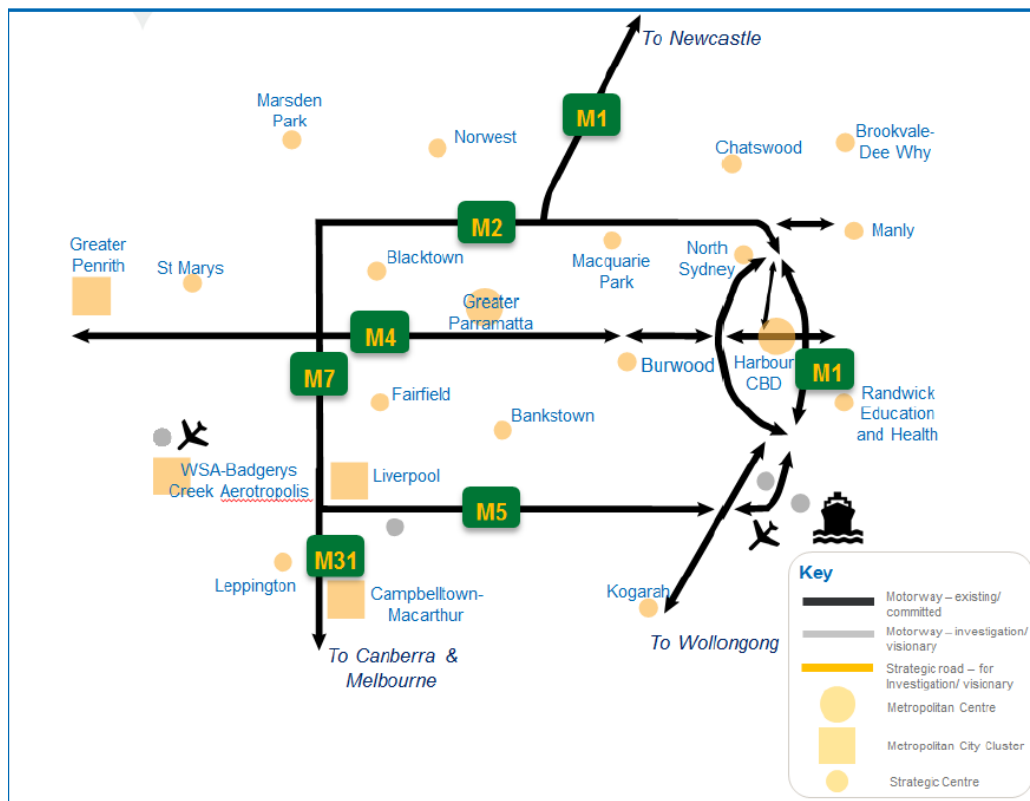


Figure 11 - Greater Sydney Road Network 2017 (Existing and Committed)

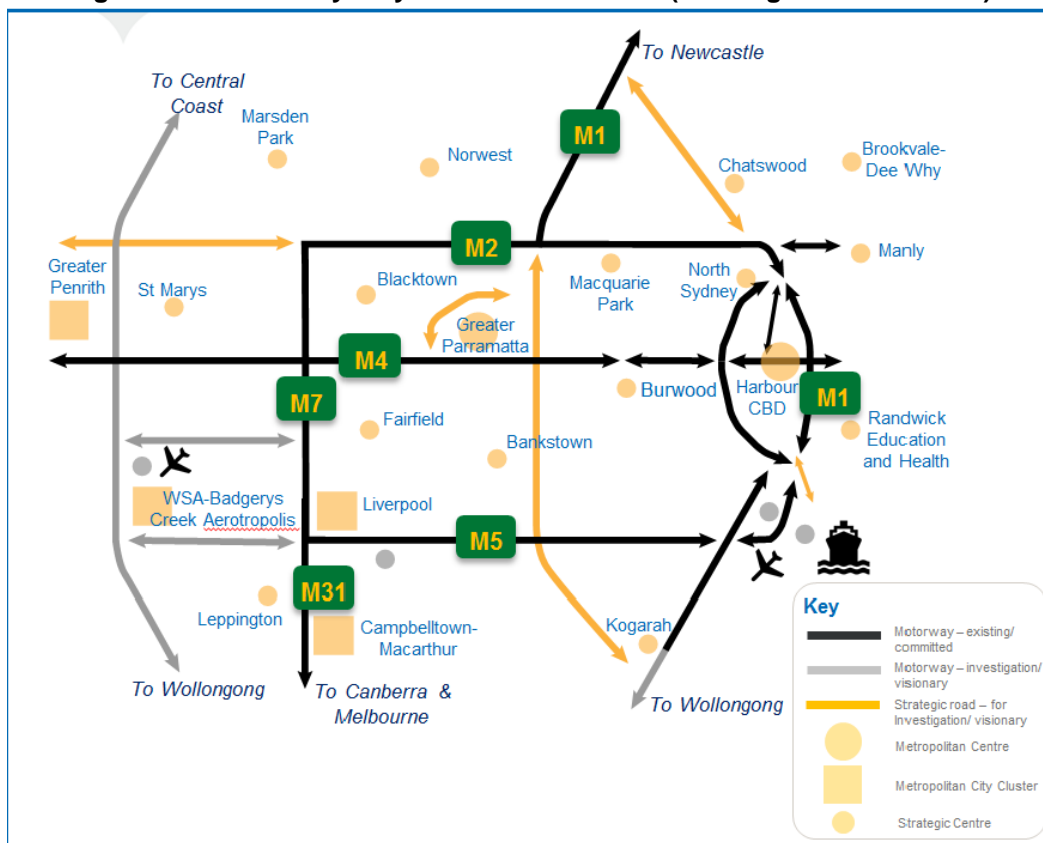


Figure 12 - Greater Sydney Road Network 2017 (Visionary)

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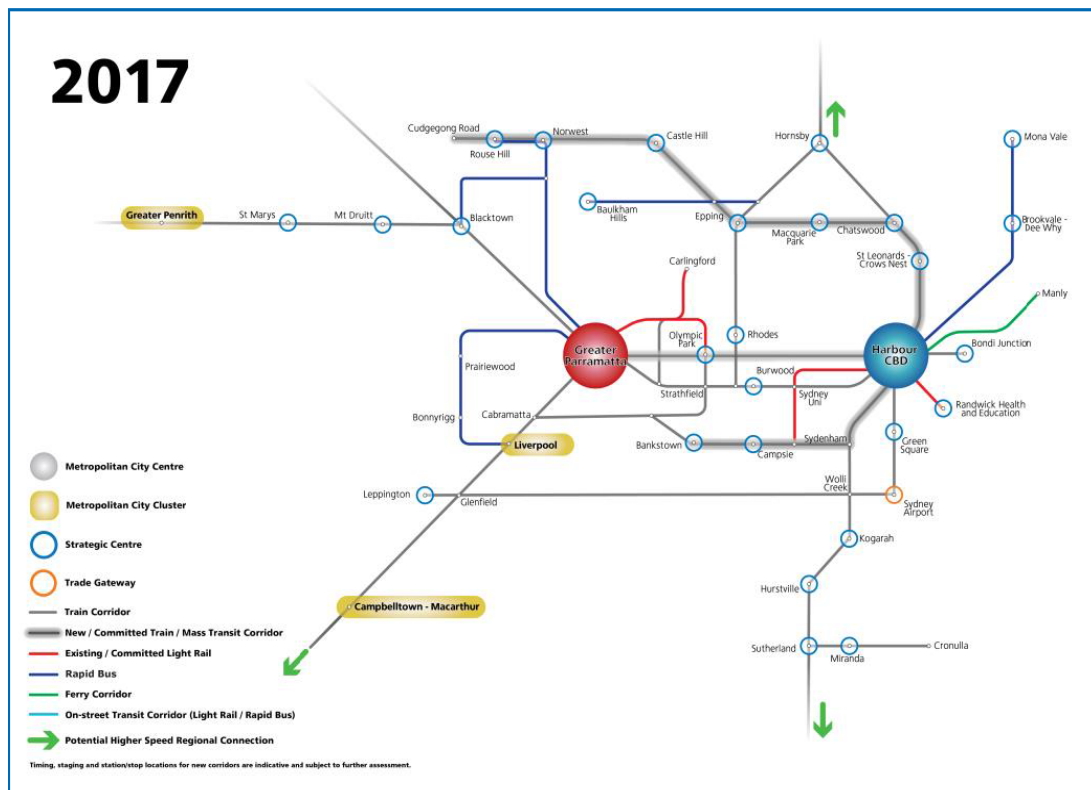


Figure 13 - Greater Sydney Intermediate Transit Network 2056 (Existing and Committed)

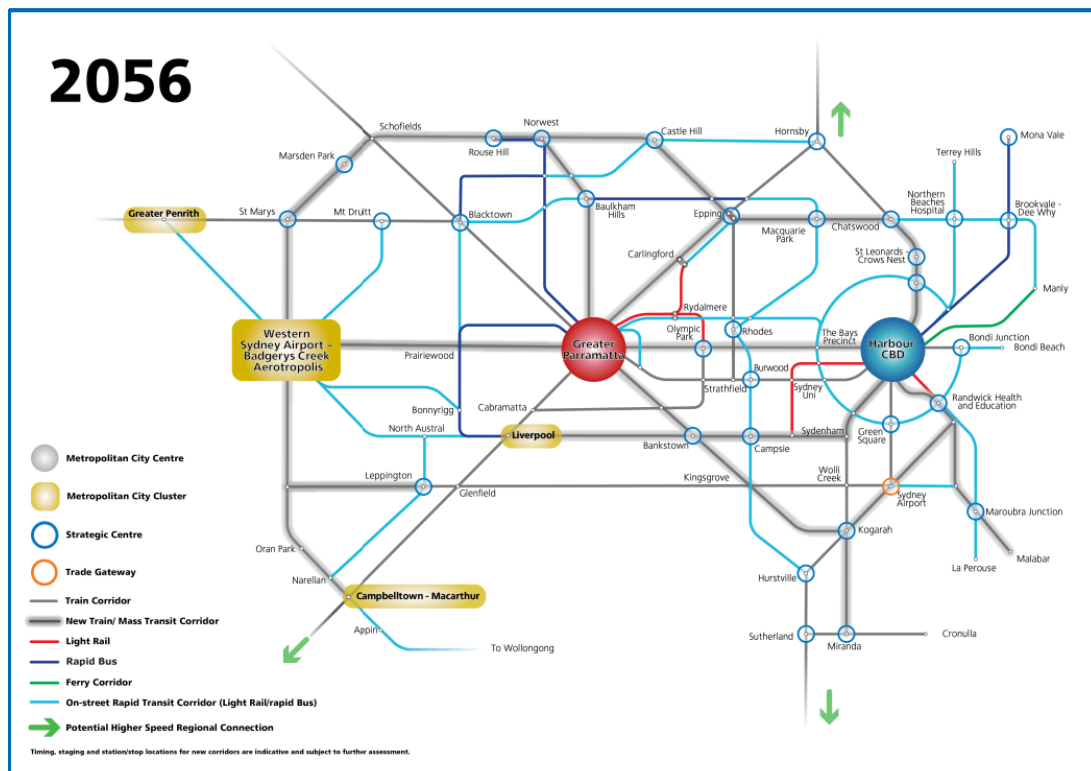
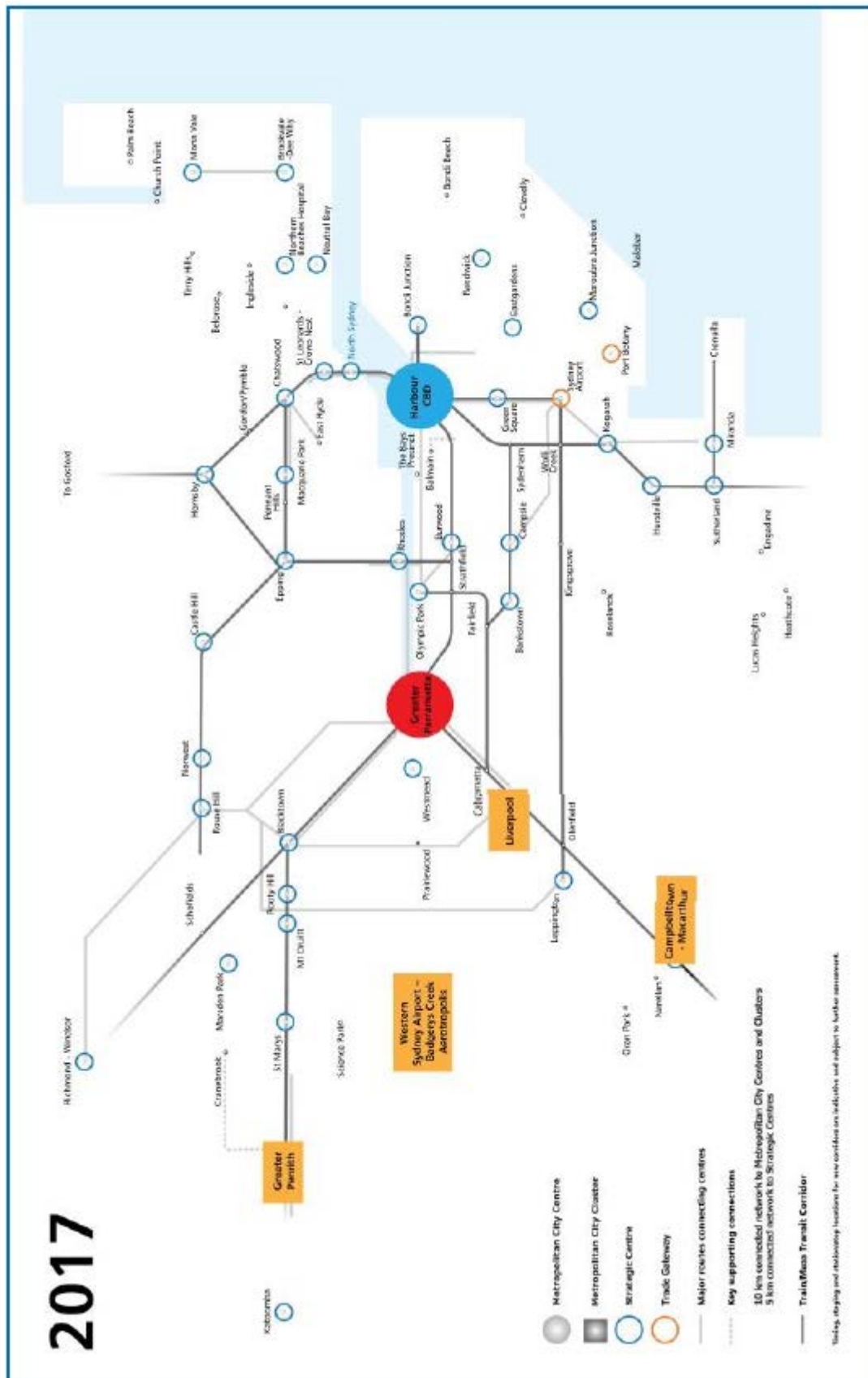


Figure 14 - Greater Sydney Intermediate Transit Network 2056 (Visionary)



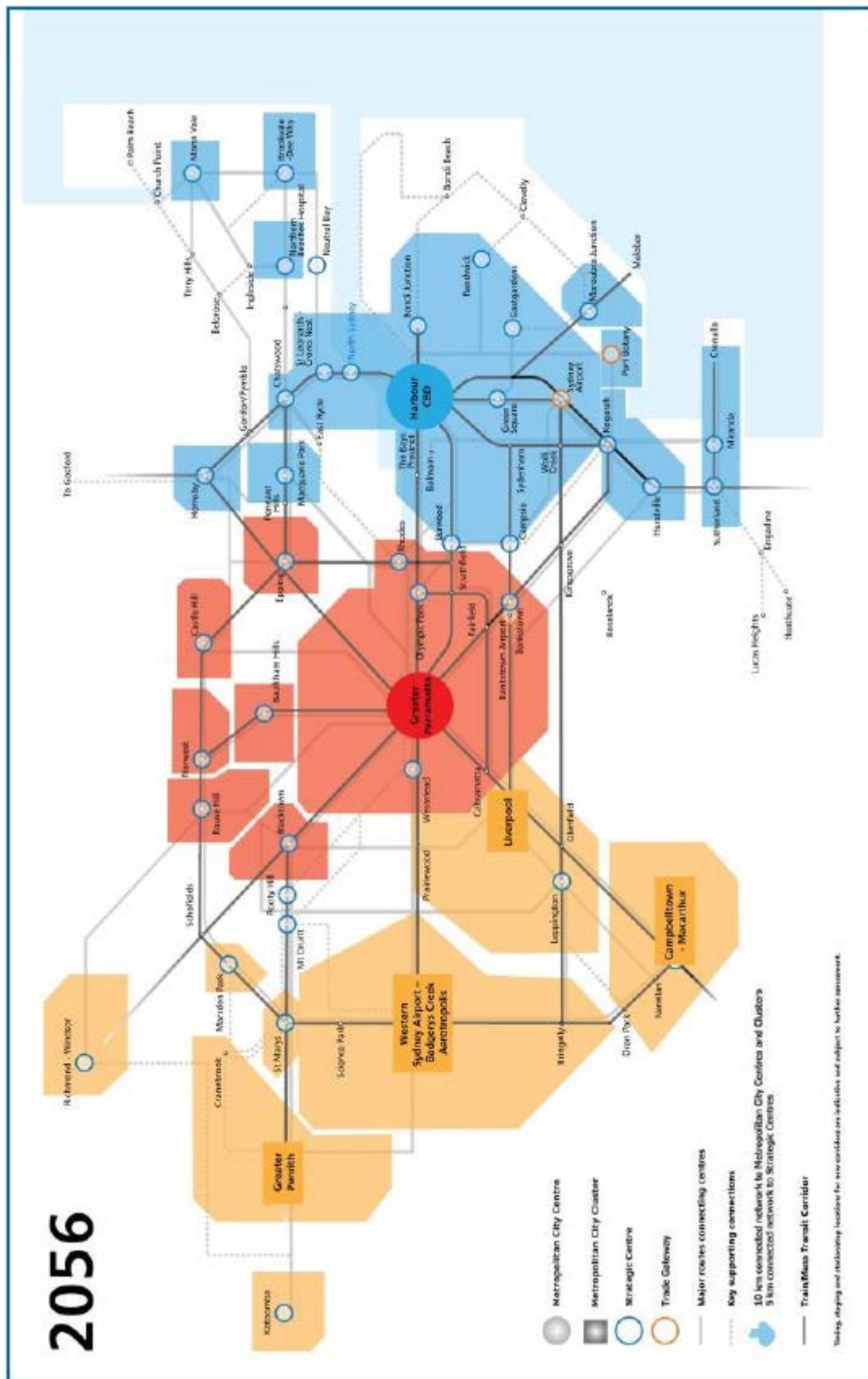


Figure 16 - Growing Sydney's Bicycle Network (Visionary)

Delivering Sustainably

Future Transport 2056 highlights that achieving balanced outcomes for financial viability, environmental protection and socially responsible transport is a constant challenge. Sustaining improvements to the transport system without improving levels of cost recovery is a challenge. Energy security, affordability, and climate change are also clear and present risks. More sustainable and equitable transport funding must be achieved, and set future directions to support emissions reduction and mitigate significant weather events.

Future Transport 2056 examines how a transport system can be delivered in a fiscally and environmentally sustainable manner, through:

- Moving towards sustainability
- Sustainable and equitable transport funding
- Striking the balance between user contributions and taxpayer subsidies
- A continued focus on spending efficiency
- Transport's role in working towards environmental sustainability
- Securing energy reliability and affordability
- Managing a resilient transport system

An Agile Planning Approach

Future Transport 2056 highlights that a business as usual approach to planning will not achieve the quality of places and communities we want in 40 years' time. It sets out the proposed approach to planning for the places, networks and services that will be needed in coming decades, and how it is possible to ensure that plans are integrated with the vision for places, to deliver long term social and economic outcomes through:

- Long term planning with flexibility
- Planning for uncertainty and change
- Innovative problem solving and delivery
- A new blueprint for developing the workforce
- Applying customer insights
- Measuring progress

Recommended Response to Draft Future Transport 2056

The following outlines the key issues that are proposed to be included as part of preparation of a submission to the suite of Future Transport 2056 documents.

Relevant Input from the Hawkesbury Community

Over the past 18 months, Council has undertaken a considerable level of engagement with the Hawkesbury community associated with service levels, aspirations for the Future (Community Strategic Plan) and resourcing the future, as highlighted below:

Stage 1 - 'Listening to Our Community'**Listening to our community**

...let's talk about
COUNCIL SERVICES

Consultations where Council went out to hear what residents had to say about their satisfaction and expectations for Council's services and facilities and their priorities for future investment.

These consultations took place between 22 July and 24 August 2016.

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Stage 2 - 'The Hawkesbury 2036...It's Our Future'



Consultations where Council spoke with residents on the things they valued about living in the Hawkesbury and steps to deliver the future that residents wanted to see - a vibrant city, with a rural feel.

These consultations took place between 23 January and 12 March 2017.

Stage 3 - 'Investing in Your Future'



Consultations where Council briefed residents on its financial position and presented three investment options for residents to consider and asked them to identify their preferred option for investing in the future.

These consultations took place between 10 July and 12 August 2017.

This comprehensive series of consultations, whilst covering a broad range of issues and matters did allow Council to obtain direct input from the Hawkesbury community in terms of matters that are relevant to a recommended response to the Future Transport 2056 suite of documents. It is recommended that relevant input that has been received directly from the Hawkesbury community relating to relevant matters in the Future Transport 2056 suite of documentation be included as part of Council's response. In broad terms this includes:

- Need to improve public transport systems
- Balancing growth and addressing traffic congestion
- Need for Town Centre Revitalisation (Richmond and Windsor)
- Increase opportunities for tourism
- Need for additional flood free bridge crossings and bypasses for Richmond, Windsor and Pitt Town
- Improve roads (safety and function)
- Less traffic congestion
- Managing development and urbanisation
- Improve connections and standard of footpath and cycleway

These issues along with other input received from the Hawkesbury community were considered as part of the preparation and finalisation of the Hawkesbury Community Strategic Plan 2017-2036. It is also recommended to highlight relevant directions from the Hawkesbury Community Strategic Plan 2017-2036, in order to convey the key aspirations and direction of the Hawkesbury community as expressed through its Community Strategic Plan.

Input into District Planning Process

As part of consideration of the Draft West District Plan as it was at the time, Council raised the following points that are relevant to consideration of the Future Transport 2056 suite of documents.

A Regional Infrastructure Plan and Transport Linkages Plan could consider a range of 'game changing' plans based on the 3 principles of Productivity, Livability, and Sustainability, including:

- Extending the North-South Rail Link through the District and linking Penrith with the existing rail within the Hawkesbury (Richmond Line)
- Linking the North West Metro with the Richmond Line
- Outer Western Sydney Orbital Road Link with additional flood free crossings of the Hawkesbury River to the west and Bells Line of Road.
- Improve public transport links between the Hawkesbury and Penrith.
- Focus on providing infrastructure for residents, not visitors and industry perceptions, including parking around public transport hubs.
- Plan to include an Implementation Strategy.

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Further input into the ongoing District Planning process (now a combination of the previous West and South West Districts) has relevantly included:

- Support for the new third city in the Metropolitan Plan and underpinning the recently release draft District Plan.
- The potential for a future Richmond Investigation / Collaboration / Business Incubation Precinct that provides opportunities for:
 - Education
 - Research
 - Aerospace
 - Food / Agriculture
 - Equine
- Supporting- complementary land uses around the agglomeration of education and defence uses in Richmond and extending to the adjoining townships of Richmond and Windsor.
- Support for Masterplanning processes for Richmond and Windsor that encourage new lifestyle and entertainment uses, employment opportunities, activates streets and places, grows the tourism economy and respects and enhances the significant heritage value and assets.
- Facilitating the attraction of office/commercial floor space and provide opportunities to allow commercial and retail activities to innovate, including smart work hubs
- Recognising the importance of access to tourism and recreational opportunities offered in the Hawkesbury

Input Into City Deal

Hawkesbury City Council is one of eight Councils participating in the "City Deal" project with Commonwealth and State Government representatives.

To date the primary objectives of the City Deal discussions have related to:

- Linking future transport and landuse considerations, so as to ensure that future employment and community service opportunities are located in close proximity to associated housing, recreation and leisure opportunities
- Considering transport as combination of public transport, active transport and road transport
- Moving towards a 30 minute city in terms of the travel times between the various employment, community service, housing, recreation and leisure opportunities
- Establishing a north-south public transport network that:
 - links Rouse Hill to Campbelltown
 - provides for a passenger interchange where the north-south link crosses the Richmond line
 - links key centres including Penrith, Liverpool, Campbelltown and the Badgerys Creek Airport
 - linking land development to infrastructure delivery to avoid the creation of new suburbs isolated from transport and services
 - addressing flooding issues including the need for a third "all conditions" crossing of the Hawkesbury River
 - The need for far greater certainty in terms of location and timing, in relation to critical transport corridors such as North South Road, the outer orbital and the Castlereagh Freeway linking the M7 to Bells Line of Road.

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The Draft Future Transport Strategy needs to have regard to all of these matters and as such these points all need to be included in the response to the Draft Future Transport 2056 suite of documents.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Assets

4.1 Transport infrastructure and connections

- 4.1.1 Our roads and other transport infrastructure will be planned and provided to ensure connected, efficient and safe movement for all modes of transport.
- 4.1.2 Establish and maintain relationships with transport providers and other levels of government to improve and extend public transport services.
- 4.1.3 Have a comprehensive transport system of well maintained local and regional linkages that are financially and environmentally sustainable and respond to community safety, priorities and expectations.
- 4.1.4 Provide mobility links throughout the City to connect our centres, parks and facilities.

Financial Implications

There are no financial implications applicable to this report.

RECOMMENDATION:

That Council prepare and forward a submission to the NSW State Government addressing the key issues and directions listed in this report to the Draft Future Transport 2056 suite of documentation which is currently on exhibition prior to the end of the consultation period on 3 December 2017.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

Item: 218 **CP - Submission to Proposed Changes to the Environmental Planning and Assessment Act - (95498, 124414) and Proposed Amendment to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 - (95498, 124414)**

REPORT:

Executive Summary

The purpose of this report is to briefly outline the recent and proposed changes to planning legislation, and to recommend the issues that a submission from Council should address in response to those changes.

Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy given they are matters about which the NSW State Government is undertaking community consultation.

Background

On 9 January 2017 the then Minister for Planning released the Government's proposals to update the *Environmental Planning and Assessment Act 1979* (The Act) through a series of amendments.

The proposed amendments were extensive in quantum, but were focused around the following four objectives:

- to enhance community consultation
- to promote strategic planning
- to increase probity and accountability in decision making
- to promote simpler, faster processes for all participants.

The need for updates to the planning legislation was not questioned as the current Act had been amended approximately 150 times which have resulted in overly complex processes for development and planning matters. The amendments proposed to build on recent Policy, operational and legislative changes to the planning system including; introduction of the Greater Sydney Commission; a hierarchy of regional and district strategic planning documents; ePlanning and changes to the enforcement processes.

Council considered a report in respect of the proposed changes to planning legislation at its Ordinary Meeting on 28 February 2017, where it was resolved to prepare a submission based on the following key issues:

Assistance for implementation

The proposed changes to the legislation require Council to prepare a number of additional documents that do not currently exist in the format required. These included Community Participation Plan, Local Strategic Planning Statements, statements of reasons for decisions, etc. There was no objection made to the need for these documents and statements as they provide additional opportunities for community input and transparency in Council's operations and decision making.

However, it was considered that the preparation of these documents would take time and resources. The exhibited documents indicated that the DP&E would assist by producing guides and other template resources to assist in the preparation of these documents. Council's submission included commentary along the lines that the introduction of the proposed changes should take into account the time and resources required to prepare for those changes and the commencement of any changes should be programed to allow Council sufficient time to undertake those tasks. In particular, the introduction of changes to planning legislation should not occur at the same time as local government is preparing,

reviewing or reporting on other statutory matters that are required under other legislation such as the *Local Government Act*.

Regulations and Details should also be exhibited for comment

The exhibited documents related to a draft Bill with explanation documents. The draft Bill at the time outlined the proposed changes to the Act and from that the intent of the changes could be identified. However, much of the detail in relation to the way in which those changes are implemented were often set out in accompanying changes to the Environmental Planning and Assessment Regulations. Council's submission suggested that the draft changes to the Regulations be placed on public exhibition for a similar timeframe as the draft Bill in order to provide all relevant stakeholders the opportunity to consider the changes and make submissions for consideration. It is noted that the current Issues Paper released by the Department of Planning and Environment for the review of the Environmental Planning and Assessment Regulation 2000 provides an opportunity to comment, and is the primary purpose for considering this report.

Standard Development Control Plan format

The draft Bill proposed the standardising of the format and provisions (optional) for the preparation of Development Control Plans (DCP). It was considered by Council that the standardising of the format for planning documents had some merit, and the introduction of the Standard Instrument (LEP) in 2006 had demonstrated that there were some benefits to that approach. However, Council also considered that as with the standard LEP provisions, such an approach does have many negative outcomes and tends to reduce innovation in planning instruments resulting in the loss of relevant local provisions.

Council's submission included comments agreeing, in part, to the introduction of a standard format for DCP's and the optional use of standard clauses for some common provisions as this could increase the understanding of those provisions. However, the submission did not agree with the standardising of all provisions as this was considered to be detrimental to the tailoring of controls to address local conditions.

Complying Development

The draft Bill proposed "improvements to the complying development pathway". The current standards that apply to complying development are seen as overly complex. The proposed changes included:

- preparing a more user-friendly simplified Housing Code
- reviewing and simplifying development standards for greenfield areas
- developing simplified controls for inland areas and an Inland Code
- education program on exempt and complying development
- enhance the education of accredited certifiers in NSW
- enhancing the NSW Planning Portal to allow online lodgement of complying development certificates
- expanding complying development to medium density development such as dual occupancies, terraces, townhouses and manor houses (two storey buildings that contain three or four dwellings)
- clarification in the Act where a complying development certificate (CDC) does not comply with the relevant standards in the State Policy it can be declared invalid
- improve information distribution to Councils and neighbours about the receipt of the application and issue of the certificate
- limit some sensitive categories to Council certifiers (to be defined in the Regulations)
- new investigative powers for Councils to enforce complying development issued by private certifiers and the introduction of a compliance levy to support Councils in this role
- allow 'Deferred Commencement' and the application of special infrastructure contributions (State levies) to complying development certificates.

There was no 'In principal' objection offered by Council to the proposed changes to complying development as this type of development allows minor development to be considered and approved in a more streamlined manner, and the simplification of the current complex standards was welcomed.

However, with such significant changes there were a number of issues raised that were included in the submission, including:

1. Education programs for certifiers should be developed and implemented prior to any changes to the current system.
2. Monitoring and regulation of certifiers, in particular private certifiers, should be strengthened immediately and prior to any further changes. The current system is administered by the Building Professionals Board and is lengthy and cumbersome with investigations taking months and sanctions imposed are, at times, insignificant and do not deter further offending.
3. The operating parameters for private and Council certifiers should be equal in legislation in that currently Council operations are additionally controlled by other legislative standards that apply to only Councils and not to private certifiers.

Statutory Fees require review

It was considered that the draft Bill and changes did not address the issue of statutory fees for applications and certificates issued under the Act. The Act and Regulations set fees for matters such as development applications, building certificates, planning certificates and a large range of other operational matters under the Act. Whilst it was considered that there was a case for the regulation of certain statutory dealings under the Act, the submission highlighted that there is a need for those set fees to be more regularly reviewed to consider "fee for service" or a wholesale review of how the fee is determined as some matters may take considerable time to research and inspections by Council but the fee is set at an artificially low rate. Council's submission included a request for the review of statutory fees within the Act and Regulations with a view to considering realistic cost recovery and then retention of that realistic fee via an annual fee adjustment linked to CPI or another cost index.

Fees and Penalties for Unauthorised Work should be reviewed

The documents accompanying the exhibited draft Bill made reference to previous changes to the enforcement provisions in the Act. However, it was considered that the previous and proposed changes did not adequately address appropriate penalties for dealing with unauthorised works and uses.

Whilst the Act and Regulations do address this issue via Orders provisions, etc., these usually relate to larger matters where an unauthorised use or work can be closed or removed. In many cases, particularly in the local context, these unauthorised uses or works were capable of being addressed if the appropriate application had been submitted. In these cases the Orders provisions are unlikely to require removal and are more likely to address the unauthorised works via a building certificate or retrospective approval of a use. However, it was considered that this leaves the process open to abuse where some do not even attempt to obtain the correct consent and choose to retrospectively deal with the matters.

Council's submission raised the matter of unauthorised works and penalties and called for a more appropriate system that made the option of obtaining approvals after commencing unauthorised works or uses much less attractive. This could be in the form of significantly greater application costs to regularise the unauthorised work and/or greater penalties.

Environmental Planning and Assessment Amendment Bill 2017

Having conducted community and stakeholder consultation across the State, during which time over 470 submissions were received from councils (including Hawkesbury), community and environment groups, industry, planning practitioners and individuals, the Environmental Planning and Assessment Amendment Bill 2017 was passed by Parliament on 15 November 2017, a copy of which can be viewed at:

<https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=3456>

Environmental Planning and Assessment Regulation Review

The primary purpose of this report is to highlight that the Department of Planning and Environment have recently commenced a review of the Environmental Planning and Assessment Regulation 2000 (the Regulation).

This review follows the changes to the *Environmental Planning and Assessment Act 1979* which as highlighted above has now been passed by Parliament on 15 November 2017. While the *Environmental Planning and Assessment Act 1979* provides the overarching framework for the planning system in NSW, the Regulation supports the day-to-day requirements of this system.

The objective of the Review is to undertake a comprehensive evaluation of the Regulation in order to:

- reduce administrative burden and increase procedural efficiency (e.g. by removing any outdated rules which make the system hard to use)
- reduce complexity
- establish a simpler, more modern and transparent planning system.

The Department has prepared an Issues Paper on the Review, which is on exhibition, and open for comment, until 24 November 2017. Following consultation with stakeholders as part of the Issues Paper, the Department of Planning and Environment intends to release a draft Regulation for public comment in 2018 prior to finalisation of the revised Regulation.

The Issues Paper can be viewed at:

<http://www.planning.nsw.gov.au/Policy-and-Legislation/Under-review-and-new-Policy-and-Legislation/EPA-Regulation-review>

For context, Attachment 1 summarises the current assessment pathways in the NSW planning system, and Attachment 2 outlines the overall structure of the Issues Paper. It is not intended to provide detail of each of Issues identified in the Issues Paper given this is available from the Department of Planning and Environment's website at the link provided above.

Importantly, it should be noted that a number of the issues in Council's submission to the review of the *Environmental Planning and Assessment Act 1979* have been included within the Issues Paper currently on exhibition. It should also be noted that the Issues Paper, other than identifying potential issues does not provide detail as to potential solutions or options to resolving those identified issues. That further detail will be released with the draft Regulation for public comment in 2018. Given this, it is considered important to reiterate the points raised in Council's submission to the review of the *Environmental Planning and Assessment Act 1979*, including the following key issues that are outlined in further detail in the Background Section of this report:

- Assistance for implementation
- Regulations and Details should also be exhibited for comment
- Standard Development Control Plan format
- Complying Development
- Statutory Fees require review
- Fees and Penalties for Unauthorised Work should be reviewed

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In respect of the Fees and Charges section of the Issues Paper, it is also noted that the fees for development applications assessed by local councils or Independent Hearing and Assessment Panels are discussed. The most recent resolution of Council in respect of Independent Hearing and Assessment Panels was through the Mayoral Minute at Council's Ordinary Meeting on 14 November 2017, where Council resolved:

That Council work with other Councils to pursue opportunities to address concerns about State Government IHAP legislation, including calls for possible repeal, exemption and extension mechanisms.

It is considered that Councils response to the Issues Paper should also highlight the most recent resolution of Council with respect to Independent Hearing and Assessment Panels.

Given the submission period for this matter formally ends on 24 November 2017, correspondence has been provided to the Department of Planning and Environment to outline the key issues above, along with a statement that Council is formally considering this matter at its Ordinary Meeting on 28 November 2017 and should there be any changes based on Council's consideration of the matter then the Department of Planning and Environment will be notified.

Proposed Amendment to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP)

The State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP) permits development for seniors housing under certain circumstances and subject to specified pre-requisites. In particular, if a seniors housing development is proposed on land that adjoins land zoned primarily for urban purposes, a proponent is required to obtain a Site Compatibility Certificate from the Department of Planning and Environment prior to lodging a Development Application.

In some instances, requests have been made to increase the site to which a Site Compatibility Certificate has been granted by applying for a Site Compatibility Certificate to include adjoining land. This has resulted, at times, in an inappropriate incremental expansion of land for use for senior housing. The proposed amendment addresses the practice of incremental expansion of land for seniors housing through Site Compatibility Certificates by:

- Not permitting Site Compatibility Certificate sites to be extended unless the additional land independently meets the criteria; and
- Clarifying that once a site is developed for seniors housing it will not be regarded as 'urban land' for the purposes of subsequent Site Compatibility Certificates on adjoining land.

The proposed amendment to the Seniors SEPP is on exhibition, and open for comment, from 10 November 2017, until 24 November 2017.

The proposed amendment can be viewed at:

http://planspolicies.planning.nsw.gov.au/index.pl?action=view_job&job_id=8890

Whilst the issues associated with the need for the proposed amendment relate to matters that have not been an issue within the Hawkesbury to date, there is potential in the future without the proposed amendment for such matters to become an issue. As such the proposed amendment is supported, and correspondence to that affect has been provided to the Department of Planning and Environment along with a statement that Council is formally considering this matter at its Ordinary Meeting on 28 November 2017 and should there be any changes based on Council's consideration of the matter then the Department of Planning and Environment will be notified.

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Conformance to the Hawkesbury Community Strategic Plan

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

Our Leadership

- 1.5 Regulation and Compliance - Encourage a shared responsibility for effective local compliance
 - 1.5.1 Undertake Council initiatives within a clear and fair framework of strategic planning, policies, procedures and service standards as required under all regulatory frameworks
 - 1.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.

Financial Implications

There are no financial implications applicable to this report.

RECOMMENDATION:

That Council endorse the forwarding of submissions, addressing the key issues and directions listed in this report, to the review of the Environmental Planning and Assessment Regulation 2000 and proposed amendment to the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

ATTACHMENTS:

- AT - 1** Box 4 From Department of Planning and Environment's Issues Paper - September 2017
Highlighting the current Assessment Pathways in the NSW Planning System
- AT - 2** Box 5 From Department of Planning and Environment's Issues Paper - September 2017
Highlighting the Structure of the Issues Paper

AT - 1 Box 4 From Department of Planning and Environment's Issues Paper -

September 2017 Highlighting the current Assessment Pathways in the NSW Planning System

Box 4: The assessment pathways in the NSW planning system					
Exempt development	Complying development	Local development		Regional development	State significant projects
Many types of minor renovations and small building projects don't need planning approval. This is called exempt development.	Certain low impact development (e.g. alterations to residential dwellings) can be fast tracked for approval and don't require detailed assessment.	Local developments are all other development which is not classified as exempt or complying under the relevant Local Environmental Plan, and is not of regional or state significance. Local developments are assessed by the council. Some local development in Greater Sydney and Wollongong may be assessed by an LHAIP.		This refers to development that is deemed to be regionally significant, due to its size, economic value or potential impacts. Extractive industries, waste facilities and minerals that are designated development also fall into this category.	Some large developments and infrastructure projects are deemed to be state significant due to their size, economic value or potential impacts. These applications are assessed by the Department and fall into one of two categories (see below).
Development without consent		Integrated development	Designated development		State significant development (SSD)
Some other types of development don't require a planning approval, but may still need another licence or permit from a public authority, and may need to undergo an environmental assessment.	The development must meet specific criteria and requires a complying development certificate, which can be issued by a council or a private certifier.	Integrated development refers to local development which also requires a licence, permit or other approval from a public authority before consent can be granted e.g. aquaculture.	Designated development is a category of local development which is subject to a higher level of assessment and scrutiny due to the potential risk it poses to the environment. Depending on the capital investment value (CV) and intensity of the development, it may instead be declared to be state significant development.	Regional development is assessed by the local council and then determined by the relevant Joint Regional Planning Panel. Updates to the EP&A Act have been proposed to refresh the thresholds for regional development, www.planning.nsw.gov.au/Policy-and-Legislation/ Updates .	Examples of SSD include educational facilities, large mining and extracting operations, and other developments which exceed a certain CV or are in an environmentally sensitive area.
This includes some low impact or routine activities such as development carried out by a public authority as part of its everyday responsibilities.					Examples of SSI include pipelines, water storage and treatment plants and road or rail infrastructure.
Existing Part 3A development This refers to a historical type of development which is now classified as SSD or SSI. Part 3A was repealed in 2011, with transitional arrangements put in place. The Department's proposed amendments to the EP&A Act seek to end these transitional arrangements.					

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AT - 2 Box 5 From Department of Planning and Environment's Issues Paper - September 2017 Highlighting the Structure of the Issues Paper

Box 5: Structure of the Issues Paper	
Sections as they relate to parts of the current Regulation	
Title of section:	Relates to:
This part of the issues paper relates to all aspects of the Regulation.	<ul style="list-style-type: none"> Discusses opportunities to: <ul style="list-style-type: none"> Modernise outdated provisions Update definitions Remove redundant provisions Simplify and consolidate existing regulatory provisions as appropriate Employ digital solutions to make requirements easier to meet.
Examining existing provisions and identifying known issues	
This part of the issues paper is broken down into sections relating to discrete parts of the Regulation, as outlined in Box 5 <i>Sections as they relate to parts of the current Regulation</i> .	<ul style="list-style-type: none"> Outlines the key operational provisions of the current Regulation and seeks: <ol style="list-style-type: none"> Stakeholder views on known issues with the current Regulation Stakeholder feedback to help identify and provide feedback on other issues, including suggestions to: <ul style="list-style-type: none"> Improve the function of key operational provisions Reduce unnecessary regulatory and administrative burdens Better achieve the Government's policy objectives.
Sections as they relate to parts of the current Regulation	
Title of section:	Relates to:
1. Planning instruments	<ul style="list-style-type: none"> Part 2 Environmental planning instruments Part 3 Development control plans.
2. Development assessment and consent Note: this section covers: <ul style="list-style-type: none"> Local development Regional development State significant development (SSD), and transitional Part 3A projects. 	<ul style="list-style-type: none"> Part 1A Transitional Part 3A projects Part 5 Existing uses Part 6 Procedures relating to development applications Schedule 1 Forms Part 7 Procedures relating to complying development certificates Part 13A Supplementary provisions for development requiring consent Schedule 3 Designated development.

oooO END OF REPORT Oooo

INFRASTRUCTURE SERVICES

Item: 219 **IS - Sustainable Energy Strategy - (95495, 79340)**

Previous Item: NM1, Ordinary (29 August 2017)
 MM2, Ordinary (30 May 2017)
 NM3, Ordinary (13 December 2016)

REPORT:

Executive Summary

This report responds to a number of Council requests related to Council taking positive action to pursue energy savings and investment in renewable energy.

Council has, for over 12 years, sought to reduce its energy and water consumption and has invested substantial funding - through both grants and its own resources, to reduce consumption and reduce costs below market trends.

Council is currently investigating a new range of projects including conversion of 1,400 old mercury vapour street lights to LED lamps, and the installation of approximately 700kW of distributed solar generation across community owned buildings and facilities.

These projects are in detailed investigation and feasibility phase, with strong financial benefits being identified at this stage. A further report will be presented to Council on this program.

The report also provides broad information on financing and other issues associated with actions that Council may take to reduce its costs and environmental impacts.

Further investigations will be undertaken into other renewable energy generation options, as opportunities arise or as market and regulatory frameworks and risks become clearer.

Consultation

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

Background

In order to achieve reductions in the emissions, the environmental footprint of Council and improve our financial position, Council has sought to investigate and implement various works and initiatives that contribute to these goals. Whilst Council has routinely implemented actions to incorporate contemporary technology and practices to achieve these goals over many years, there is a growing imperative to accelerate improvements.

Council has made a number of resolutions to further these goals, namely:

1. Resolution 435, Ordinary (13 December 2016)

"That a report be provided to Council that:

1. *Outlines the opportunities and barriers to inform Council of the possibilities of owning solar farms to generate revenue as well as decreasing electricity costs. The report should include but not be limited to addressing characteristics such as - reduction in carbon emissions, energy output, capital costs and return on investment.*

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2. *An investigation into all avenues available to Council for support, grants and funding to assist in the development, construction and operation of such projects.*
3. *The possibility of forming an arrangement with the Department of Defence to develop, construct and operate a solar farm on the RAAF site at Richmond be investigated.*
4. *Identification of other suitable sites for solar farms in the Hawkesbury."*

This was reported through Council's Sustainability Committee, with a presentation by Ironbark Sustainability. Detailed investigation has not yet taken place in regard to item 3, with the priority as recommended by Ironbark Sustainability to focus on distributed, "behind the meter" installations where significant financial benefits exists. This has been embodied in a range of actions detailed in this report.

2. Resolution 157, Ordinary (30 May 2017) (in part)

"2. A report be presented to Council within six months, outlining options available to Council recommending five actions for Council to focus on in relation to activities such as renewable energy, energy efficiency, transport and advocacy."

This report addresses the renewable energy and energy efficiency aspects of that resolution.

3. Resolution 267, Ordinary (29 August 2017)

"That a report be provided to Council by 24 October 2017, that:

1. *Gives an update on the status of the scheduled or recommended measures outlined in the Energy Savings Action Plan 2013, for each of the top ten energy consuming Council-controlled facilities/areas identified in the plan.*
2. *Gives options for comprehensively updating the Plan. This should include, but not be limited to:*
 - a) *collecting, analysing and reporting energy consumption data to compare with 2008 and 2013 data*
 - b) *updating the status of the co-generation plant housed under the Deerubbin Centre*
 - c) *reviewing and updating the recommendations for greater energy savings and efficiencies based on the latest technology and best practices*
 - d) *reviewing the need for an internal working group, comprised of staff from a wide range of Divisions within Council*
 - e) *identifying additional facilities/areas controlled by Council that could be included in a revised plan."*

This report includes the requested data and current actions.

The following commentary on key issues and actions is provided.

NSW Water and Energy Saving Action Plan

This program introduced and implemented in 2005 by the NSW Government, was the first regulatory requirement for Council to systematically address its water and energy consumption. Council responded to this by adopting a Water and Energy Savings Action Plan, which identified 66 measures for investigation and implementation subject to feasibility.

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Of these measures:

- 24 were completed at a cost of \$1.226M
- 10 are currently in progress at a cost of \$0.5M
- 13 are included for future budget consideration
- three were actions that are tenant responsibilities
- five measures were ultimately considered not feasible.

A detailed list of projects and current status is included as Attachment 1.

The plan was last revised in 2013, being the final year of that regulatory requirement.

Having regard for the various actions now being proposed, it is recommended that a Sustainable Energy Strategy be developed to replace the former Energy Saving Action Plan. Reporting on our performance can continue to be done through the Planet Footprint methodology.

Deerubbin Centre Tri/Co-generation Plant

At the time of construction of the Deerubbin Centre in November 2006, the project included a tri-generation plant for the generation of cooling, heating and electricity for the centre's use.

Following the rapid escalation in gas pricing following its construction, the operation of the plant was no longer financially viable. The plant was put into a standby mode to provide the opportunity to provide back-up power for the site.

A report was prepared for Council 8 December 2015, at which time it was resolved to continue the maintenance/standby mode.

A copy of the report is included as Attachment 2.

Light Years Ahead - Phase 1

This project, carried out under the auspices of WSROC, utilised a Commonwealth Grant to subsidise the conversion of 14,491 streetlights across nine Council areas from older style mercury vapour and other lights to energy efficient LED lights.

Hawkesbury Council carried out conversion of 562 lights under this program which is resulting in a current electricity cost saving of \$32,000 per annum.

This program reduced Council's energy consumption by 207,731 kWh and reduced carbon emissions by 199.42 tonnes per annum.

Current Regulatory and Energy Market Position

Incentives for Energy Efficiency and Renewable Energy

Both the energy market and government policy and regulatory response are currently subject to extensive debate and political positioning. Most recently the announcement of the National Energy Guarantee (NEG) to replace the existing Renewable Energy Target (RET) will directly impact Council's proposed renewable energy installation program. The RET currently results in a capital cost reduction of around 20-30% for the scoped 700kW renewable energy on Council facilities. The NEG aims to support the reliability of the energy market and to achieve the Paris climate change goals. As such it is expected there will be some incentive for lower emission technologies.

The NEG is planned to begin in 2020, which means the current certainty of funding available under the RET will be available to Council only if it implements the projects prior to this time.

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The NSW Government currently provide incentives for the completion of relevant energy efficiency projects through the Energy Saving Scheme. Council was able to generate funding for the LYA1 street lighting replacement program through this scheme and plans to access this funding for any future projects. There are no plans to scrap this scheme and it has been functioning effectively since 2009.

Street Lighting key regulatory issues include:

- Future determinations by Australian Energy Regulator on charging and tariffs by energy distributors. This includes street lighting charges.
- Currently the Endeavour Energy Street Lighting Use of System (SLUoS) tariffs for LEDs is around double that of other jurisdictions. The structure of the tariffs is such that around ¾ of the cost of the LED tariff is a smeared maintenance cost. This means all the maintenance for lighting is charged equally across different technologies, despite LEDs resulting in significantly lower maintenance requirements.
- The Australian Energy Regulator supports moves to a more consistent approach for maintenance tariffs. The public Victorian models average \$25 per LED light compared to over \$60 for equivalent Endeavour lights.
- Through the Light Years Ahead Program WSROC is currently advocating on behalf of councils to have changes made by Endeavour to the tariff structures. This advocacy is being made through the WSROC Energy Forum which includes Endeavour Energy as well at state level and through formal regulatory processes. If successful this will reduce ongoing costs for Council significantly.

Energy - Market Forecasts

Both gas and electricity pricing have increased significantly over the last few years, with infrastructure costs, regulatory changes, market dynamics and consumption all contributing.

The forecast for electricity prices (which are comprised of both supply and distribution charges) are likely to remain relatively flat for the next three years, with large increases in network charges already built in.

The impacts of the recently released Federal Government's National Energy Guarantee Policy and responses to the Policy are currently being actively debated.

A similar situation exists with gas pricing with both State and Commonwealth Governments currently reviewing a range of policies and market interventions.

The complexity of these issues also impacts on the net cost of solar / renewable energy installation and operation.

Electricity and gas prices are not likely to decrease significantly over the life of the projects scoped in this report. The business case and savings outlined are conservative and savings could be greater if prices continue to increase. Short term price movements are less important than long term price movements, which have been trending upwards for many decades.

Current Initiatives

Council's focus is principally directed to achieving and maximising reduction in its energy consumption.

Council utilises Planet Footprint to measure our total performance as well as site by site assessment.

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Key indicators include:

- total energy consumption for Quarter 4 2016/2017 decreased by 6% compared to previous year Quarter 4, with cost decreasing by \$36,000
- the largest 10 sites account for 86% of building electricity usage
- gas consumption has decreased by 22% Quarter 4 2016/2017 to previous year Quarter 4, with actual cost decreasing by 7%.

A detailed report is included as Attachment 3.

This reporting allows emphasis and priority to be given to those sites that have the highest return. For example the introduction of new sensors and pumps at the Sewer Treatment Plant has allowed a reduction of 2% of electricity consumption, but this small percentage has resulted in a 50,000kWh saving.

Site Managers are also provided with energy performance statistics to ensure any anomalies or excess use are identified and resolved. This includes the introduction of live "Energy Dashboards" for eight key sites.

Light Years Ahead - Phase 2

This project, again auspiced by WSROC, was designed to explore the potential for additional LED relamping of the street light network across nine local government areas. The project has developed to more broadly incorporate energy generation and efficiency projects such as photovoltaics, lighting and air conditioning. By collaborating through a single consultancy, negotiations on financing and procurement as well as discussions with providers and regulators has occurred on a regional basis.

For Hawkesbury Council a range of potential projects has been identified, with sound potential to deliver economic and environmental benefits. These are grouped into two areas, being:

- LED street lighting - replacing approximately 1,400 mercury vapour lights with LEDs
- Photovoltaic cell installations - this provides solar power installations with approximately 0.7MW of generation capacity at 12 sites.

A list of currently proposed works is included as Attachment 4.

Feasibility

A feasibility and financial analysis has been carried out by both WSROC (via Ironbark Sustainability) and reviewed / assessed by Council, using a Net Present Value (NPV) Analysis.

Based on the following assumptions of:

- 10 year loan term
- 2.8% fixed interest rate
- electricity indexed at 3.3%
- full recovery of electricity generation income from tenants.

shows that (whilst further analysis is being finalised), over a 25 year period, the estimated NPV is approximately \$2.1M (positive).

This review indicated that each of the two elements of the program would have a positive Net Present Value over the 20-25 year life of the projects, with only street lighting having a negative cash flow in years 1 to 10. However, when both elements are combined they are cash flow positive from year 1.

Financing Alternatives

The foregoing financial analysis is based on Council directly borrowing, and utilising a T-Corp subsidised interest loan facility.

Alternative financing operations were examined.

These include:

- Borrowing from Clean Energy Finance Corporation as part of a WSROC consortium of Councils.

This was considered early in the project, however as alternate lower cost financing was available, there was no incentive to pursue this. It should be noted that this would also require a minimum loan of \$5M.

- Off-balance sheet funding. This included two proposals.

a) Managed Service Provider Model for street lighting.

Under this arrangement Council would simply enter into a long term agreement with a third party to fund the upfront cost, with Council paying a monthly "service fee" which incorporates all financing and associated management costs for an agreed contract period.

This option would not technically being considered a loan, would attract a higher financing cost and would not maximise the long term benefits to Council. Such arrangements can be suitable where a neutral or positive cash flow is required from day one.

b) Power Purchase Agreement (PPA)

A PPA is an arrangement where the supplier (in this case of a solar system) meets the cost of the infrastructure and installation, and then sells the generated power back to the premises on which it is installed. This is generally done over a 10 to 15 year period. It is a variation on the management service provider model in that Council would be contracted to purchase the generated power rather than pay a monthly fee.

Again the financing and administrative costs are higher than otherwise currently available to Council.

- Community Financing

This typically involves either the sourcing of loans from community investors to install renewable energy generation. Whilst having significant community and social benefits due to ongoing involvement, the financial return to investors is not significant, given the low cost of finance otherwise available to Council.

Alternatively, direct investment under a power purchase agreement is possible, where the community investors would retain a share of the "profits". Where the installation involves a Council owned facility, this can involve probity issues where the use of a public asset is used to benefit individuals, notwithstanding environmental benefits. Community investment has been limited by regulatory restrictions on power sharing across individual sites (as this results in no payment for use of the distribution grid)

Large Scale Solar Farms

Whilst the current economics strongly favour the use of distributed solar generation, where the use of power on site does not require the use and cost of a distribution network, there is significant interest in development of large scale, grid connected solar installations.

A number of major projects are underway or completed.

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An overview of the Lismore and Sunshine Coast Council projects was provided by Ironbark to Council's Sustainability Committee. This presentation also outlined the investigations being undertaken by Melbourne City Council into Power Purchase Agreements. This project is seeking to enter into a contract with external market providers to provide renewable energy on a long term contract, with a requirement for power to be delivered from new investment.

This arrangement does provide the potential to leverage scale, and locate generation sites at optimal locations, unconstrained by local government boundaries.

It is understood that tender evaluation is currently being undertaken, and the outcome of this will be of high value to Council's further consideration. It is possible that a similar regional project could be considered as part of the investment and funding being developed for the Western Sydney Regional City.

There is a strong financial case to continue with the planning and implementation of the distributed solar installation program. Although the initial cost of the LED streetlight refit program is such that the payback period is longer, with a negative cash flow in the first 10 years, the project has a positive net value over its 20 year life.

There are a number of issues and risks that need to be further evaluated prior to a final decision to proceed to installation.

These include:

- current network infrastructure locations and accessibility
- actual financing costs at time of borrowing
- regulatory changes
- possible lower than anticipated increases in electricity
- technology advances
- agreement and continuity of use with tenants/users of facilities.

As outlined previously risk assessment and management actions are currently being assessed as part of the project development, and it is intended that a further report will be presented to Council on this project in the near future.

Conclusion

In order to consolidate the direction of Council in investigating, developing and implementing practical and sustainable actions relating to energy efficiency and sustainability, it is proposed to prepare a Sustainable Energy Strategy which will provide high level guidance, and ensure that available resourcing is directed to support that strategy. It is envisaged that this strategy would be reflected in Council's annual Operational Plan. This will enable funding and reporting to be considered and embedded in Council's normal operations, ensuring it becomes a key part of our business practice.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Environment

- 3.2 To live sustainably and reduce our ecological footprint - Identify and make best use of our local resources and awareness of contribution to the environment

3.2.2 Alternative forms of energy are embraced throughout the Hawkesbury.

- 3.3 We reduce, reuse and recycle - Identify ways for our community to reduce, reuse and recycle waste

3.3.2 Undertake community education on best practice environmental sustainability and climate change issues.

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3.4 The sustainability of our environment is improved - Encourage and enable our community to make sustainable choices

3.4.2 Development is functional, attractive and sympathetic with the environment, and avoids unnecessary use of energy, water or other resources.

Financial Implications

The recommendation arising from this report do not have direct financial implications outside of the current Operational Plan at this stage. Subsequent reports to Council may recommend works or actions.

RECOMMENDATION:

That

1. Council note the information and actions underway in relation to sustainable energy.
2. Further investigations be undertaken, within the framework of the Western Sydney City planning and funding frameworks to pursue energy sustainability.
3. A further report be brought to Council detailing a Sustainable Energy Strategy for Council.

ATTACHMENTS:

- AT - 1 NSW Water and Energy Saving Action Plan - Hawkesbury Council List of Projects and Current Status
- AT - 2 Report to Council - Deerubbin Centre Plant
- AT - 3 Planet Footprint Formal Performance Review Q1-Q4 Financial Year 2016/2017
- AT - 4 Light Years Ahead - Phase 2 - Hawkesbury Council Currently Proposed Works

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AT - 1 NSW Water and Energy Saving Action Plan - Hawkesbury Council List of Projects and Current Status

Action Number	Site	Cost effective opportunities	Cost to Implement \$	Dollar Savings \$	Electricity Savings kWh/yr	Electricity Savings GJ/yr	Gas Savings MJ/yr	Pk-kVA	Saving in tonnes CO2e per yr	Payback in years	Completion Date	Comments as at 2017
1	All pumps	Install variable speed drives on irrigation pumps and aim to reduce operational flow-rate as much as possible	\$10,000	\$6,600	26,400	95			23	1.5	Completed	Completed
2	All pumps	Upgrade to more efficient units (some pump stations)	\$15,000								Completed	Completed
3	All pumps Sewer Services	Ensure all pump stations are upgraded as required to more efficient units	Ongoing								in future budget	Under investigation.
4	Council Administration Building and Old Library	Investigate and address irregular operation of power factor correction equipment									Completed	Completed
5	Council Administration Building and Old Library	Replace BMS to include controls for genset to loadshed using the genset - saving 4 kva.	\$75	\$2	7					42.9	underway	Budgets have been approved. To be completed BMS in 2017 across all large sites and with metering commissioning this will be investigated.
6	Council Administration Building and Old Library	Upgrade building's HVAC systems - Stage 2 (Chambers areas)	\$350,000								underway	Still require to complete chambers side of admin building. To be funded by W&SIP.
7	Council Administration Building and Old Library	Data Centre energy efficiency works (a/c replacement - \$45K; UPS replacement - \$80K; cable management - \$10K; Data Centre management software - \$35K).	\$150,000	\$39,420	157,680	568			140	3.8	Completed	Refer to energy audit of the centre. These works are currently in planning stages and budget exists Associated works include fire rating and protection \$75K, security \$3K, relocation \$20K, switchboard for n+1 10K and genset resizing \$50K (these additional works in 2013-14 budget bid) and infrastructure changes by IT incl cabling \$25K and switches \$75K.
8	Council Administration Building and Old Library	Investigate automatic controlled louvers in Main Atrium.	\$45,000	\$3,750	15,000	54			13	12.0	in future budget	no budget
9	Council Administration Building and Old Library	Thermoshield for improved roof insulation in the Dight Street Building.	\$36,000	\$17,109	68,435	246			61	2.1	in future budget	Administration has been completed, but no funding available to carry out works at Dight Street.
10	Council Administration Building and Old Library	Upgrade fire exit lighting to LED.	\$60,000	\$10,000	40,000	144			36	6.0	Completed	Existing fenco is being upgraded as fittings fail: ongoing across portfolio
11	Council Administration Building and Old Library	Installation of energy efficient lighting and sensor switching in the Function Centre.	\$60,000	\$7,500	30,000	108			27	8.0	by tenant	Awaiting funding decision but is a tenet responsibility really
12	Council Administration Building and Old Library	Stage 1 of 2 upgrade of building's HVAC systems (8-12 reverse cycle units)	\$350,000	\$25,000	100,000	360			89	14.0	Underway	Under investigation Part completed Still require to complete chambers side of admin building estimated at \$300,000 (see below), \$88K in 2017 budget
13	Council Administration Building and Old Library	Upgrade lighting in old library (including de-lamping and day-lighting glare reduction)	\$4,000	\$1,000	4,000	14		2	4	4.0	Completed	15 retrofit completed in 2008. New vertical blinds installed for glare reduction in 2012. Delamping to be done in 2013 in a revamp of the admin building (due 30/6/13). New LEDs fitting in 2017 as Council pays bill
14	Council Administration Building and Old Library	Investigate opportunities for improved roof insulation in the administration building.	\$30,000								Completed	Roof insulation painting completed 11/12
15	Council Administration Building and Old Library	Installation of solar PV panels	\$110,000	\$17,630	70,518	254			63	6.2	Completed	Completed. Project included a 29 kw system on the admin building plus a 17kw system on the Oasis Aquatic Centre
16	Council Administration Building and Old Library	Installation of sensor switching in the basement and halls.	\$1,750	\$546	2,184	8			2	3.2	Completed	Completed for basement, halls and meeting rooms.
17	Council Administration Building and Old Library	Targeted 4kW reduction in building standby (after-hours audit, install timing devices etc)	\$3,000	\$440	1,760	6			2	6.8	Underway	Submetering installed. Awaiting commissioning in 2017
18	Willeforce Depot	Investigate power factor correction equipment	\$14,000								not suitable	Investigated but site not suitable

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Action Number	Site	Cost effective opportunities	Cost to implement \$	Dollar Savings \$	Electricity Savings kWh/yr	Electricity savings GJ/yr	Gas Savings MJ/yr	PL-kVA	Saving in tonnes CO2e peryr	Payback in years	Completion Date	Comments as at 2017
19	Wilberforce Depot	Install energy efficient hi-bay replacements.	\$20,000	\$6,844	27,375	99		15	24	2.9	Completed	1/02/13
20	Wilberforce Depot	Carry out a lighting refit to a T5 LL MT adaptor system.	\$19,000	\$47,045	188,179	677			167	0.4	Completed	1/02/13
21	Wilberforce Depot	Install a thermoshield reflective insulation coating to the roof over the small store.	\$10,000								Completed	1/06/12
22	Deerubbin Centre Precinct	Replace the current BMS to gain efficiencies.	\$110,000	\$12,500	50,000	180			45	8.8	underway	In current budget 2012-13. \$50k incl old hospital. Peppercom. Johnson building
23	Deerubbin Centre Precinct	Place the library's central up-lights on a light sensor override (so they are always off when sufficient day-lighting is available)	\$25,000	\$1,752	7,008	25			6	14.3	underway	Currently getting quotes to do this and other lighting works on site including carpark lights and sensor switching through building
24	Deerubbin Centre Precinct	Installation of dehumidification reheats for the gallery during off peak periods.	\$40,000	\$5,000	20,000	72			18	8.0	underway	BMS controls to be incorporated through current \$50k tunding. See 20. Now looking at purchase of CRACK unit to run the art store during afternoons
25	Deerubbin Centre Precinct	Recommissioning of Dynalite and Fancoo controls and PES.	\$40,000	\$5,000	20,000	72			18	8.0	Completed	Completed with replacements in LEDs. Of faulty or when replacements are required, portfolio wide
26	Deerubbin Centre Precinct	Set up net metering or electricity sale contract with energy provider to account for electricity generated by the co-gen system.	\$10,000								not suitable	Under investigation. Shall be finalised for 1/7/13. Benefit to gnd to reduce demand peaks. Possible income \$30k pa. Investigated and not available
27	Deerubbin Centre Precinct	Resolve co-gen operational issues (with energy reduction a priority given the site's unusually high energy consumption)									in future budget	Recommissioning undertaken, including feasibility to start triggen plant up to run during shoulder and peak demand times on site. Report to Council done 2015
28	Deerubbin Centre Precinct	Carry out a compressed air audit to identify leaks. Consider installing electronic controls to valves.	\$2,000	\$1,250	5,000	18			4	1.6	in future budget	To be completed
29	Deerubbin Centre Precinct	Recommission shading blinds to atrium and sun lounges.	\$15,000								Completed	Completed
30	Wilberforce Fire Control Headquarters	Investigate installation of power factor correction equipment	\$14,000								Completed	Under investigation. Not required at the site.
31	Wilberforce Fire Control Headquarters	Install domestic heat pump hot water system for building	\$4,500	\$730	2,920	11			3	6.2	in future budget	Under investigation. Dependent on the age of the unit.
32	Wilberforce Fire Control Headquarters	Insulate ceiling (minimum R3.5) and under floor (where accessible)	\$7,000	\$2,281	9,125	33			8	3.1	Completed	2010
33	Hawkesbury Indoor Sports Stadium	Investigate installation of power factor correction equipment	\$14,000								Completed	complete 2015
34	Hawkesbury Indoor Sports Stadium	Carry out a lighting refit to all T5 LL MT Adaptor System.	\$35,806	\$15,367	61,466	221			65	2.3	Completed	31/12/13
35	Hawkesbury Indoor Sports Stadium	Install domestic heat pump hot water system for change rooms.	\$4,500	\$730	2,920	11		2	3	6.2	in future budget	Investigate ventilation of new units.
36	Hawkesbury Indoor Sports Stadium	Install energy efficient hi-bay replacements (~10 fittings)	\$40,000	\$11,406	45,625	164		25	41	3.5	Completed	28/02/12
37	Hawkesbury Indoor Sports Stadium	Place non- perishable drinks fridges and vending machines on timer switches (off 11pm to 7am)	\$100	\$375	1,500	5			1	0.3	by tenant	To be undertaken in counter upgrade to begin 1/6/13
38	McGraths Hill Shopping Centre	Install thermoshield to roof	\$10,000	\$750	3,000	11			3	13.3	by tenant	No budget currently available. Effects termnaced only no return to Council
39	McGraths Hill Sewerage Treatment Plant	Install domestic heat pump hot water system for building and amenities.	\$4,500	\$730	2,920	11		2	3	6.2	in future budget	
40	North Richmond Neighbourhood Centre	Install energy efficient lighting and sensor switching through the centre	\$20,000	\$5,000	20,000	72			18	4.0	Completed	15 upgrade

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Action Number	Site	Cost effective opportunities	Cost to Implement \$	Dollar Savings \$	Electricity Savings KWh/yr	Electricity savings GJ/yr	Gas Savings MJ/yr	Pk-kVA	Saving in tonnes CO ₂ e per yr	Payback in years	Completion Date	Comments as at 2017
41	Oasis Centre	Replace the current EMS to gain efficiencies.	\$35,000	\$7,500	30,000	108			27	4.7	underway	Included in 2013-14 budget bid. Replace BMS using BACnet including integration of controls to 5 standalone roof mounted package units. \$35K plus centralisation of the energy management of all building controls to through fibre network, enabling reporting for sustainable outcomes with use.
42	Oasis Centre	Install solar water heating system on available roof space for outdoor pool with winter changeover for indoor pool	\$146,355	\$19,500	100,000	360	500,000		89	7.5	Completed	Included in 2013-14 budget
43	Oasis Centre	Install lighting occupancy sensors in the aerobic room (note: additional opportunities may exist)	\$1,000	\$438	1,752	6			2	2.3	Completed	Implemented.
44	Oasis Centre	Replace kiosk halogen lighting with 20W IRC halogens	\$100	\$38	153	1				2.6	Completed	Implemented, but subject to review.
45	Oasis Centre	Install automatic doors to minimise heat loss	\$51,000								Completed	Air lock installed to lobby with separate new AC unit. Savings in gas around 30% including solar hot water to showers and spa. Completed 1/6/12. Outdoor pool doors still manual doors. Entry and exit cannot be automated, but under investigation.
46	Oasis Centre	Investigate new low air replacement method for ventilation system (currently being implemented at Gosford Council)	\$150,000								not suitable	This action is not to be implemented. Other works have been completed that returned better savings and improved the usage of the site.
47	Oasis Centre	Install power factor correction equipment at this site	\$14,000	\$4,706				53		3.0	Completed	Implemented.
48	Oasis Centre	Install Variable Speed Drives on main circulation pumps (eg 80% of usual flow rate over night)	\$10,000	\$3,942	32,850	118			29	2.5	Completed	Main circulation pumps replaced and main VSD drives installed.
49	Oasis Centre	Install solar hot water system and replace gas fired hot water systems with more efficient heating	\$100,000	\$3,942	32,850	118			29	25.4	Completed	Completed - resulted in 30% reduction in gas on site, included metering of gas and water to spa and shower hot water, plus removal of additional hot water service by extending the ring main through the complex 1/6/12
50	Oasis Centre	Reduce pool temperature set points by 1c (26-27C)		\$9,750	50,000	180	250,000		45		not suitable	This action was implemented, but reversed following customer complaints. Council to continue to work with YMCA to resolve.
51	Richmond Park	Install energy efficient carpark floodlighting.	\$43,500	\$5,000	20,000	72			18	8.7	Completed	Other work done on whole of Park \$150K completed 2016
52	Richmond Senior Citizens Centre	Install BMS to site to run AC	\$50,000	\$4,750	19,000	68			17	10.5	Completed	Include in project costs - \$1.7M
53	Richmond Senior Citizens Centre	Install energy efficient lighting and sensor switching to refurbishment/extensions	\$50,000	\$5,250	21,000	76			19	9.5	Completed	Include in project costs - \$1.7M
54	Richmond Senior Citizens Centre	Install 20 kW PV system with storage batteries	\$70,000	\$10,000	40,000	144			36	7.0	in future budget	Include in project costs - \$1.7M
55	South Windsor Tennis Courts	Install energy efficient floodlights (LEDs)	\$21,000	\$2,500	10,000	36			9	8.4	in future budget	No budget available.
56	South Windsor Sewerage Treatment Plant	Install power factor correction equipment at this site for old control room	\$20,000					50			in future budget	confirmed to be feasible
57	South Windsor Sewerage Treatment Plant	Install domestic heat pump hot water system for building	\$4,500	\$730	2,920	11		2	3	6.2	in future budget	Will be replaced with new heat pump when the existing pump needs upgrading.
58	South Windsor Sewerage Treatment Plant	Install soft starters on key equipment									Completed	Completed
59	South Windsor Sewerage Treatment Plant	Install power factor correction equipment at this site	\$14,000					50			Completed	2009

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Action Number	Site	Cost effective opportunities	Cost to implement \$	Dollar Savings \$	Electricity Savings kWh/yr	Electricity savings GJ/yr	Gas Savings MJ/yr	Pk-kVA	Saving in tonnes CO2e per yr	Payback in years	Completion Date	Comments as at 2017
60	South Windsor Sewerage Treatment Plant	Set air conditioning in control room to minimum 24C- 21C	\$50	\$500	2,000	7		2	2	0.1	Completed	2008
61	South Windsor Sewerage Treatment Plant	Install variable speed drives on other key variable demand equipment									Completed	Stage 1 completed and out to tender. Stage 2 also completed.
62	South Windsor Sewerage Treatment Plant	Use dissolved oxygen (or other process-specific) sensors linked to VSD's for improved operation of blower motors	\$160,000	\$12,000	48,000	173			43	2.5	in future budget	Contract for the VSD's to be issued in September 2013. Expect completion in December 2013.
63	Other various sites	Upgrade BMS to small sites to backnet with remote access and efficient controls	\$60,000	\$5,000	20,000	72			18	12.0	underway	Wilberforce offices \$20K, South Windsor Family Centre \$10K, Museum \$15K, McMahons Park Community Centre \$15K
64	Other various sites	Install submetering and reporting for water and power, for light, power and separate plant - portfolio wide	\$360,000	\$50,000	200,000	720			178	7.2	underway	\$3k per meter includes controls and reporting on site or tenancy i.e. 40 sites x 3 meters per site including depot, Wilberforce offices, Oasis, indoor stadium, treatment works x2, admin, senior citizens. Includes all sites where major a/c plant is run.
65	Other various sites	Install load shedding to genset to reduce power bills	\$100,000								not suitable	Across 11 genset sites. No budget but in Capex requests. Apply to Depot, Wilberforce Offices, tip, treatment works and pump stations to reduce peak demand on these sites. Site managers did not want to put at risk the availability of standby power including tank capacities were small to run this project
66	Other various sites	Install domestic heat pump hot water system for buildings	\$130,500	\$21,170	84,680	305			75	6.2	Completed	Install to Council sports sites, upper Colo reserve, community centres, depot, childcares and function centre. Grant received in 2015 and undertook 8 sites including Depot, McQuade park, Colonial Reserve, Benson Lane sports

AT - 2 Report to Council - Deerubbin Centre Plant

Item: IS - Deerubbin Centre Plant - (79351, 95495, 105109, 125612)

Previous Item: NM1, Ordinary (30 June 2015)

REPORT:

Executive Summary

Council sought advice regarding the status of the trigeneration/cogeneration plant located at the Deerubbin Centre. This report provides details on the operation and cost of this plant.

In basic terms the Deerubbin Precinct was designed in the early 2000's to be supplied with power from a natural gas fired generator with the waste heat from that being reused to provide cooling through an "absorption chiller".

This was supplemented with a gas fired boiler for heating and cooling. The plant also includes a separate electric chiller to meet the full cooling load for the buildings within the precinct.

With the rapid rise in gas prices relative to electricity, the operation of the plant in cogeneration mode is not financially viable at the current time.

The report recommends that the generator be operated/maintained in standby mode to provide backup/emergency power to the precinct.

Consultation

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

Background

Council at its meeting of 30 June 2015 resolved that:

"Council prepare a report on the options of what to do with the cogeneration plant at the Deerubbin Centre."

The Deerubbin Centre in George Street, Windsor was constructed in 2004 and as part of that project the building plant room and equipment was designed to service this building as well as other adjoining buildings in the precinct including the café, old Hospital Building, Peppercorn Building and the Johnson Building.

Whilst commonly referred to as a cogeneration facility, the plant installed is more correctly described as "trigeneration" as the plant includes a gas fired generator, absorption chiller and a gas fired boiler that produces electricity, heating water and cooling water.

In simple terms the natural gas powered electrical generator is designed to produce electricity for use in the precinct and to the external grid. Waste heat from the generator is transferred through heat exchangers to provide energy to the absorption chiller unit which provides cooling for air conditioning. It also provides heating for the precinct.

At the time of construction certain assumptions were used in sizing and selecting the plant. This included the price of gas, which in the early 2000's was less expensive than electricity and feed in tariffs for excess electricity were also assumed. Air conditioning loading and power usage was also based on estimates. Since that time significant changes, particularly in gas prices, have affected the operating costs.

The generator is kept in an operational state, with periodic operation and maintenance being undertaken however the current price of gas is such that the precinct is principally cooled using the electric chiller, and heated using the gas boiler with electricity supplied by the grid.

A detailed review of the Deerubbin plant was undertaken by an external party. This review concluded that based on current gas pricing the costs of operation of the plant in "cogeneration mode" far exceeded the cost of grid power supply.

By way of illustrating the costs, at the present time the cost of generating power using the gas powered generator, is approximately \$0.242/kWh compared to grid supply of \$0.154/kWh.

The system would only be viable at a sale price for generated electricity of \$0.60/kWh back to the grid to cover the maintenance costs and efficiently run the absorption chiller. Current price for sale to the grid is \$0.07/kWh, almost one tenth of breakeven.

The provision of the generator does however provide a significant benefit for the precinct by providing a backup/emergency power source. This includes the backup data centre for Council, and for the commercial tenancies.

The review also emphasised the need to improve the efficiency of plant to dehumidify the Gallery in winter months and at night when the main chiller is operating at low output. Design is underway to install a small chiller for the dehumidification unit, to meet the Gallery requirements

Conformance to the Hawkesbury Community Strategic Plan

The proposal is consistent with the Linking the Hawkesbury Directions Statement;

- Plan for, maintain and renew our physical infrastructure and community services, facilities and communication connections for the benefit of residents, visitors and businesses

Financial Implications

There are no financial implications arising from this report.

Conclusion

The plant currently installed at the Deerubbin Centre is not designed or sized to enable it to be currently operated cost effectively, in cogeneration mode. This is due both to design issues and current gas pricing. The retention of the generator, and its maintenance in a standby mode, is recommended as it can provide a backup power supply for the site. Once reconfigured, this would change the sites operational modes to exclude cogeneration.

The installation of a smaller chiller for a dehumidifier for the Gallery this year will provide a more cost effective solution for maintaining that facility. Should changes occur to either gas or electricity pricing, or if carbon pricing/grant schemes change the economics of the plant operation, the operating principles will be reviewed.

RECOMMENDATION:

That:

1. The information in this report on the Deerubbin Centre Plant be noted.
2. The generator continue to be operated in maintenance mode to provide for standby power to the whole site.

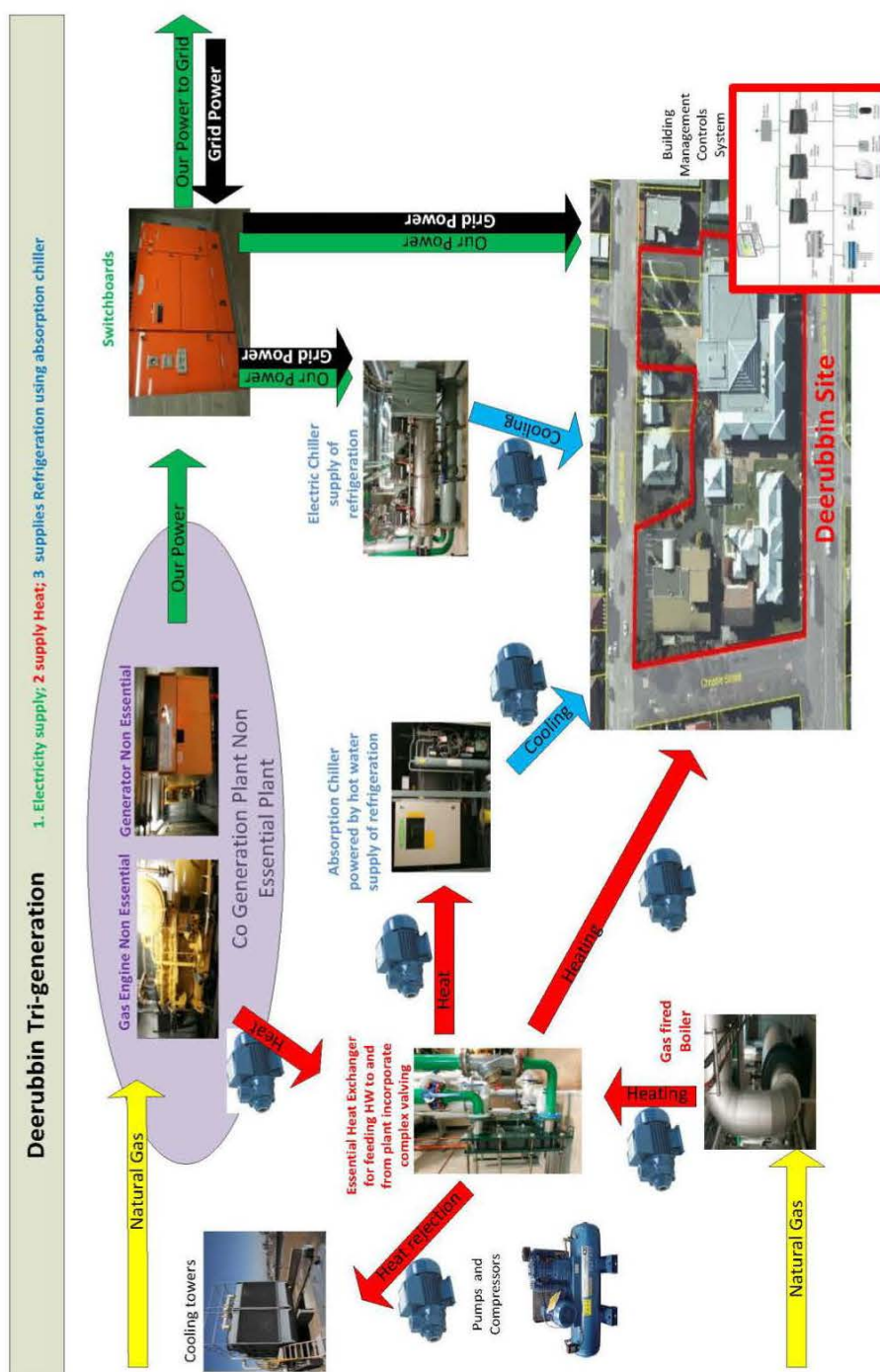
ORDINARY MEETING

Meeting Date: 28 November 2017

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ATTACHMENTS:

AT - 1 Deerubbin Trigeneration Diagram



0000 END OF REPORT 0000

AT - 3 Planet Footprint Formal Performance Review Q1-Q4 Financial Year 2016/2017





AGENDA

- Overall trends: Energy
- Electricity performance
 - Increases and Decreases
- Gas performance
 - Increases and Decreases
- Water performance
 - Increases and Decreases



ENERGY

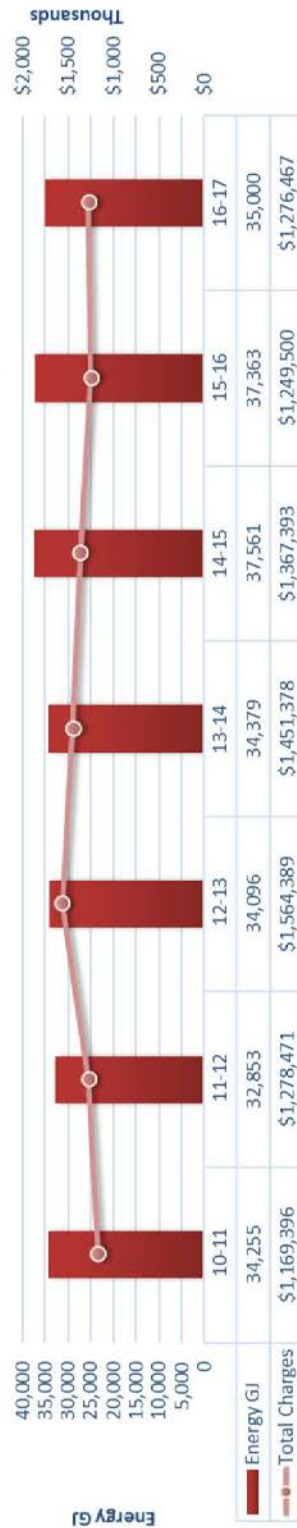
How is the Organization performing overall?





ENERGY: QUARTERLY & ANNUAL SUMMARY

Annual Consumption & Costs to End of Q4, FY 16-17



Quarterly Energy Consumption to End of Q4, FY 16-17



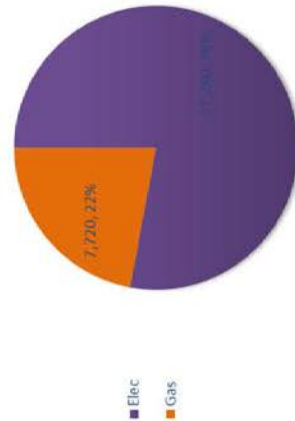
➤ At the end of Q4, FY 16-17, organisation wide energy consumption decreased by 6% compared to the same period previous financial year

➤ Electricity has decreased by 1% and gas has decreased by 22%

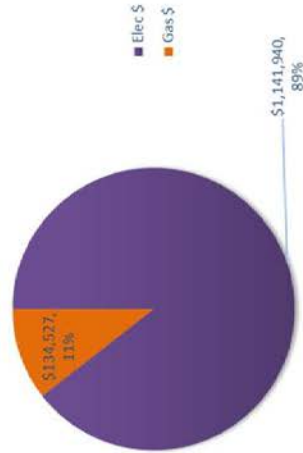
ENERGY: QUARTERLY & ANNUAL SUMMARY



Elec vs Gas GJ: Q1 - Q4, FY 16-17



Elec vs Gas \$: Q1 - Q4, FY 16-17



Quarterly Energy Consumption to End of Q4, FY 16-17



▲ Gas accounted for 22% of energy consumption and 11% of energy cost.



ELECTRICITY

How is electricity consumption tracking? Where are the anomalies?

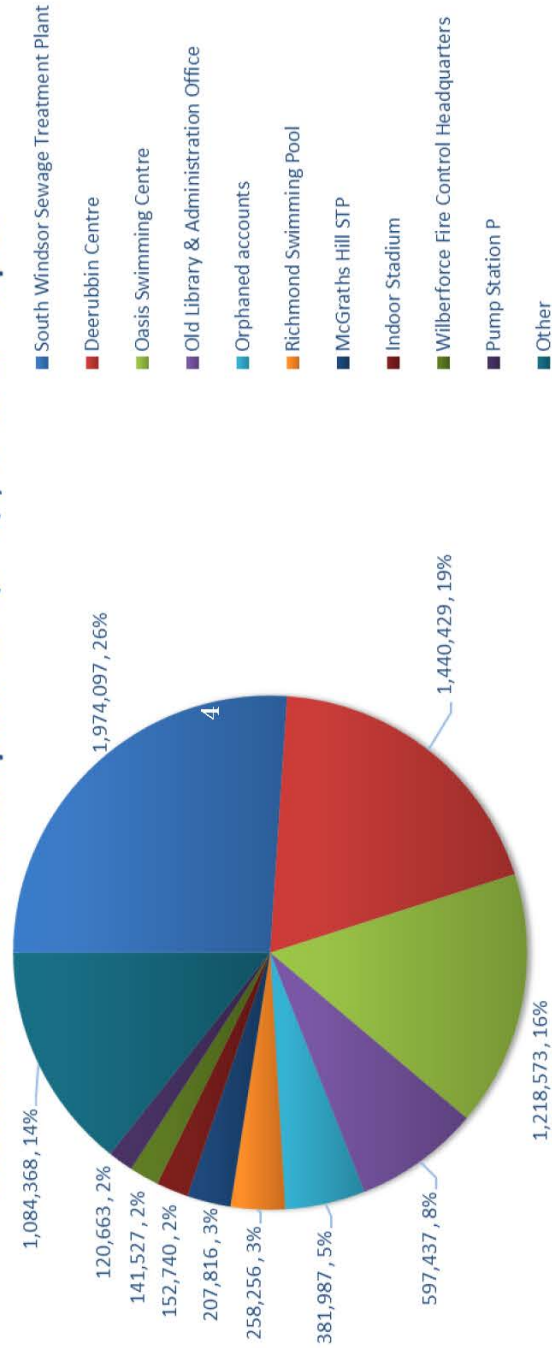


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ELECTRICITY: TOP SITES



% Breakdown Elec. Consumption for Q1 - Q4, FY 16-17 - Top 10

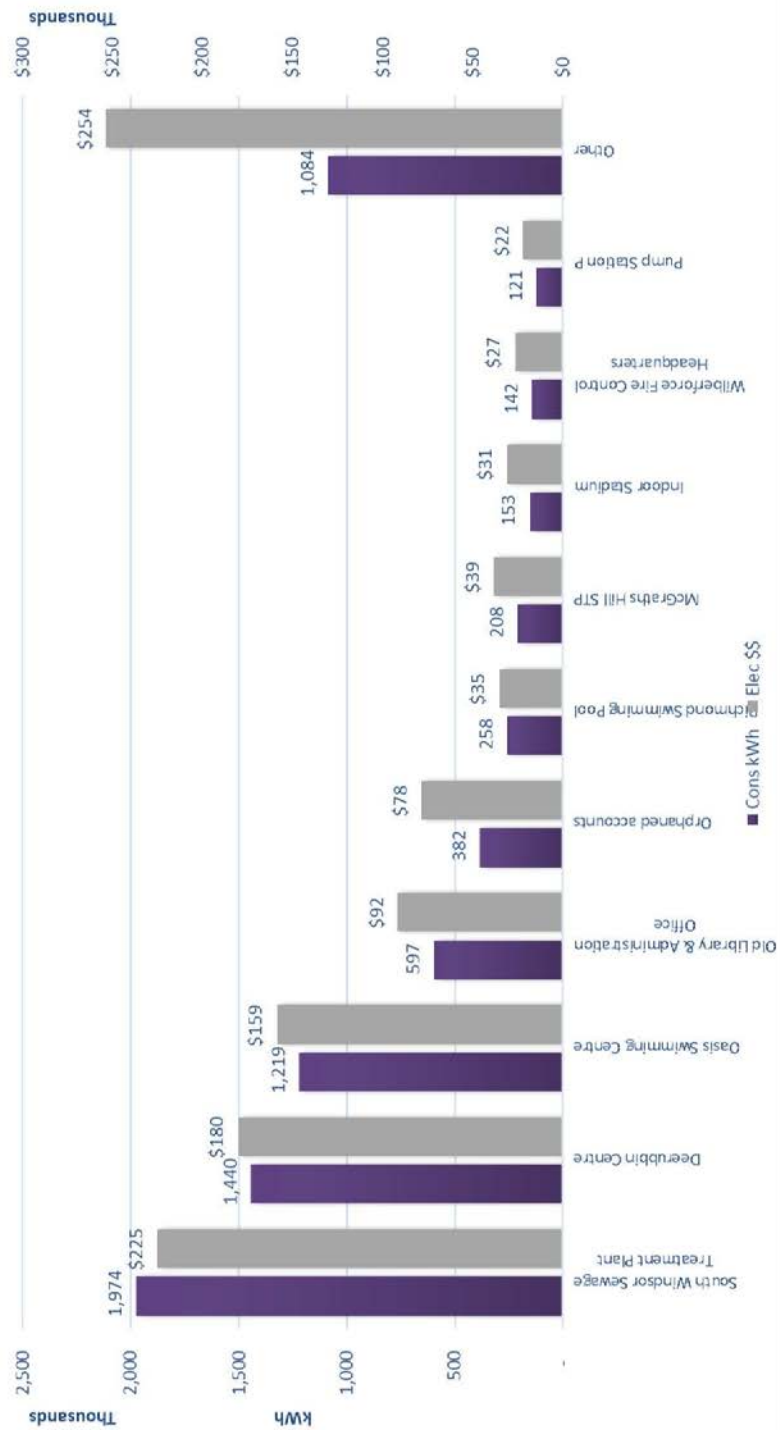


- At the end of Q4, FY 16-17, Council's top 10 sites accounted for 86% of organisation wide electricity consumption
- Movement in the top 10 site compared to last year shows that the Indoor Stadium and Wilberforce Fire Control Headquarters have swapped positions with the Stadium moving up one place and the Fire Control Headquarters moving down one place.



ELECTRICITY: TOP SITES

Elec. Consumption & Costs for Q1 - Q4, FY 16-17

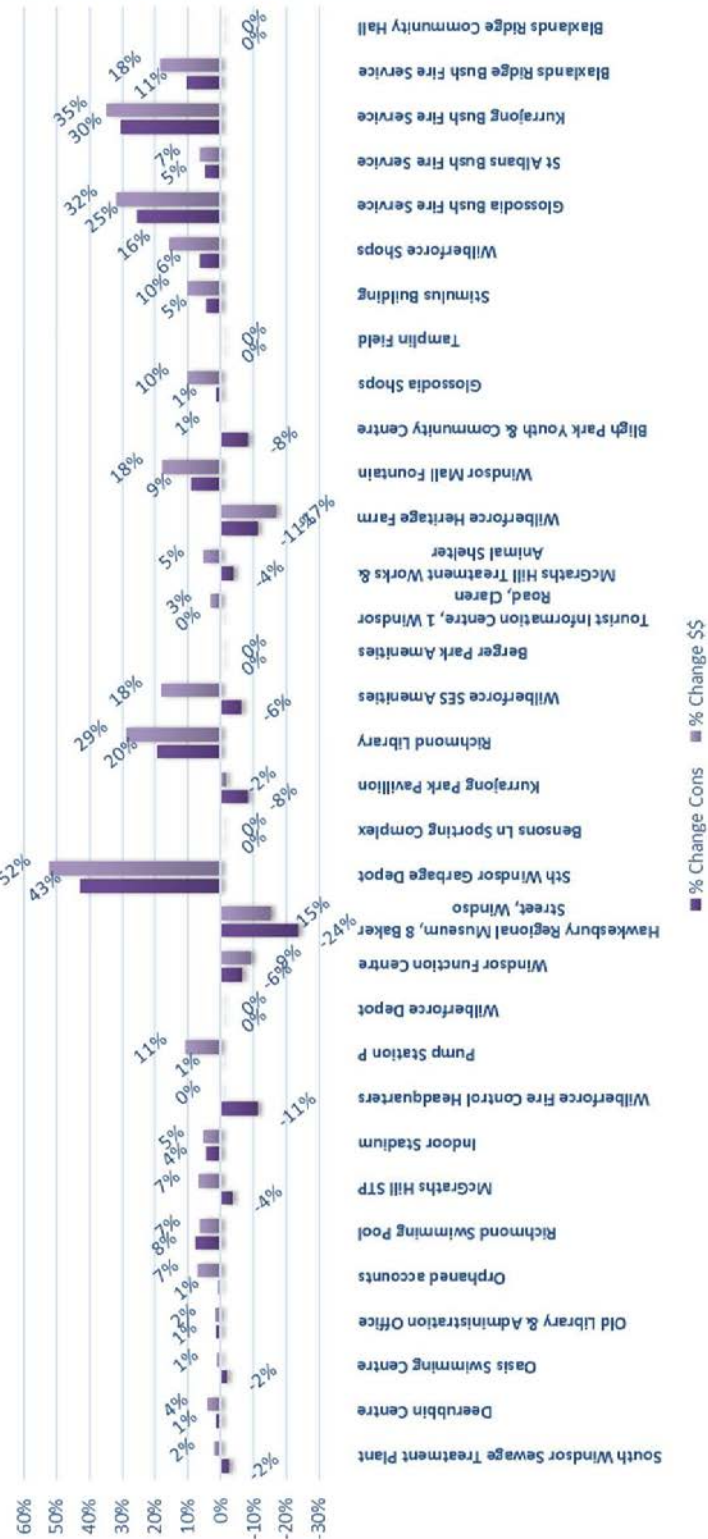


At the end of Q4, FY 16-17, organisation wide electricity expenditure was \$1.1M



ELECTRICITY: PERCENTAGE CHANGES

% Change Cons. & Cost: Q1 - Q4, FY 16-17 Compared to Same Period Previous Year

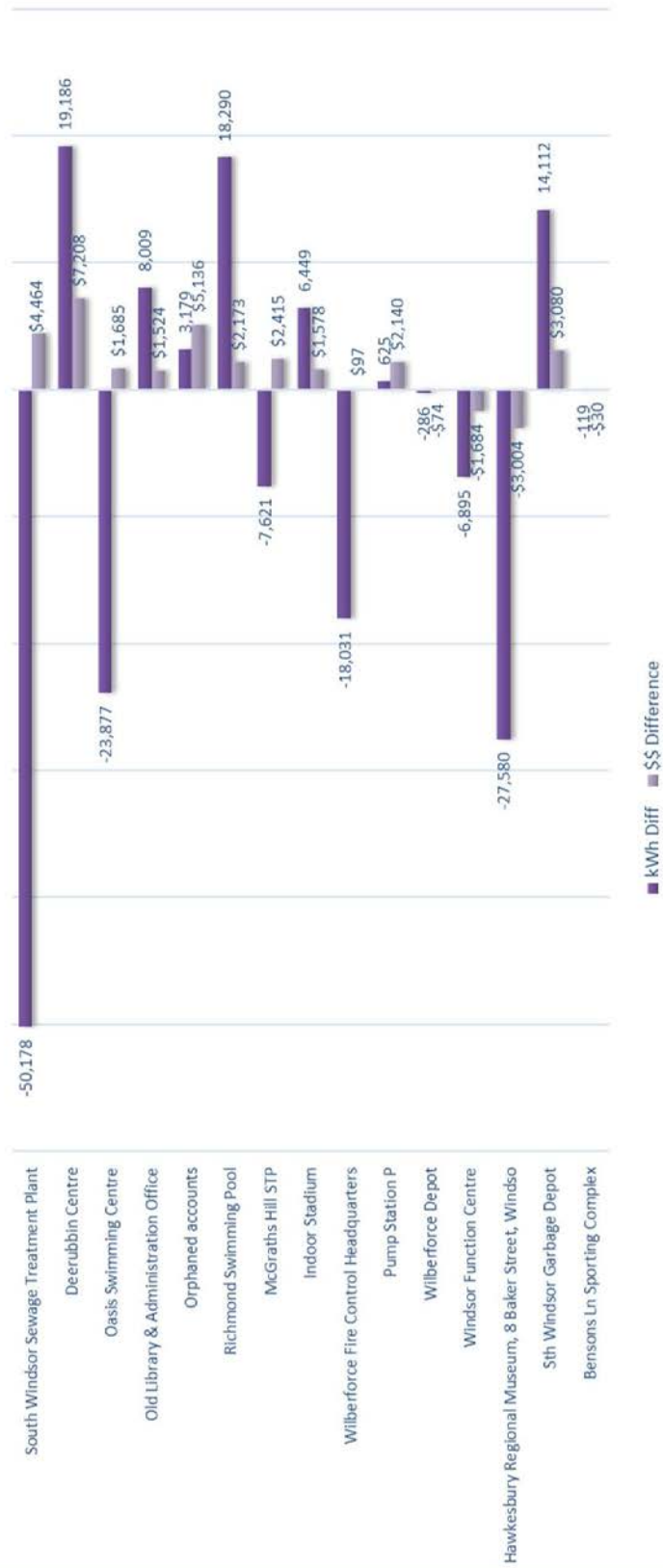


At the end of Q4, FY 16-17, organisation wide electricity consumption had decreased by 1% compared to same period previous year

ELECTRICITY: ACTUAL CHANGES



Cons. & Cost Difference: Q1 - Q4, FY 16-17 Compared to Same Period Previous Year

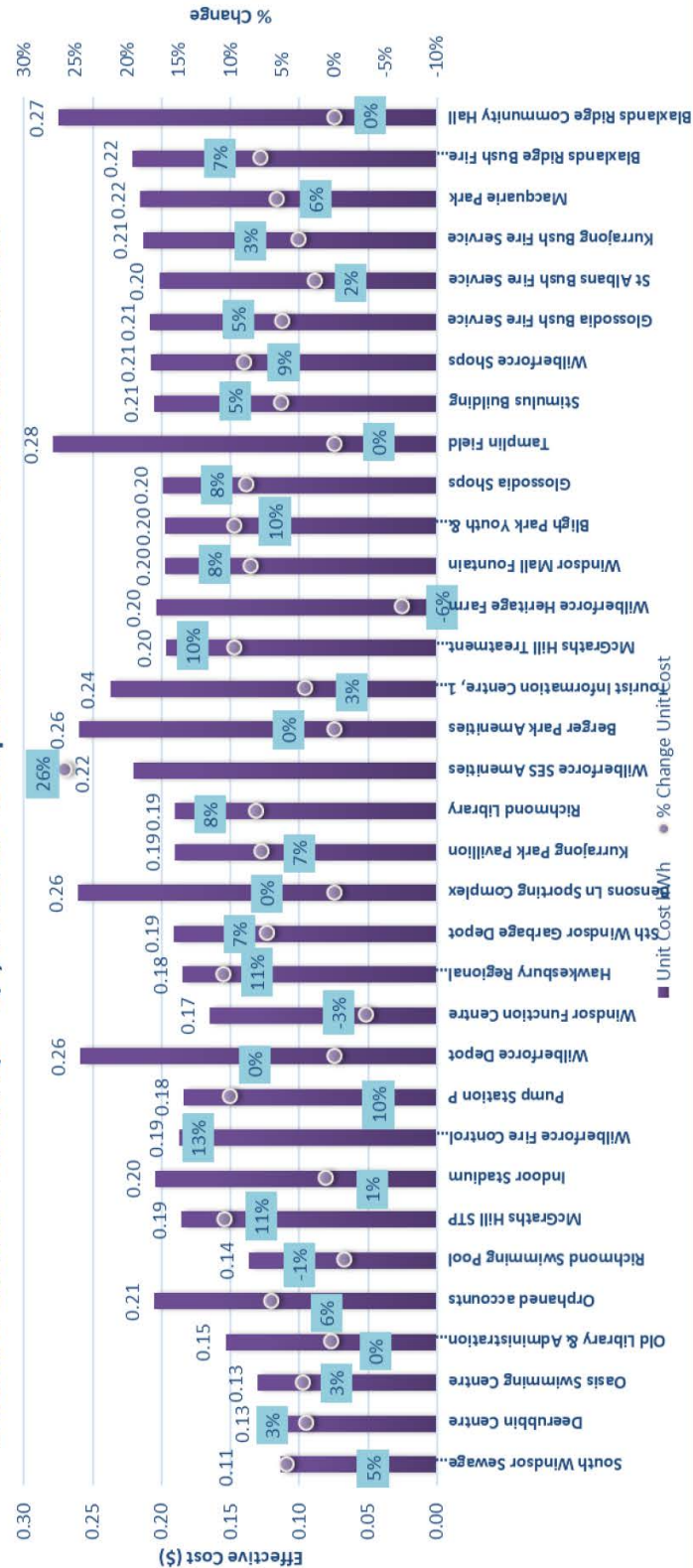


➤ At the end of Q4, FY 16-17, organisation wide electricity costs had decreased by \$36K compared to same period previous year



ELECTRICITY: COST OF POWER

Effective Cost of Power: Q1 - Q4, FY 16-17 Compared to Same Period Previous Year



At the end of Q4, FY 16-17, the average effective cost of power was \$0.21 per kWh
 This is a 6% increase compared to the same period previous year



NATURAL GAS

How is natural gas consumption tracking? Where are the anomalies?

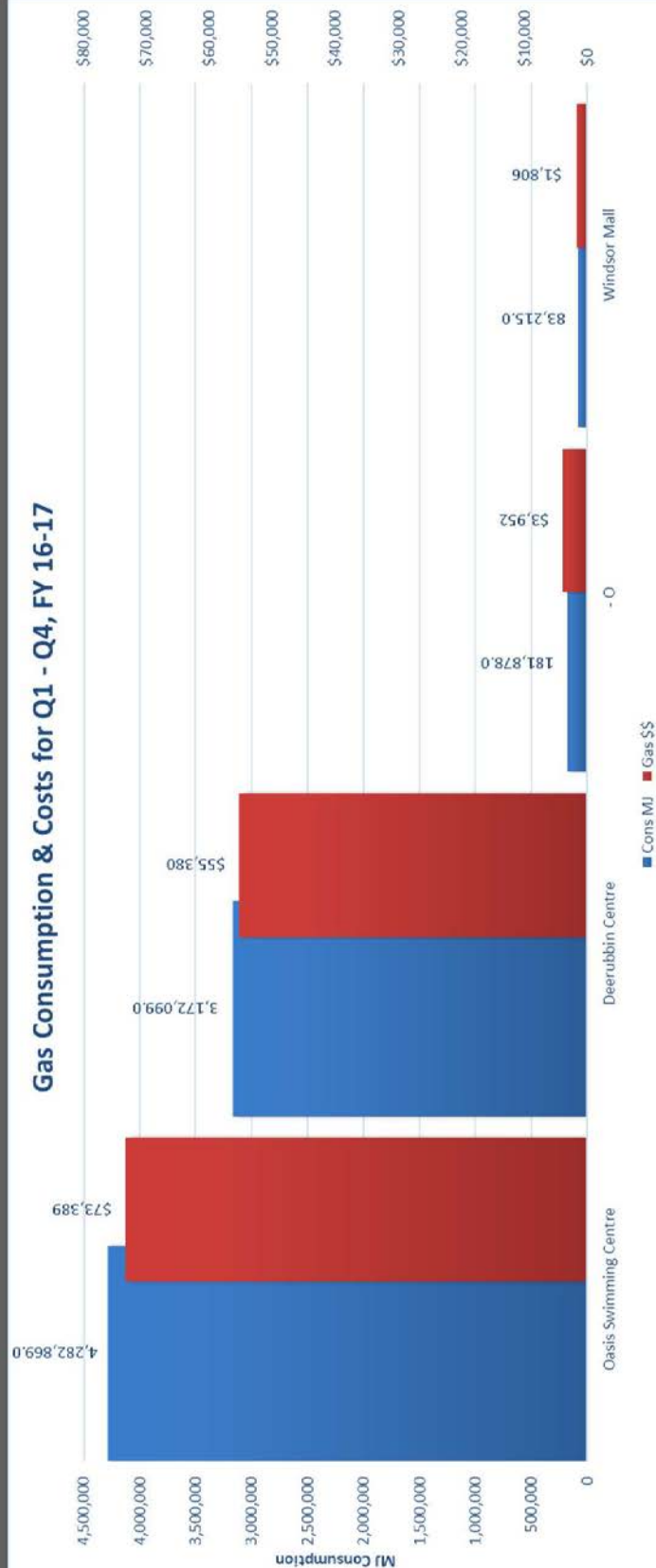


12



GAS: TOP SITES

Gas Consumption & Costs for Q1 - Q4, FY 16-17

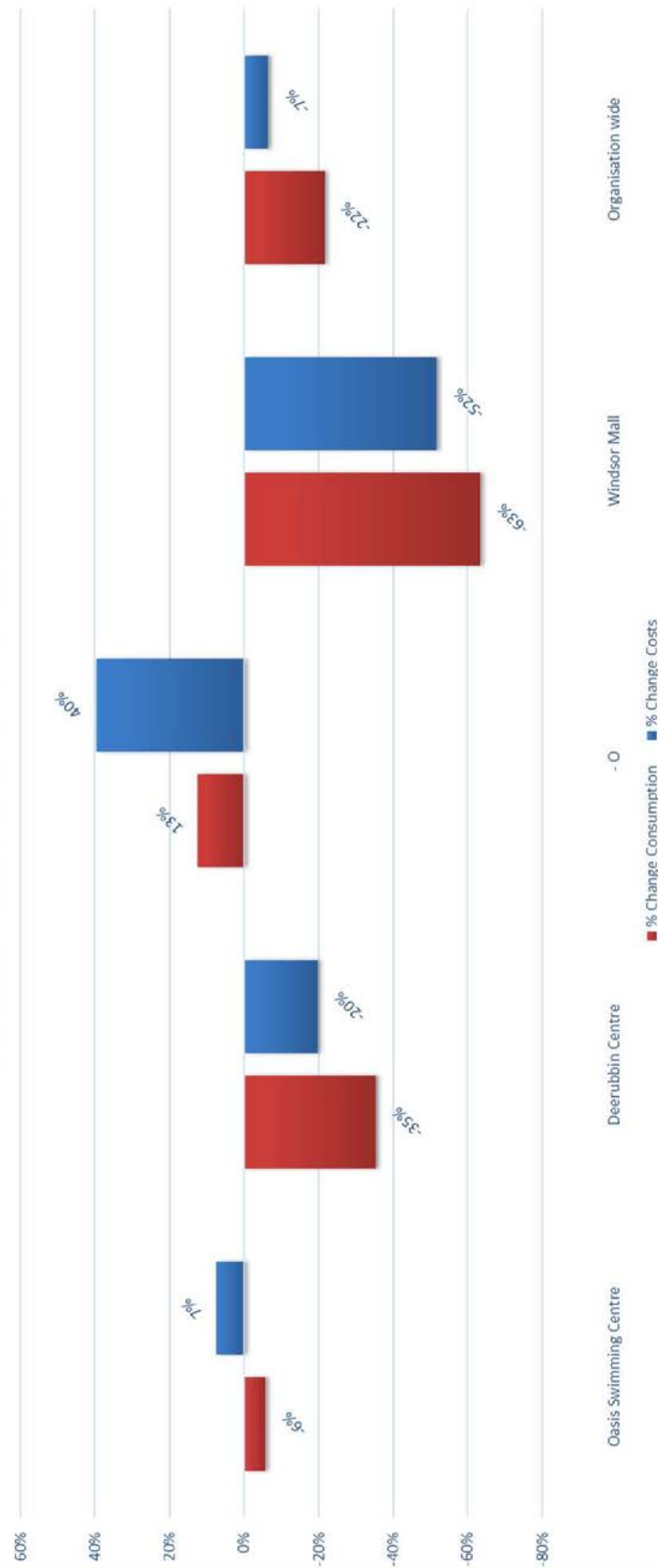


At the end of Q4, FY 16-17, organisation wide natural gas expenditure was \$134k.



GAS: PERCENTAGE DIFFERENCES

Gas Consumption % Change: Q1 - Q4, FY 16-17

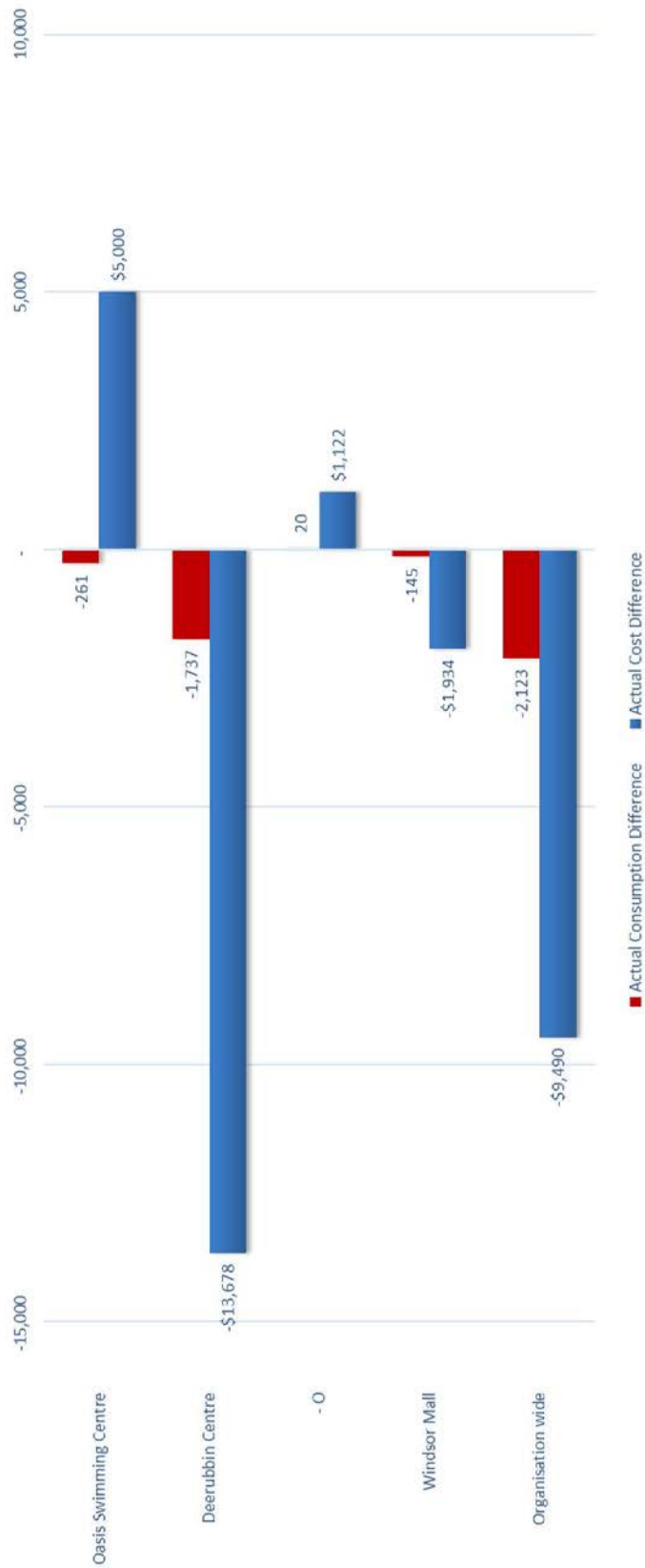


➤ At the end of Q4, FY 16-17, gas consumption decreased by 22% compared to the same period previous year.



GAS: ACTUAL DIFFERENCES

Gas Consumption (GJ) & Costs Actual Difference: Q1 - Q4, FY 16-17

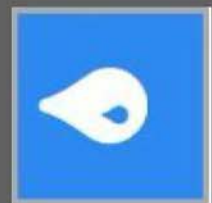


➤ At the end of Q4, FY 16-17, gas costs had decreased of \$9.5k compared to same period previous year



WATER

How is water consumption tracking? Where are the anomalies?



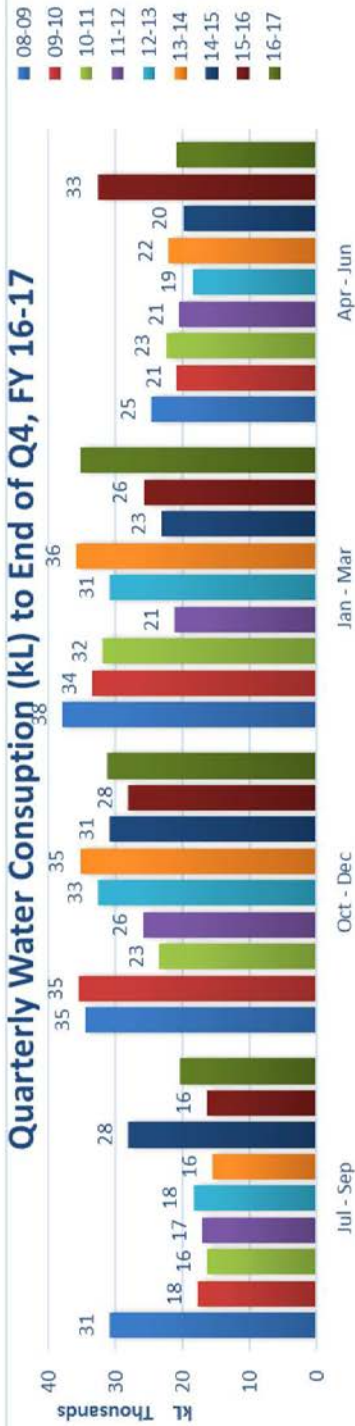


WATER: QUARTERLY & ANNUAL SUMMARY

Annual Water Consumption (kL) to End of Q4, FY 16-17



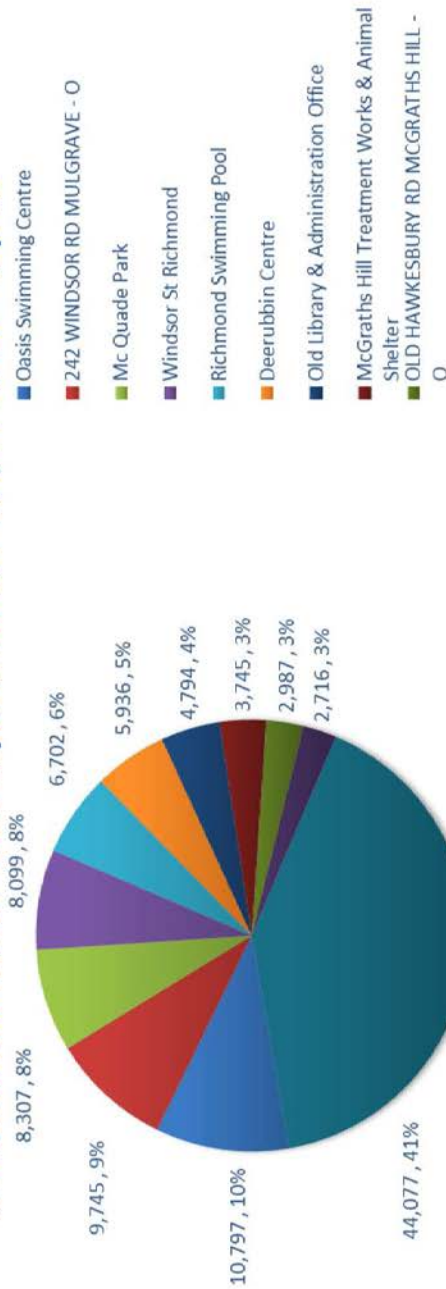
Quarterly Water Consumption (kL) to End of Q4, FY 16-17



At the end of Q4, FY 16-17, organisation wide water consumption increased by 5% compared to the same period previous financial year

WATER: TOP 10

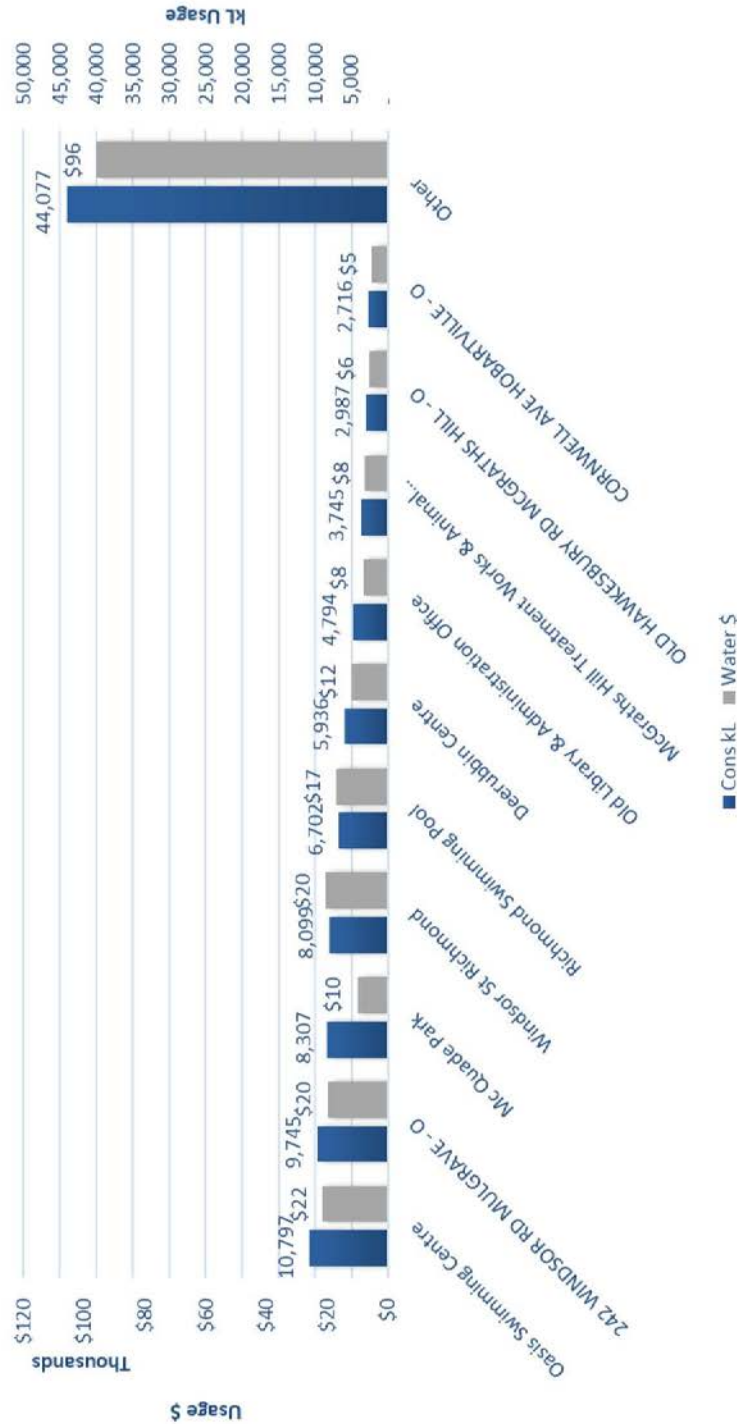
% Breakdown Water Consumption for Q1 - Q4, FY 16-17 - Top 10



- At the end of Q4, FY 16-17, Council's top 10 sites accounted for 59% of organisation wide water consumption.
- Movement in the top 10 site compared to last year shows McQuade Park and Deerubbin Centre moved down two places and MaGarths Hill Treatment Works have moved up 2 places.
- Cornwell Ave Hobartville is a new entry into the top 10.

WATER: TOP SITES

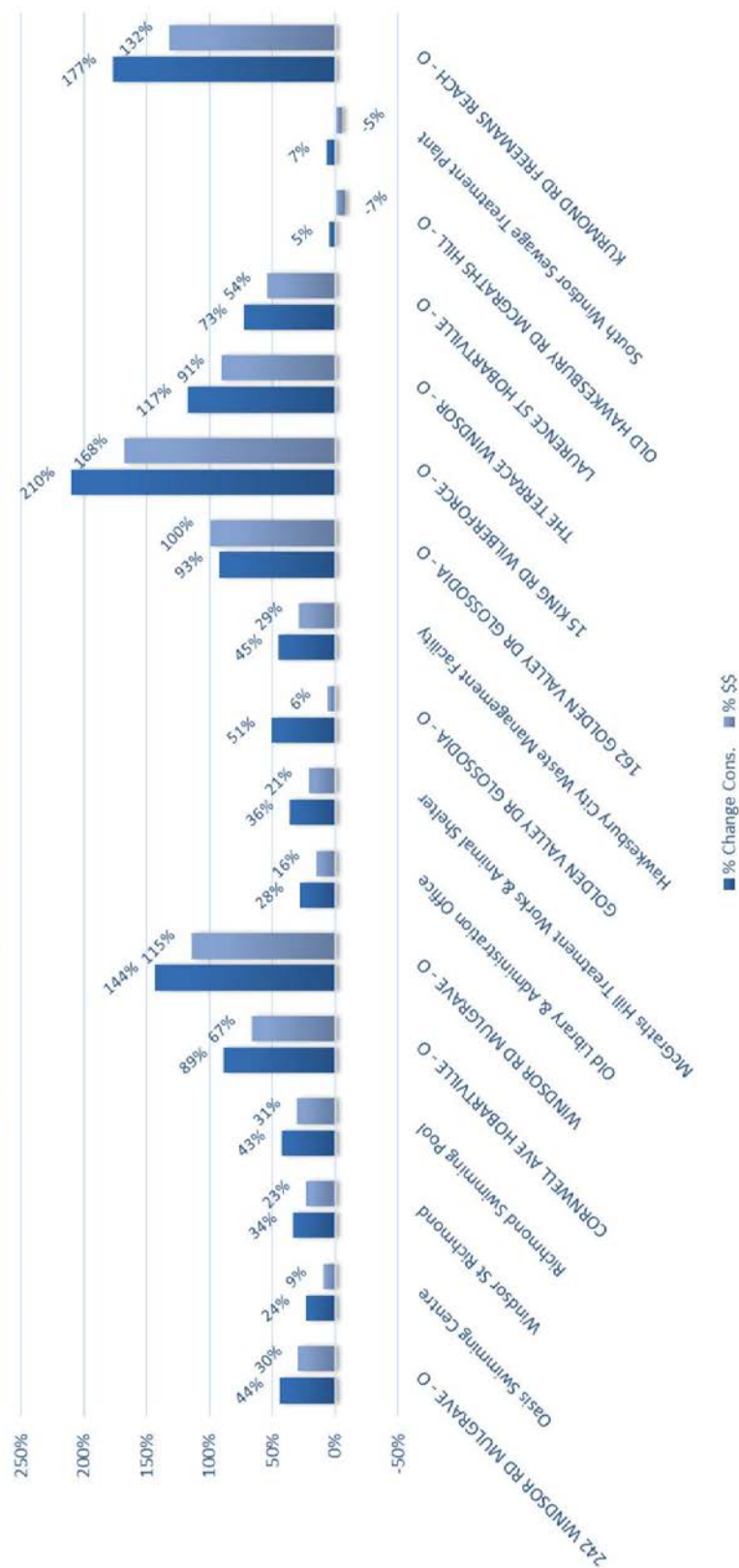
Water Consumption & Costs for Q1 - Q4, FY 16-17



At the end of Q4, FY 16-17, organisation wide electricity expenditure was \$224k

WATER: PERCENTAGE INCREASES

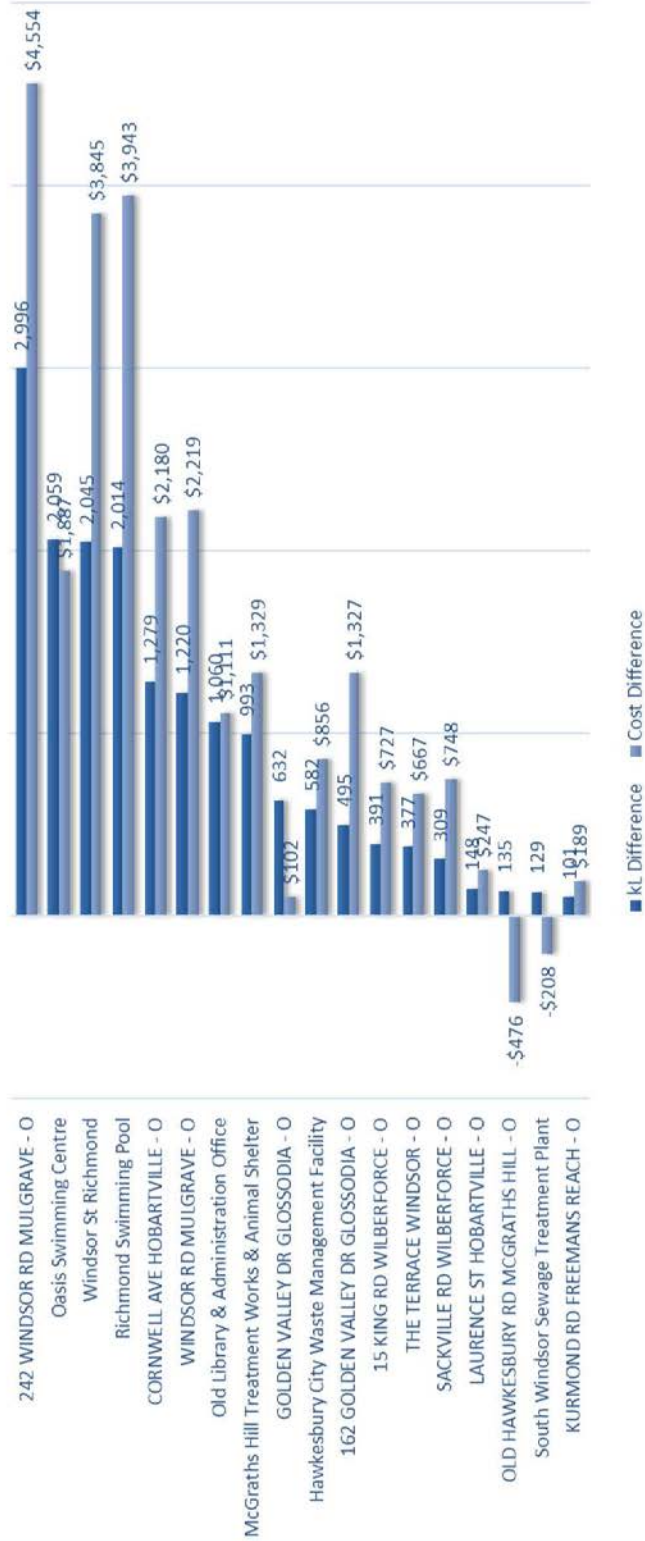
% Increase Cons. & Cost: Q1 - Q4, FY 16-17 Compared to Same Period Previous Year



At the end of Q4, FY 16-17, overorganisation wide water consumption has increased by 5% compared to the same period previous year.

WATER: ACTUAL INCREASES

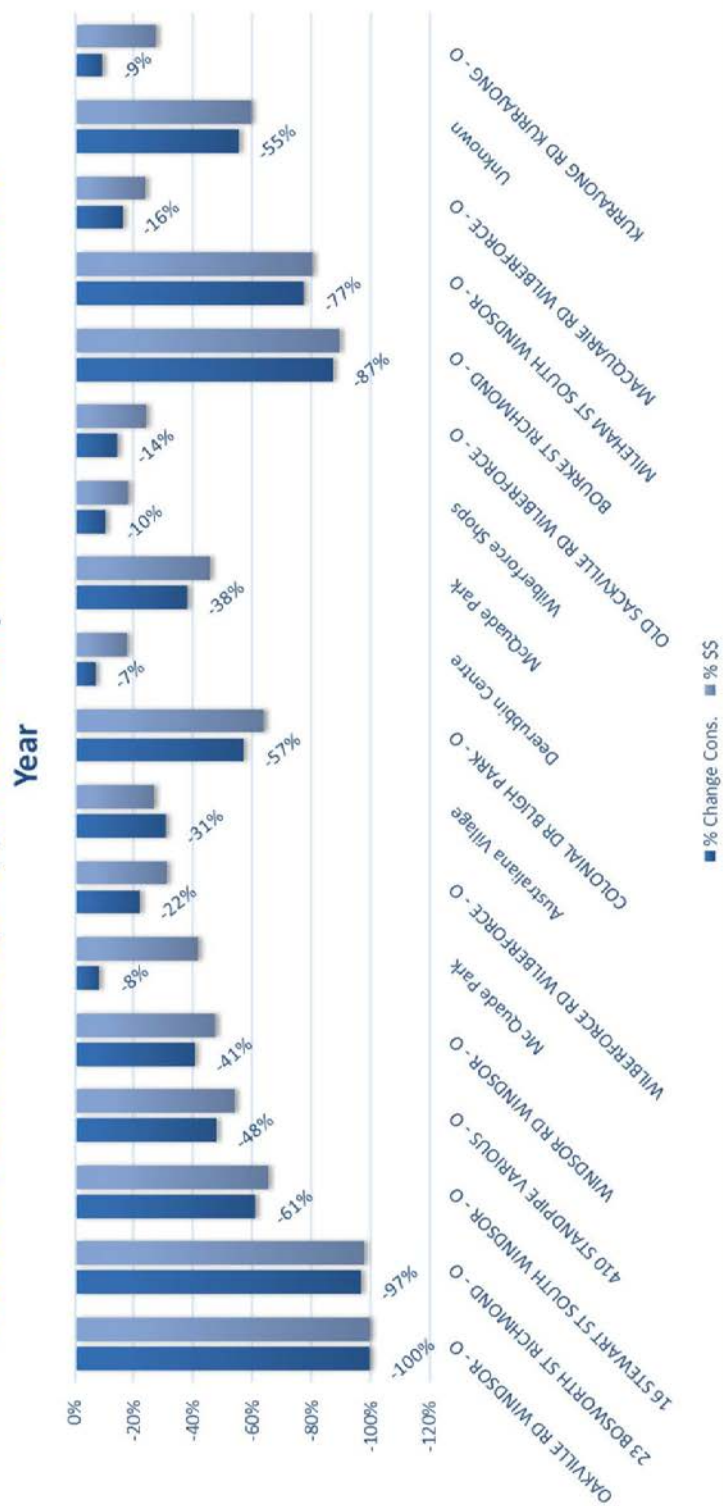
Cons. Variation Q1 - Q4, FY 16-17 Compared to Same Period Previous Year



➤ These are the sites that have increased their consumption compared to the same time last year

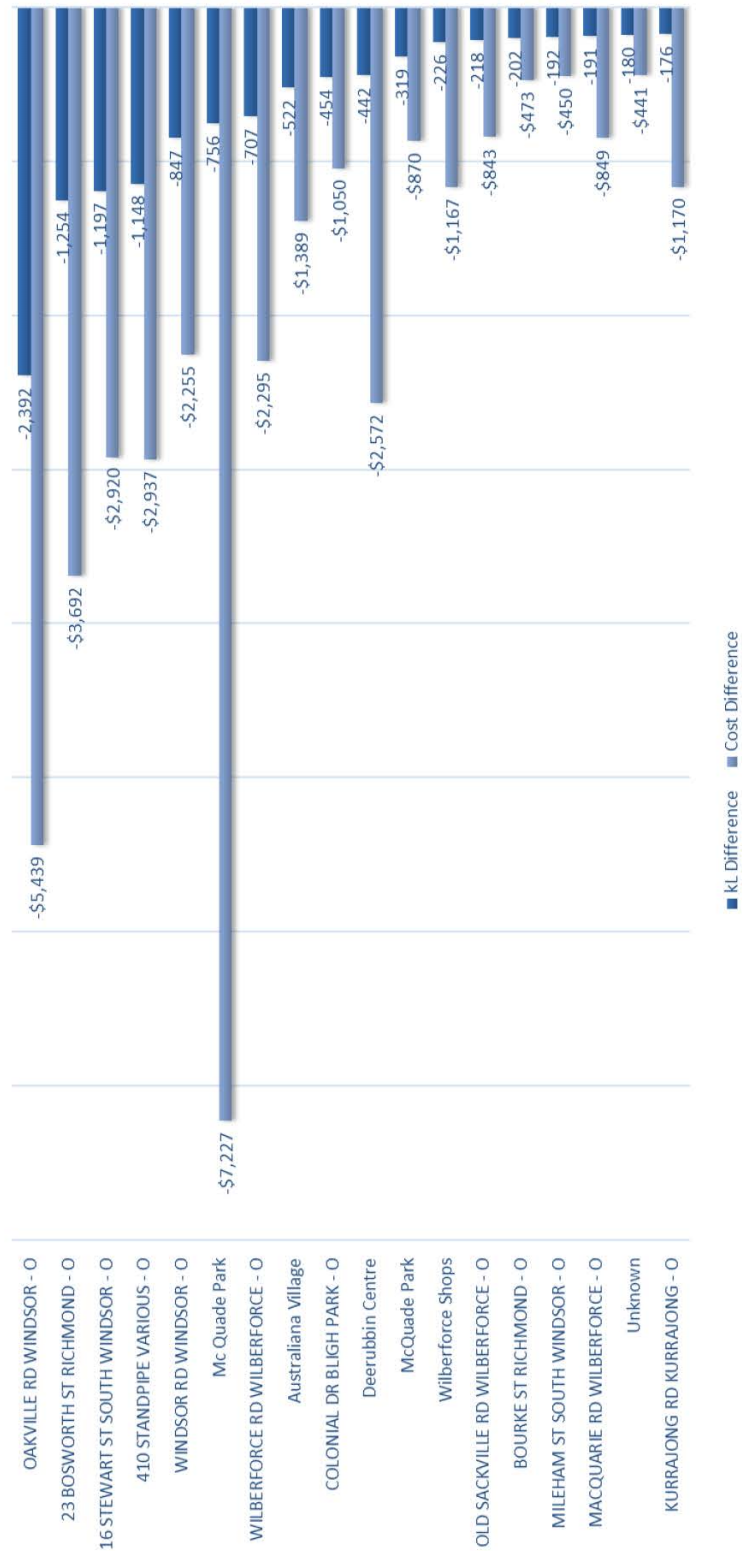
WATER: PERCENTAGE DECREASES

% Decrease Cons. & Cost: Q1 - Q4, FY 16-17 Compared to Same Period Previous Year



WATER: ACTUAL DECREASES

Cons. Variation Q1 - Q4, FY 16-17 Compared to Same Period Previous Year



These are the sites that have decreased their consumption compared to the same time last year.



YOUR OPPORTUNITIES

Where are your guaranteed savings?



Getting a great start

New staff training on working with Planet Footprint

A quick 4 hour session to keep your energy and water management running seamlessly



The history of Planet Footprint and your Council including:

- The scope of previous reporting to Council
- Opportunities your predecessor was pursuing
- Past and current energy, water and GH projects and the role Planet Footprint plays



Learn how to configure and navigate my.planetfootprint.com:

- Maintain the organisational 'map' of Council's utility accounts and facilities
- Communicate with management on Council's energy performance
- Establish organisation-wide accountability for energy and water use



Reporting and Datasets – learn what you should be:

- Reporting – like submitting your annual GHG emissions
- Monitoring – like responding to leaks or anomalies
- Analysing – like implementing SMART goals or simply just to explore the data

For as little as \$900 your new staff member will quickly learn the skills they need to keep Council on track to save energy and money.

Get it right, Keep it right

Chart your organisational 'map' and take control of your energy and water management.



Mapping & Meaning Project

We know you're busy

Let Planet Footprint map your organisation from the top-down to make sure every account you pay

- belongs to your organisation
- is linked to a facility and
- is in turn linked to a 'responsible officer' in one of your organisation units

all on my.planetfootprint.com.

Council will have a clear picture of which utility accounts belong to which facilities and have confidence that this information is consistently maintained.

The right information to the right people



Sharpen Your Skills

A comprehensive training day to strengthen skills and make the most out of your Planet Footprint subscription



Administrator Training

Learn to configure and navigate my.planetfootprint.com to actively manage your energy & water usage. Learn basic skills of data manipulation and analysis for easy reporting.



Asset Managers Training

Consumption trends, efficiency projects and consumption anomalies are all accessible on my.planetfootprint.com. In this session the meter data, monitoring tools and reporting datasets will be reviewed to ensure your facilities stay on track with performance.



Resource Review

In this session your Service Manager will present Council's overall energy & water performance, business as usual, anomalies, trends and savings for key areas.



Emissions Targets & Reporting

A must for any organisation reporting greenhouse gas emissions or implementing energy or carbon reduction action plans.



Utility Control Training

This session is for accounts, finance and procurement to learn the tools available to process, investigate and fix accounts so that the financial risk of managing multiple sites is significantly reduced.



Advanced Analysis & Monitoring

Learn more advanced skills in excel data analysis, data manipulation and creating reporting templates.



Customise the training day to suit your staff and take their skills to a higher level



Planet Footprint Contact Details

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Phone:

1300 721 113



ORDINARY MEETING

Meeting Date: 28 November 2017

AT - 4 Light Years Ahead - Phase 2 - Hawkesbury Council Currently Proposed Works

Project	Preliminary Capital Cost	Avg Annual Cost Savings	Avg Energy Savings (kWh/yr)	Avg Emissions Reductions (tCO2-e/yr)
Street Lighting – LED installation	\$629,767	\$55,887	446,932	429.00
Deerubin Precinct	\$116,853	\$25,656	119,583	114.80
Glossodia Long Day Care	\$24,674	\$5,543	10,573	10.15
Hawkesbury Leisure & Learning Centre	\$38,810	\$10,923	26,198	25.15
Hawkesbury Regional Museum	\$52,910	\$9,497	41,354	39.70
Indoor Sports Stadium	\$67,629	\$10,338	39,688	38.10
North Richmond Community Centre	\$30,419	\$8,229	78,000	14.45
Oasis Aquatic Centre	\$51,966	\$7,593	24,000	41.45
Richmond Library	\$26,760	\$6,219	14,896	14.30
Windsor Pre-School	\$24,673	\$4,350	9,427	9.05
Sewer Treatment Plant McGraths Hill (MHSTP)	\$82,202	\$10,666	60,573	58.15
Sewer Treatment Plant South Windsor (SWSTP)	\$504,143	\$67,923	336,510	323.05
South Windsor Family Centre	\$29,077	\$7,045	17,188	16.50
Wilberforce Depot	\$36,835	\$7,939	19,688	18.90
Wilberforce Long Day Care Centre	\$23,643	\$4,708	9,219	8.85
Windsor Function Centre	\$129,095	\$19,856	80,990	77.75
Windsor Landfill	\$28,443	\$5,932	14,792	14.20
Grand Total	\$1,897,900	\$268,306	1,349,609	1,253.55

ORDINARY MEETING**Meeting Date:** 28 November 2017**SUPPORT SERVICES****Item: 220 SS - Monthly Investments Report - October 2017 - (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 \$48.2 million in investments at 31 October 2017.

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 \$48.2 million in investments as at 31 October 2017. Details of the financial institutions with which the investments were made, date investments were taken out, the maturity date (where applicable), the rate of return achieved, the credit rating of the institutions both in the short term and the long term, and the percentage of the total portfolio, are provided below:

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
On Call								
CBA	A1+	AA-			1.25%	700,000	1.45%	
Tcorp*					2.45%	5,018,413	10.41%	
Total On-call Investments								5,718,413
Term Investments								
ANZ	A1+	AA-	01-Feb-17	31-Jan-18	2.70%	1,000,000	2.07%	
CBA	A1+	AA-	02-Mar-17	02-Mar-18	2.65%	1,000,000	2.07%	
CBA	A1+	AA-	17-Mar-17	14-Mar-18	2.71%	1,500,000	3.11%	
CBA	A1+	AA-	27-Apr-17	27-Apr-18	2.63%	1,500,000	3.11%	
CBA	A1+	AA-	28-Jun-17	09-May-18	2.60%	1,500,000	3.11%	
CBA	A1+	AA-	03-Aug-17	18-Jul-18	2.54%	2,000,000	4.15%	
CBA	A1+	AA-	24-Aug-17	23-Aug-19	2.72%	3,000,000	6.22%	
NAB	A1+	AA-	03-Aug-17	08-Nov-17	2.40%	1,000,000	2.07%	
NAB	A1+	AA-	23-Nov-16	22-Nov-17	2.75%	1,500,000	3.11%	
NAB	A1+	AA-	14-Dec-16	13-Dec-17	2.70%	1,500,000	3.11%	
NAB	A1+	AA-	24-Aug-17	13-Dec-17	2.45%	1,500,000	3.11%	
NAB	A1+	AA-	07-Sep-17	13-Dec-17	2.50%	1,000,000	2.07%	
NAB	A1+	AA-	08-Feb-17	07-Feb-18	2.60%	2,000,000	4.15%	
NAB	A1+	AA-	16-Aug-17	16-Aug-18	2.52%	1,500,000	3.11%	
St George	A1+	AA-	24-Jan-17	24-Jan-18	2.70%	1,500,000	3.11%	

ORDINARY MEETING

Meeting Date: 28 November 2017

Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
St George	A1+	AA-	22-Feb-17	22-Feb-18	2.61%	1,000,000	2.07%	
Westpac	A1+	AA-	18-Oct-17	20-Dec-17	2.35%	1,000,000	2.07%	
Westpac	A1+	AA-	30-Mar-17	04-Apr-18	2.70%	500,000	1.04%	
Westpac	A1+	AA-	30-Mar-17	04-Apr-18	2.70%	1,000,000	2.07%	
Westpac	A1+	AA-	14-Apr-17	18-Apr-18	2.70%	1,000,000	2.07%	
Westpac	A1+	AA-	31-Oct-17	02-May-18	2.50%	1,000,000	2.07%	
Westpac	A1+	AA-	31-May-17	31-May-18	2.65%	1,000,000	2.07%	
Westpac	A1+	AA-	14-Jun-17	14-Jun-18	2.65%	2,000,000	4.15%	
Westpac	A1+	AA-	28-Jun-17	28-Jun-18	2.65%	2,000,000	4.15%	
Westpac	A1+	AA-	05-Jul-17	05-Jul-18	2.65%	2,500,000	5.18%	
Westpac	A1+	AA-	03-Aug-17	03-Aug-18	2.60%	800,000	1.66%	
Westpac	A1+	AA-	03-Aug-17	03-Aug-18	2.60%	1,000,000	2.07%	
Westpac	A1+	AA-	03-Aug-17	03-Aug-18	2.60%	1,000,000	2.07%	
Westpac	A1+	AA-	16-Aug-17	16-Aug-18	2.65%	500,000	1.04%	
Westpac	A1+	AA-	24-Aug-17	24-Aug-18	2.70%	400,000	0.83%	
Westpac	A1+	AA-	24-Aug-17	24-Aug-18	2.70%	800,000	1.66%	
Westpac	A1+	AA-	09-Oct-17	09-Oct-18	2.70%	2,000,000	4.15%	
Total Term Investments								42,500,000
TOTAL INVESTMENT AS AT 31 October 2017								48,218,413

*Tcorp is wholly owned by the NSW State Government

Performance by Type

Category	Balance \$	Average Interest	Bench Mark	Bench Mark %	Difference to Benchmark
Cash at Call	5,718,413	2.30%	Reserve Bank Cash Reference Rate	1.50%	0.80%
Term Deposit	42,500,000	2.63%	UBS 90 Day Bank Bill Rate	1.69%	0.94%
Total	48,218,413	2.59%			

Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	9,570,084
External Restrictions - Other	4,238,401
Internal Restrictions	19,235,907
Unrestricted	15,174,021
Total	48,218,413

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.

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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.

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

During the reporting period, the investment portfolio decreased by \$2.3 million reflecting funds received, payments made, and redemption of invested funds and lodging of new term deposits, which is driven by cash flow requirements.

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.

As at 31 October 2017, 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 May 2017.

Investment Certification

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

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Leadership

1.3 Financial Sustainability - Build strong financial sustainability for now and future generations.

1.3.1 In all of Council's strategies, plans and decision making there will be a strong focus on financial sustainability.

1.3.2 Meet the needs of the community now and into the future by managing Council's assets with a long-term focus.

Financial Implications

Funds have been invested with the aim of achieving budgeted income in Service 121 – Investments within the 2017/2018 Adopted Operational Plan.

RECOMMENDATION:

The report regarding the monthly investments for October 2017 be received and noted.

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ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 November 2017

Item: 221 **SS - Code of Conduct Complaints Statistics Report - 1 September 2016 to 31 August 2017 - (95496)**

Previous Item: 128, Ordinary (25 July 2017)

REPORT:

Executive Summary

Under Council's adopted 'Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW', the Complaints Coordinator is required to submit a report on a range of complaints statistics to the Council. These complaints statistics are also required to be provided to the NSW Office of Local Government (OLG).

The purpose of this report is to submit the required Code of Conduct complaints statistics for the period from 1 September 2016 to 31 August 2017.

It is recommended that Council note the contents of the report.

Consultation

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

Background

Council, at its Ordinary meeting on 5 February 2013, gave consideration to a report regarding the review and release of the new Model Code of Conduct by the OLG.

At that meeting, Council adopted the Model Code of Conduct with some relatively minor amendments as the Council's Code of Conduct, and also adopted the 'Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW' (the Procedures) issued by the then NSW Division of Local Government, as the Council's Procedures. Both of these documents became effective on and from 1 March 2013.

Subsequently, at its Ordinary Meeting on 25 July 2017, Council considered a report in regard to amending the adopted Code to reflect amendments to the Local Government 1993. Council's Code of Conduct was amended accordingly and adopted.

Under the provisions of Clause 3.12 of the Procedures, the General Manager has appointed the Director Support Services as the Complaints Coordinator.

Clause 12.1 of the Procedures states that Council's Complaints Coordinator must, within three months of the end of September each year, report on a range of complaints statistics to the Council. Clause 12.2 of the Procedures requires Council to provide the complaints statistics to the OLG. Clauses 12.1 and 12.2 of the Procedures are as follows:

"12.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September;*
- b) the number of code of conduct complaints referred to a conduct reviewer;*
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints;*
- d) the number of code of conduct complaints investigated by a conduct reviewer;*

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- e) *the number of code of conduct complaints investigated by a conduct review committee;*
- f) *without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures;*
- g) *the number of matters reviewed by the Division and, without identifying particular matters, the outcome of the reviews; and*
- h) *the total cost of dealing with code of conduct complaints made about councillors and the general manager in the year to September, including staff costs.*

12.2 *The council is to provide the Division with a report containing the statistics referred to in clause 12.1 within 3 months of the end of September of each year."*

In accordance with Clause 12.1 of the Procedures, the following complaints statistics are provided to Council in respect of the period from 1 September 2016 to 31 August 2017:

Information Required	Reported Details
a) The total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September.	6 complaints
b) The number of code of conduct complaints referred to a conduct reviewer.	3 complaints
c) The number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints	2 complaints - The outcome of the two complaints was to take no action
d) The number of code of conduct complaints investigated by a conduct reviewer.	1 complaint
e) The number of code of conduct complaints investigated by a conduct review committee.	Nil complaints
f) Without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures.	1 complaint - No Breach of the Code of Conduct
g) The number of matters reviewed by the Division and, without identifying particular matters, the outcome of the reviews.	1 complaint - No action to be taken 1 complaint - Ongoing as at 31/8/2017
h) The total cost of dealing with code of conduct complaints made about councillors and the general manager in the year to September, including staff costs.	Total Cost (including staff costs) = Approximately \$13,051.04 (excl. GST where relevant) Note: 1 complaint ongoing as at 31/8/2017

The above complaints statistics will also be forwarded to the OLG as required under Clause 12.2 of the Procedures.

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Conformance to the Hawkesbury Community Strategic Plan

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

Our Leadership

1.1. Local leadership and effective governance

- 1.1.1. Council's elected leaders will actively connect and collaborate with the community.

Financial Implications

There are no financial implications applicable to this report.

RECOMMENDATION:

That the report under Clause 12.1 of the Council's Procedures for the Administration of the Code of Conduct, in respect of the Code of Conduct complaints statistics for the period from 1 September 2016 to 31 August 2017, be noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 November 2017

Item: 222 SS - Debt Recovery, Pensioner Concession and Hardship Policy - (95496, 96332)

REPORT:

Executive Summary

At its Ordinary Meeting on 26 September 2017, Council considered a report regarding a Draft Debt Recovery, Pensioner Concession and Hardship Policy.

At that meeting, Council resolved to place the Draft Debt Recovery, Pensioner Concession and Hardship Policy on public exhibition, and that the outcome of the public exhibition be reported to Council.

The Draft Policy was exhibited in accordance with legislative requirements. No public submissions were received specifically in response to the exhibited Policy.

This report recommends that the Draft Debt Recovery, Pensioner Concession and Hardship Policy, as attached as Attachment 1 to this report, and as exhibited, is adopted.

The report also recommends that specified existing Council Policies which deal with matters now contained in the proposed Draft Policy are archived and that any provisions therein be superseded with provisions contained in the latest Policy.

Consultation

The issues raised in the report of 26 September 2017 concerned matters which constitute a trigger for Community Engagement under Council's Community Engagement Policy. Accordingly, the Draft Debt Recovery, Pensioner Concession and Hardship Policy was placed on public exhibition for a period of 30 days between 19 October 2017 and 17 November 2017. The Draft Policy was advertised in the Hawkesbury Courier on 19 and 26 October 2017. During the exhibition period the Draft Policy was also exhibited on Council's website and was available in hard copy at Council's Administration Offices.

No public submissions were received specifically in response to the Draft Policy. However, reference to the Policy was made within a submission received in regard to the exhibited Supplementary Resourcing Strategy. The reference related to the absence of a statement within the Policy to the effect that, if adopted the Policy would supersede the existing relevant policies. The observation is noted, however, it has been determined that the inclusion of a statement as suggested is not required as the archiving of the superseded policies is a matter of course in accordance with the process applicable when a new Council policy is adopted.

Background

Council has a number of policies to provide a framework for its debt recovery processes. The current framework has been reviewed.

This proposed framework ensures monies owing to Council are collected in a timely, efficient and effective manner, whilst taking into consideration ratepayers and debtors suffering genuine financial hardship. The framework is based on the requirements of the Local Government Act, 1993, and the associated Local Government (General) Regulations 2005.

Currently, Council has the following Policies:

- Debt Recovery Policy (2010)
- Pensioner Rating Concessions Policy (1999)
- Writing Off of Rates and Charges and Other Receivables Policy (1999).

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These three current policies have been reviewed and combined into one proposed Policy. Council does not currently have a Hardship Policy. As it is common practice for councils to have a Hardship Policy, provisions in regard to hardship have been included in the exhibited Policy.

The objectives of the exhibited Policy are to:

- a) ensure effective control over debts owed to Council
- b) recover monies owing to Council in a timely, efficient and effective manner in order to ensure effective cash flow management
- c) have a clear and concise debt recovery process and procedure to follow
- d) apply the provisions of the Act relating to sale of land, when required
- e) provide eligible pensioners with pensioner concession rebates
- f) assist ratepayers and debtors suffering genuine financial hardship
- g) fulfil the statutory requirements of the Local Government Act 1993 and the associated Local Government (General) Regulation 2005 with respect to the recovery of rates and charges; user pays charges and other debts.

The exhibited Policy is based on 'good practice' industry standards and has been developed to assist Council to put into place a transparent and consistent process for collection of overdue rates and charges, to provide eligible pensioners with the statutory and non-statutory pensioner concession rebates, and to provide a process for the assessment and determination of genuine financial hardship applications.

Changes to current Policies

The existing relevant policies have been combined but, in principle, have remained the same. The current debt recovery process, pensioner concession and write-off process have proved to be effective and acceptable to ratepayers and debtors. As such, there are no major changes proposed.

A minor change is proposed in regard to some amounts triggering in the Policy. For Rates and Annual Charges, the amount outstanding triggering the Final Notice is proposed to be changed from \$20 to \$50. Further, the amount triggering legal action is proposed to be increased to multiple instalments totalling \$1,000 or more. The amount in the current Debt Recovery Policy is \$500. The proposed changes are required to reflect the current level of a typical rates instalment and to ensure that recovery actions are cost effective.

Another minor change is proposed in regard to the Pensioner Concessions for sullage and sewerage services. The wording within the current Pensioner Concession Policy has been amended to allow flexibility for Council to review its discretionary pensioner concessions each year, as part of its Operational Plan, to ensure the matter is regularly assessed to maintain equity.

A new part has been added to the combined Policy to address the process in regard to the assessment of genuine financial hardship and the associated assistance avenues that Council may offer. Council recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances. The exhibited Policy establishes guidelines for assessment of a hardship application applying the principles of fairness, integrity, confidentiality and compliance with statutory requirements.

It is noted that hardship can be defined as when an individual is unable to meet their financial obligations because of unexpected events or unforeseen changes that impacts on their capacity to pay.

The hardship provisions reflect a recognition of cases of genuine financial hardship and identifies ways that Council can assist in this regard. The provisions also provide a consistent and transparent framework within which the assessment of applications for assistance is undertaken.

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In cases of genuine financial hardship being determined, the Policy provides for assistance to be made available through:

- Periodical Payment Arrangements
- Writing Off Accrued Interests and Costs
- Extension of Pensioner Concessions
- Rate Relief or Deferment in cases of financial hardship arising from a land revaluation of the Local Government Area.

The assessment of financial hardship will be based generally on the criteria used by Centrelink's "Pensions - Income and Assets Test".

Industry Comparisons

In developing the exhibited Policy, other council's policies and practices were taken into consideration.

In reviewing the debt recovery provisions, staff considered the Debt Recovery Policies from Wollongong City Council, Sutherland Shire Council and Wollondilly Shire Council. In general terms, other councils' Debt Recovery Policies follow a similar format to Council's, identifying:

- when debt recovery action should commence based on an overdue amount
- who may be exempt from debt recovery action
- defined time periods for follow up or next action
- defined acceptable payment arrangements
- types of legal action to be taken to recover overdue amounts.

In reviewing Council's pensioner concession provisions, staff reviewed the Pensioner Concession policies from Camden Council, Maitland City Council and Randwick City Council. In general terms, other councils' Pensioner Concession policies detail:

- who is an eligible pensioner
- how to apply for a rebate
- types of rebates available - statutory and non-statutory
- the process for pension confirmation
- the process of ceasing to be eligible for a pension.

As hardship provisions were not previously detailed in a Council policy, staff reviewed a number of Hardship policies from various councils including City of Rockdale, Wollongong City Council, City of Blue Mountains, Randwick City Council, Sutherland Shire Council, City of Liverpool, City of Parramatta and Wollondilly Shire Council. In general terms, other councils' hardship policies follow the format of Council's draft policy, defining:

- who may apply
- criteria to be met
- assessment process
- types of assistance.

Conclusion

This report recommends that the Debt Recovery, Pensioner Concession and Hardship Policy, attached as Attachment 1 to this report, be adopted and the relevant existing Policies be archived.

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Meeting Date: 28 November 2017

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Leadership

1.3 Financial Sustainability - Build strong financial sustainability for now and future generations.

1.3.1 In all of Council's strategies, plans and decision making there will be a strong focus on financial sustainability.

Financial Implications

There are no financial implications arising from this report. The application of the Debt Recovery, Pensioner Concession and Hardship Policy may have varying financial impacts.

RECOMMENDATION:

That:

1. The Debt Recovery, Pensioner Concession and Hardship Policy, attached as Attachment 1 to the report, be adopted.
2. The following Policies be archived and superseded by the Debt Recovery, Pensioner Concession and Hardship Policy:
 - a) Debt Recovery Policy (2010)
 - b) Pensioner Rating Concessions Policy (1999)
 - c) Writing Off of Rates and Charges and Other Receivables Policy (1999).

ATTACHMENTS:

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

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 November 2017

Item: 223 SS - Pecuniary Interest Return - Designated Person - (95496, 96333)

REPORT:

Executive Summary

The Local Government Act 1993 details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Returns by Councillors and Designated Persons. This report provides information regarding a Return recently lodged with the General Manager by a Designated Person. It is recommended that Council note that the Disclosure of Pecuniary Interests and Other Matters Return, lodged with the General Manager, has been tabled.

Consultation

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

Background

Section 450A of the Local Government Act, 1993 relates to the register of Pecuniary Interest Returns and the tabling of these Returns, which have been lodged by Councillors and Designated Persons. Section 450A of the Act is as follows:

- "1. *The General Manager must keep a register of returns required to be lodged with the General Manager under section 449.*
2. *Returns required to be lodged with the General Manager under section 449 must be tabled at a meeting of the council, being:*
 - (a) *In the case of a return lodged in accordance with section 449 (1)—the first meeting held after the last day for lodgement under that subsection, or*
 - (b) *In the case of a return lodged in accordance with section 449 (3)—the first meeting held after the last day for lodgement under that subsection, or*
 - (c) *In the case of a return otherwise lodged with the general manager—the first meeting after lodgement."*

With regard to Section 450A(1), a register of all Returns lodged by Councillors and Designated Persons, in accordance with Section 449 of the Act, is currently kept by Council as required by this part of the Act.

With regard to Section 450A(2), all Returns lodged by Councillors and Designated Persons, under Section 449 of the Act, must be tabled at a Council Meeting as outlined in subsections (a), (b) and (c).

With regard to Section 450(2)(a), the following Section 449(1) Return has been lodged:

Position	Return Date	Date Lodged
Parking Patrol Officer	21 August 2017	19 September 2017

The above Designated Person has lodged their Section 449(1) Return prior to the due date (being three months after the Return Date), as required by the Act for the receipt of the Returns.

The above details are now tabled in accordance with Section 450A(2)(a) of the Act, and the abovementioned Return is available for inspection, if requested.

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Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Leadership

1.5 Regulation and Compliance - Encourage a shared responsibility for effective local compliance.

1.5.2 Best practice, sustainability principles, accountability and good governance are incorporated in all activities undertaken by Council.

Financial Implications

No financial implications applicable to this report.

RECOMMENDATION:

That the information be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

Meeting Date: 28 November 2017

Item: 224 **SS - September 2017 Quarterly Budget Review Statement - (95496, 96332)**

Previous Item: 100, Extraordinary (13 June 2017)

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 first quarter of the 2017/2018 financial year, and the resulting financial position including the Budget variations proposed.

The Quarterly Budget Review Statement - September 2017 (QBRS) recommends a number of variations that result in a balanced budgeted position being maintained.

The report recommends that the Budget adjustments as summarised in the report and detailed in Attachment 1 to the report are adopted, and the 2017/2018 Budget be adjusted accordingly.

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 2017/2018 on 13 June 2017.

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 September 2017 QBRS include:

- ***Financial Assistance Grant (FAG) – Net Favourable Variance \$202K***

In line with advice received from the NSW Local Government Grants Commission, Council is to receive \$4.4M as its FAG allocation for 2017/2018. The 2017/2018 Operational Plan, which was based on the 2016/2017 FAG amount received, less one percent to reflect the expected reduction in Council's allocation, is \$4.2M. The resulting favourable variance of \$202K is included in this QBRS.

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Adjustments were also made to reflect the one-half advance payment of the 2017/2018 allocation received in 2016/2017. An amount of \$2.2M was prepaid. The prepayment amount was placed in an Internal Reserve to restrict it as at June 2017. The adjustments reflect a decrease in grant income, offset by a transfer from the Reserve. These adjustments result in a neutral impact on the overall 2017/2018 bottom line. However, the prepayment does have a negative impact on Council's Operating Performance Ratio.

- **General Rates – Favourable Variance \$209K**

A favourable variance of \$209K is included in this QBRS to adjust the amount budgeted for general rates revenue in line with the amount generated as at the end of the reporting period. The additional income is a result of additional properties through subdivisions and the application of rates from the date of registration of a Deposited Plan.

- **Reimbursement Energy Savings Certificates – Favourable Variance \$39K**

As part of the Light Years Ahead Project, which involved the replacement of street lights with LED bulbs, Council has received \$39K for the reimbursement of Council's Savings Certificates from Ironbark Sustainability Pty Ltd. A favourable adjustment to income to reflect this unbudgeted income is included in this QBRS.

- **Parking Fine Income – Unfavourable Variance \$200K**

Council generated \$91K from parking fines in the first three months of the financial year. This trend indicates a full year result of \$364K, which is substantially under the current full year budget of \$600K. The results for the first quarter were impacted by staff leave and the induction of new staff. An unfavourable variance of \$200K has been included in this QBRS to reflect the anticipated shortfall in meeting the target revenue.

- **Swimming Pool Inspections & Fire Safety Statements – Net Unfavourable Variance \$132K**

Difficulties have been encountered in filling a long-term vacancy within Council's Development Services area. As a result, the Swimming Pool Inspection and Fire Safety Statements programs have not been able to be resourced. This has resulted in a substantial decline in anticipated income, requiring a budget adjustment of \$132K. Management is currently considering alternatives for the resourcing of these programs.

- **Building Management Systems Upgrade - Net Unfavourable Variance \$31K**

Due to difficulties encountered with the upgrade of the Building Management System at the Oasis Aquatic and Leisure Centre, an additional \$31K is required. It is anticipated that the upgrade of Building Management Systems across Council's building portfolio, will result in future energy savings due to better monitoring of electricity use, water use and air-conditioning systems.

- **Connection of Works Depot to Sydney Water Sewer – Unfavourable Variance \$25K**

Subsequent to investigative and design processes for the connection of Council's Work Depot at Wilberforce to the Sydney Water Sewer System, it was determined that additional funding of \$25K would be required to complete the necessary works.

- **Water and Energy Metering Program – Unfavourable Variance \$23K**

A further \$23K is required to complete the Water and Energy Metering Program as a result of unforeseen issues encountered while undertaking the program. This program increases Council's capability to monitor water and energy usage across a number of buildings within the portfolio, enabling Council to resolve issues more quickly and become more energy efficient, and has the potential to reduce energy costs.

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- ***External Auditing Fees – Unfavourable Variance \$22K***

At the time of developing the 2017/2018 Operational Plan, the extent of additional costs of the NSW Audit Office conducting external audits of Local Government was not known. Consequently, the budgeted amount was estimated. An additional budget allocation of \$22K has been incorporated in this QBRs to reflect a more accurate estimate based on the cost incurred for the 2016/2017 audit. This will bring the total budgeted amount to \$90K.

- ***Human Resources Administration Officer: New Resource – Unfavourable Variance \$21K***

In order to more effectively resource the administrative requirements of Human Resources, a new part-time position has been established. The total annual cost of this position is \$35K. In line with the projected costs for the remaining months in 2017/2018, an unfavourable variance of \$21K has been included in this QBRs.

- ***Western Sydney Regional Organisation of Councils (WSROC) Contribution – Unfavourable Variance \$13K***

The 2017/2018 Operational Plan for Council's contribution towards WSROC is \$72K. The amount was based on a CPI increase of the 2016/2017 contribution. WSROC have since advised that as a result of fewer members, due to amalgamations, Council's contribution is \$85K, requiring a \$13K unfavourable variance. In light of the increase in cost, Council needs to consider whether sufficient benefit is being delivered to determine if Council should continue holding WSROC membership.

- ***Grants – Additional works and programs totalling \$1.7M***

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:

- *Roads to Recovery Program* – In line with advice received from the Department of Infrastructure and Regional Development, the allocation for 2017/2018 will be \$777K higher, as a result of funds being brought forward from 2018/2019.
- *Governor Phillip Park Implement Plan of Management and Recreation Trail Improvements* – Council has been successful in obtaining a \$500K grant towards the implementation of the Governor Phillip Park Plan of Management and Recreation Trail Improvements from the NSW Department of Planning under the Greenspace Program.
- *Bligh Park to South Windsor Shared Pathway* – Council has received additional grant funding of \$150K for the extension of the Bligh Park to South Windsor Shared Pathway from Roads and Maritime Services.
- *Better Waste and Recycling Fund* – Council has received grant funding for the implementation of programs to reduce waste and increase recycling from the New South Wales Environmental Protection Authority in the amount of \$101K. Major projects within this program include Recycling at Events, War on Waste and Compost Revolution.
- *Rural Fire Service Hazard Reduction Grant* – In accordance with advice from the NSW Rural Fire Service, Council has received \$61K from the Rural Fire Fighting Fund to undertake hazard reduction works at Woodbury Reserve, Glossodia; Peter Place Reserve, Bligh Park; Diamond Hill, Kurrajong; and Bowen Mountain.
- *McQuade Park Pond Restoration* – Council has received grant funding of \$50K for the restoration of the McQuade Park Pond from the Office of Environment and Heritage.

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- *Relocation of Freemans Reach Rural Fire Brigade Shed* – As part of the Rural Fire Fighting Fund Program, NSW Rural Fire Service has allocated \$50K towards the survey and design of the new Freemans Reach Rural Fire Brigade Shed.
- *Western Sydney Live and Local Strategic Music Initiative* – Create NSW have approved an allocation of \$20K towards funding music opportunities in different venues across the Hawkesbury, as part of the Western Sydney Live and Local Strategic Music Initiative.
- *Howe House Building Assessment* – Council has received \$15K from Museums and Galleries NSW to engage the services of an architect to conduct a building assessment report on Howe House.
- **Reserve Funded Adjustments**

The following adjustments are within internally or externally restricted funds, and consequently have nil impact on Council's overall position:

- *Section 64A Plan Reserve* – In line with contributions received for Section 64 Sewer (\$98K) and Section 64 Drainage (\$863K), adjustments have been incorporated in this QBRS.
- *Section 94 Plan Reserve* – Council has received \$460K more than projected for Section 94 Plan developer contributions, therefore requiring adjustment.
- *Section 94A Plan Reserve* – In order to fund the matching portion of the Bligh Park to South Windsor Shared Pathway Extension grant from the Roads and Maritime Services, an adjustment of \$150K is included in this QBRS.
- *Unspent Contributions Reserve* – In line with a court ruling on Elf Mushrooms, adjustments for the contribution and works for Riparian Restoration at South Creek have been incorporated.
- *Domestic Waste Management Program* – Included in this QBRS, is a favourable variance of \$71K for the deferral of plant, not required until 2018/2019. The annual charges received are greater than forecasted, requiring a favourable variance of \$152K.
- *Sewerage Reserves* – Unfavourable variances are included in this QBRS for reduced plant hire income (\$39K), use of agency staff (\$61K), and an increase in electricity, in line with trend (\$30K). A favourable variance of \$131K due to decreased chemical usage, as a result of the implementation of programmed maintenance, offsets the aforementioned unfavourable variances. Adjustments were made to capital works due to reactive breakages (\$46K), additional funds required to complete Pump Station C Refurbishment (\$60K) and Office Improvements (\$25K). This additional expenditure was partly offset with a reduction in the scope of the Sewer Pipe Relining Program (\$49K).

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.

Performance against Financial Sustainability Benchmarks

The table below provides an update of Council's performance against the Financial Sustainability Benchmarks, as determined as part of the Fit for the Future Framework.

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Table 1

Financial Sustainability Ratio	Benchmark	Original Budget 17/18	Amended Budget 17/18	Amended Budget 17/18 After Sep QBRS
Operating Performance	≥ 0	-0.069	-0.099	-0.133
Own Source Revenue	$> 60\%$	85.2%	85.2%	83.6%
Asset Renewal	$> 100\%$	72.4%	92.8%	103.3%
Infrastructure Backlog	$< 2\%$	2.50%	2.47%	2.46%
Asset Maintenance	$> 100\%$	97.8%	102.9%	104.2%
Debt Service	0%-20%	1.1%	1.1%	1.2%
Real Operating Expenditure per Capita	Decrease	Decrease	Decrease	Decrease

As shown in table 1 above, the proposed amendments included in the September QBRS will result in changes to the projected Financial Sustainability Ratios. Overall, the number of the seven benchmarks achieved has risen from 4 to 5, however, the Operating Performance Ratio has deteriorated. The main strategy that will improve the Operating Performance Ratio is the proposed Special Rate Variation, which, if pursued and implemented, will commence in 2018/ 2019.

An outline of the impacts on each ratio is provided below:

- a) The Operating Performance Ratio deteriorates by \$2.0M due to overall income not achieved (\$1.6M), predominantly as a result of the advanced payment of the Financial Assistance Grant; and additional expenditure required to meet grant programs and Council's service levels (\$0.4M);
- b) The Own Source Revenue reduces as a result of unbudgeted non-cash dedications and grants;
- c) The Asset Renewal Ratio improves from the Original Budget due to the receipt of unbudgeted grants and carry-overs from 2016/2017;
- d) The Infrastructure Backlog improves due to the receipt of unbudgeted grants and carry-overs from 2016/2017;
- e) The Asset Maintenance Ratio improves due to the receipt of unbudgeted grants and carry-overs from 2016/2017;
- f) The Debt Service Ratio increased due to a change in accounting for a lease on survey equipment; and
- g) The Real Operating Expenditure per Capita deteriorates as a result of carry-overs of operating expenditure from 2016/2017, combined with the additional \$515K of operating expenditure from the Current Budget, but still meets the required benchmark.

ORDINARY MEETING

Meeting Date: 28 November 2017

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Leadership

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

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 – September 2017, attached as Attachment 1 to the report be adopted.

ATTACHMENTS:

AT - 1 The Quarterly Budget Review Statement – September 2017 - *(Distributed under separate cover)*.

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SECTION 4 - Reports of Committees

ROC - Local Traffic Committee - 13 November 2017 - (80245)

Minutes of the Meeting of the Local Traffic Committee held in the Small Committee Room, Windsor, on Monday, 13 November 2017, commencing at 3pm.

Present: Mr Christopher Amit, Hawkesbury City Council (Chairman)
Councillor Peter Reynolds, Hawkesbury City Council
Ms Tina Kaur, Roads and Maritime Services
Mr Steve Grady, Busways

Apologies: Inspector Peter Jenkins, NSW Police Force

In Attendance: Ms Judy Wong, Community Safety Coordinator
Ms Meagan Ang, Community Development Coordinator
Ms Cathy Mills, Hawkesbury City Council
Mrs Traey Kelly, Hawkesbury City Council

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

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Ms Tina Kaur that the apologies be accepted.

SECTION 1 - Minutes

Item 1.1 Confirmation of Minutes

The Committee resolved on the motion of Ms Tina Kaur, seconded by Councillor Peter Reynolds, that the minutes from the previous meeting held on Monday, 11 September 2017 be confirmed.

Item 1.2 Business Arising

There was no Business Arising from the previous minutes.

SECTION 2 - Reports for Determination

Item: 2.1 LTC - Hawkesbury Show 2018 - Hawkesbury Showground, Clarendon - (Hawkesbury) - (80245, 74207, 123265)

REPORT:

An application has been received from the Hawkesbury District Agricultural Association seeking approval (in traffic management terms) to conduct the Hawkesbury Show on 20, 21 and 22 April 2018, within the Hawkesbury Showground, Clarendon.

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The event organiser has advised:

- The Hawkesbury Show is a major community event, featuring agricultural displays, rides, show bags, sideshows, business promotions and arts and craft shows that have been held at the showground for over 130 years.
- The times for operation are proposed from 9am to 11:30pm for both Friday, 20 and Saturday, 21 April, and 9am to 5pm for Sunday, 22 April 2018.
- It is expected that the exhibitors and workers will start to arrive at the site from 7am daily and will come and go until 11:30pm on Friday and Saturday nights. The final pack-down of the Show will occur after the Sunday closing time of 5pm, with vehicular movements expected to continue up to 8pm.
- The showground is located on Racecourse Road, with the Hawkesbury Racecourse and the Clarendon Railway Station located opposite.
- The event is expected to attract approximately 60,000 visitors over the three days it will operate.
- It is estimated approximately 26% of the total number of visitors will attend the show on Friday, 42% will attend the show on Saturday and 32% will attend the show on Sunday.
- It is anticipated that most visitors (an estimated 85%) will travel by car. They will park within the Hawkesbury Showground car parking area, the UWS Hawkesbury Campus/Clarendon paddock, the Hawkesbury Equestrian Centre, or in the road reserve areas of Hawkesbury Valley Way and Racecourse Road and walk to one of the pedestrian entry gates.
- Patrons travelling by train will use the Gate 1 access – which is located at the northern point of the Showground.
- Two dedicated pedestrian crossing points are to be established in Racecourse Road and one across the vehicular access to the Racecourse.
- The majority of the visitors will park within the Hawkesbury Showground in the dedicated Hawkesbury Showground car park adjacent to the western boundary of the showground; access through Gate 5. This will prevent the queuing of vehicles along Racecourse Road.
- It is expected that approximately 20,000 vehicles will travel to this area during the three days of the Show.
- Parking is available for more than 20,000 vehicles each day.
- 'Free Parking' signs are to be located at Hawkesbury Valley Way, Racecourse Road and adjacent to Gate 5 directing vehicular traffic into the Hawkesbury Showground.
- It is expected that there will be some impact on traffic during the opening hours and for 1 to 2 hours before and after closing times. The impact generally will be in the form of minor traffic delays in the vicinity of the site, as vehicles enter and leave the event, and negotiate the intersections with adjoining roads, with moderate delays expected during peak traffic times.
- During the event, entry/exit (Gates 4 and 5) for vehicular parking within the Hawkesbury Showground and the Western Sydney University land are to be clearly signposted in Hawkesbury Valley Way, Blacktown Road and Racecourse Road. A temporary round-a-bout is to be created adjacent to Gates 4 and 5 to facilitate traffic movement into and out of the Hawkesbury Showground.
- Traffic from the internal car park of the Showground will be directed onto Blacktown Road.

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- Traffic departing the Hawkesbury Racecourse car park during peak periods will be directed right onto Racecourse Road to Hawkesbury Valley Way.
- Mobile VMS Units will be erected on Blacktown Road, South Windsor and Kurrajong Road, Richmond notifying motorists of the alternative routes to the showground via Racecourse Road off Blacktown Road.
- Certified RMS Traffic Controllers are to be used at all intersecting points with additional Traffic Controllers being available as required to direct traffic.
- Application has been made with the Roads and Maritime Services - RMS (formerly RTA) for the following speed limit reductions to improve safety around the event precinct;
 - Hawkesbury Valley Way, speed reduction from 70/80km/h to 40km/h: between Percival Street and Hobart Street.
 - Racecourse Road, speed reduction from 60km/h to 40km/h: between Hawkesbury Valley Way and Rickaby Street.
 - Blacktown Road, speed reduction from 80km/h to 60km/h: between Bourke Street and George Street.

Discussion

Racecourse Road intersects with Hawkesbury Valley Way near the northern boundary of the showground site, and intersects with Blacktown Road approximately 3.5 kilometres to the south. Racecourse Road is a minor distributor rural road of approximately 3.5 kilometres in length with the full length being sealed. The event organiser has indicated that a high proportion of traffic is expected from the Hawkesbury Valley Way intersection. Both Hawkesbury Valley Way and Blacktown Road are state roads.

Considerable pedestrian movements are expected along Racecourse Road. It is likely that visitors to the Show may park in the road reserve areas of Racecourse Road and Hawkesbury Valley Way as well as the parking areas within the Showground, Clarendon Paddocks and the Hawkesbury Equestrian Centre.

Traffic congestion is likely to be concentrated in Hawkesbury Valley Way, from where the majority of vehicles will queue to enter Racecourse Road, and in Racecourse Road, as vehicles queue to enter parking areas. To improve traffic and pedestrian safety around the event precinct, the event organiser has applied to the Roads and Maritime Services - RMS (formerly RTA) for the following speed limit reductions:

- Hawkesbury Valley Way, speed reduction from 70/80km/h to 40km/h: between Percival Street and Hobart Street.
- Racecourse Road, speed reduction from 60km/h to 40km/h: between Hawkesbury Valley Way and Rickaby Street.

It is likely that some vehicles, to avoid the congestion at Hawkesbury Valley Way, will travel towards the showground along Racecourse Road from the Blacktown Road intersection.

Delays are likely to occur when vehicles are leaving the site during peak times, as vehicles queue to enter Hawkesbury Valley Way from Racecourse Road. The majority of traffic will be directed from the main internal dedicated parking area within the showground, exiting onto Blacktown Road through the University of Western Sydney, Hawkesbury Campus property. To enable the exit into Blacktown Road to work effectively, an application has been made to the Roads and Maritime Services - RMS (formerly RTA) by the event organiser for the speed limit in Blacktown Road to be reduced from 80km/h to 60km/h between Bourke Street and George Street during the event.

It would be appropriate to classify the event as a "Class 1" special event under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA) as the event may impact on major traffic and transport systems which includes the Speed Zone reductions and traffic control on the nominated State roads, and there may be significant disruption to the non-event community.

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The event organiser has submitted the following items in relation to the event: Attachment 1 (ECM Document Set ID No: 6059032):

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. Transport Management Plan – referred to in the application as Traffic Management Plan (TMP) and Traffic Control Plans (TCP).
5. Copy of Insurance Policy which is valid to 28 February 2018.

RECOMMENDATION TO COMMITTEE:

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Hawkesbury Show 2018 planned for 20, 21 and 22 April 2018, within the Hawkesbury Showground, Clarendon, be classified as a "Class 1" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services – RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted which includes the crossing points across Racecourse Road in the vicinity of Gate 2 to the Showground 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 site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the site by the event organiser prior to the event;
 - 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
 - 4d. the application including the TMP and the associated TCP is to be submitted to the Transport Management Centre – TMC for authorisation as this is a Class 1 event.
 - 4e. the event organiser is to obtain approval from the Transport Management Centre – TMC as this is a "Class 1" event which will have a traffic impact on both Hawkesbury Valley Way and Blacktown Road (state roads) as well as the proposed temporary speed reductions required for the following roads;
 - Hawkesbury Valley Way, speed reduction from 70/80km/h to 40km/h: between Percival Street and Hobart Street,
 - Racecourse Road, speed reduction from 60km/h to 40km/h: between Hawkesbury Valley Way and Rickaby Street,
 - Blacktown Road, speed reduction from 80km/h to 60Km/h: between Bourke Street and George Street.
- a copy of the Transport Management Centre – TMC approval to be submitted to Council;
- 4f. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$20,000,000 noting Council, the Transport Management Centre (TMC) and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
 - 4g. as the event requires traffic control on public roads and the provision of the Crossing Points, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
 - 4h. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; a copy of this approval to be submitted to Council;
 - 4i. the event organiser is to advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);
 - 4j. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
 - 4k. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
 - 4l. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;

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- 4m. the event organiser is to submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

During the event:

- 4n. access is to be maintained for businesses, residents and their visitors;
- 4o. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4p. all traffic controllers/marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4q. in accordance with the submitted TMP and associated TCP, appropriate advisory signs - including temporary speed restriction signs (subject to Roads and Maritime Services - RMS (formerly RTA) and the Transport Management Centre (TMC) requirements), shall be placed at the event organiser's expense after all the required approvals are obtained from the relevant authorities - and traffic control devices are to be placed during the event, (including the crossing point), under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4r. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and
- 4s. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

APPENDICES:

AT - 1 Special Event Application - (ECM Document Set ID No. 6059032) - *see attached*

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Ms Tina Kaur.

Support for the Recommendation: Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.

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2. The Hawkesbury Show 2018 planned for 20, 21 and 22 April 2018, within the Hawkesbury Showground, Clarendon, be classified as a "Class 1" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services – RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted which includes the crossing points across Racecourse Road in the vicinity of Gate 2 to the Showground 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 site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the site by the event organiser prior to the event;
 - 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
 - 4d. the application including the TMP and the associated TCP is to be submitted to the Transport Management Centre – TMC for authorisation as this is a Class 1 event.
 - 4e. the event organiser is to obtain approval from the Transport Management Centre – TMC as this is a "Class 1" event which will have a traffic impact on both Hawkesbury Valley Way and Blacktown Road (state roads) as well as the proposed temporary speed reductions required for the following roads;
 - Hawkesbury Valley Way, speed reduction from 70/80km/h to 40km/h: between Percival Street and Hobart Street,
 - Racecourse Road, speed reduction from 60km/h to 40km/h: between Hawkesbury Valley Way and Rickaby Street,
 - Blacktown Road, speed reduction from 80km/h to 60km/h: between Bourke Street and George Street.
- a copy of the Transport Management Centre – TMC approval to be submitted to Council;
- 4f. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$20,000,000 noting Council, the Transport Management Centre (TMC) and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;

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- 4g. as the event requires traffic control on public roads and the provision of the Crossing Points, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4h. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; a copy of this approval to be submitted to Council;
- 4i. the event organiser is to advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);
- 4j. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4k. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4l. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;
- 4m. the event organiser is to submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

During the event:

- 4n. access is to be maintained for businesses, residents and their visitors;
- 4o. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4p. all traffic controllers/marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4q. in accordance with the submitted TMP and associated TCP, appropriate advisory signs - including temporary speed restriction signs (subject to Roads and Maritime Services - RMS (formerly RTA) and the Transport Management Centre (TMC) requirements), shall be placed at the event organiser's expense after all the required approvals are obtained from the relevant authorities - and traffic control devices are to be placed during the event, (including the crossing point), under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4r. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and
- 4s. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

Item: 2.2 LTC - Hanna Park Carols 2017 - (Hawkesbury) - (80245, 76799)

REPORT:

Introduction

An application has been received on behalf of Hawkesbury Valley Baptist Church seeking approval (in traffic management terms) to conduct the Hanna Park Carols 2017 within Hanna Park, North Richmond, on Sunday, 23 December 2017.

The event organiser has advised:

- This event has been held previously, and this is the fourth year the application has been submitted to Council relating to traffic management.
- This is a Christmas Carol Community Event. The event will include activities such as Christmas Carols, live bands, Santa by Helicopter, food and Children's activities.
- The event will be conducted between 4pm and 9:30pm. The set up and pack down times are between 6am and 1am the following morning.
- The event will be held within Hanna Park at the end of Beaumont Avenue, North Richmond.
- The event is expected to attract approximately 6,000 spectators.
- Pedestrians can access Hanna Park either from Beaumont Avenue or from the south western side of Bells Line of Road by the concrete path which is situated under the bridge.
- Parking for vehicles will be provided within Hanna Park and the Hanna Group car park via Bells Line of Road.
- Access to Hanna Park will be improved by providing a 'No Stopping' zone on both sides of Beaumont Avenue extending back from the car park in Hanna Park, for an approximate distance of 80 metres.
- With the previous events there has been traffic congestion through the intersection of Bells Line of Road and Terrace/Grose Vale Road. The traffic congestion has been evident prior to and mainly after the event. With parking for the event being onsite, at the conclusion of the event there is a rush of cars leaving the event which are queued all the way along Beaumont Road to the intersection of Bells Line of Road. It can take up to an hour for the traffic to clear from the site. To improve traffic flow from the site, TMC/RMS is to be approached to take control of the signalised intersection with Police also approached to undertake this measure.
- Approval has been provided by Council to utilise Hanna Park for the event.

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 on minor traffic and transport systems and there may be low scale disruption to the non-event community.

The event organiser has requested the provision of a temporary No Stopping zone on both sides of Beaumont Avenue extending back from the car park in Hanna Park, for an approximate distance of 80 metres. This section of Beaumont Avenue provides untimed parking on both sides of the road and is generally not utilised for parking, as this section of the road provides access into Hanna Park. The

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provision of the temporary No Stopping zone is not considered to have an adverse effect to the surrounding community.

Beaumont Avenue is a dead end road which extends from Terrace Road for a distance of approximately 625 metres. At the end of Beaumont Avenue is the entrance to Hanna Park with the only side street along Beaumont Avenue being Norfolk Place, positioned approximately 125 metres prior to the end of the road. The road is sealed for its full length. The traffic volume recorded in 2012 in the vicinity of Norfolk Place was 524 vehicles per day. It has a speed limit of 50km/h.

To ensure the free flow of traffic to and from the event, the event organiser is to liaise with the Transport Management Centre (TMC) to review and implement changes to the signal function at the intersection of Bells Line of Road, Terrace Road and Grose Vale Road during the event period. Alternatively NSW Police will be approached to take control of the intersection. Improvements to traffic flow through the intersection will ensure that those attending the event will utilise the car park within the site. Parking of vehicles within the site will ensure a safer passage for pedestrians.

The event organiser has submitted the following items in relation to the event: Attachment 2 (ECM Document Set ID No: 6058637):

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. Event and Parking Layout Plan.
5. Risk Assessment.
6. Copy of Insurance Policy which is valid to 30 September 2018, however does not include Hawkesbury City Council and the Roads and Maritime Services as Interested Parties.
7. Copy of the application to the NSW Police Force.
8. Copy of the approval letter from Council to utilise Hanna Park for the Event.

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 Hanna Park Carols 2017 event within Hanna Park and accessed from Beaumont Avenue, North Richmond, on Sunday, 23 December 2017 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, the following traffic control measures;

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- No road closures are permitted.
- Temporary replacement of the untimed parking on both sides of Beaumont Avenue with “No Stopping” zones, extending back from the car park in Hanna Park for an approximate distance of 80 metres, during the event period of 23 December 2017. The event organiser will be responsible for the provision of the appropriate zones and restoring back the untimed parking areas after the event.

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 site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
- 4d. the event organiser is to obtain approval from the Transport Management Centre – TMC to alter the operation of the traffic signals at the intersection of Bells Line of Road, Terrace Road and Grose Vale Road, North Richmond; 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 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 WHS legislation and associated Codes of Practice and Australian Standards;
- 4f. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4g. As the event requires traffic control on a public road, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4h. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; a copy of this approval to be submitted to Council;

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- 4i. the event organiser is to advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);
- 4j. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4k. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4l. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;
- 4m. the event organiser is to submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

During the event:

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

APPENDICES:

AT - 1 Hanna Park Carols 2017 – Event and Parking Layout Plan.

AT - 2 Special Event Application – (ECM Document Set ID No: 6058637) - *see attached*

AT - 1 Hanna Park Carols 2017 - Event and Parking Layout Plan



COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Ms Tina Kaur.

Support for the Recommendation: Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Hanna Park Carols 2017 event within Hanna Park and accessed from Beaumont Avenue, North Richmond, on Sunday, 23 December 2017 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, the following traffic control measures;
 - No road closures are permitted.
 - Temporary replacement of the untimed parking on both sides of Beaumont Avenue with "No Stopping" zones, extending back from the car park in Hanna Park for an approximate distance of 80 metres, during the event period of 23 December 2017. The event organiser will be responsible for the provision of the appropriate zones and restoring back the untimed parking areas after the event.

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 site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
- 4d. the event organiser is to obtain approval from the Transport Management Centre – TMC to alter the operation of the traffic signals at the intersection of Bells Line of Road, Terrace Road and Grose Vale Road, North Richmond; 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 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 WHS legislation and associated Codes of Practice and Australian Standards;
- 4f. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$10,000,000 noting Council and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4g. As the event requires traffic control on a public road, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4h. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; a copy of this approval to be submitted to Council;
- 4i. the event organiser is to advertise the event in the local press stating the entire extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);
- 4j. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4k. the event organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4l. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;
- 4m. the event organiser is to submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

During the event:

- 4n. access is to be maintained for businesses, residents and their visitors;

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- 4o. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4p. all traffic controllers/marshals operating within the public road network are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4q. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed for the event, during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4r. the participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event; and,
- 4s. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity.

SECTION 3 - Reports for Information

Item: 3.1 LTC - Local Traffic Committee 2018 Calendar - (Hawkesbury) - (80245)

REPORT:

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

Proposed is a list of dates, outlined below, for 2018 in the current Monday format (second Monday of the month) with the exception of June which is proposed to be held on the third Monday due to the Queen's Birthday public holiday on 11 June 2018.

- 08 January 2018
- 12 February 2018
- 12 March 2018
- 09 April 2018
- 14 May 2018
- 18 June 2018 (third Monday due to Queen's Birthday Holiday on 11 June 2018)
- 09 July 2018
- 13 August 2018
- 10 September 2018
- 08 October 2018
- 12 November 2018

RECOMMENDATION TO COMMITTEE:

That the 2018 Local Traffic Committee Meetings be undertaken from January to November on the second Monday of the month with the exception of June which will be undertaken on the third Monday.

APPENDICES:

There are no supporting documents for this report.

COMMITTEE RECOMMENDATION:

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Ms Tina Kaur.

Support for the Recommendation: Unanimous support

That the 2018 Local Traffic Committee Meetings be undertaken from January to November on the second Monday of the month with the exception of June which will be undertaken on the third Monday.

SECTION 4 - General Business

Item: 4.1 LTC - Update on Traffic Issues in Little Church Street, Windsor - (Hawkesbury) - (80245, 84972)

Previous Item: 4.1, LTC (14 August 2017)
 2.3, LTC (9 January 2012)

REPORT:

Council's Community Safety Coordinator updated the Committee regarding the traffic issues raised by residents during school drop off and pickup times at St Matthews Catholic Primary School. NSW Police suggested closing the No Parking zone as it is used as a kiss and drop zone by parents dropping off and picking up children, causing traffic in the street to come to a standstill and therefore stopping any through traffic. Residents complained that they are unable to enter and exit their residences due to the illegal double parking which caused long street queues during these times.

The Committee discussed the matter during the August Local Traffic Committee (LTC) meeting and agreed that no changes to the existing parking restrictions were warranted at this stage. The Committee agreed that there was a need for the school community and residents to reach some common ground and ensure that the safety of the school community, residents and other roads users are not compromised. The Committee agreed that the Community Safety Coordinator investigate the option of organising a mediation meeting with relevant stakeholders including NSW Police, St Matthews Catholic Primary School staff representative/s, St Matthews Catholic Primary School Parents and Citizens representatives and residents from Little Church Street. This meeting was to be mediated by an independent person such as the Mayor of Hawkesbury City Council.

Since the August LTC meeting, the following actions have been instigated:

- St Matthews Catholic Primary School have issued frequent reminders to their parents not to double park.

ORDINARY MEETING

Reports of Committees

- St Matthews Catholic Primary School Assistant Principal regularly monitors the afternoon pickups.
- Council's Community Safety Coordinator has visited the school several times in September to touch base with St Matthews Catholic Primary School Assistant Principal.
- Council updated the School Zone Fines flyer with information on double parking and made the content available as an image for the school's newsletters.
- Council's Regulatory Services Officer distributed the updated School Zone Flyer to St Matthew's School drivers during the afternoon pickup of Wednesday, 25 October 2017. The Officer took the opportunity to answer any questions from the drivers and gave clarification on the traffic rules around schools.

Traffic Improvements along Little Church Street Traffic during St Matthews School Pickup

Council's Community Safety Coordinator conducted observations of the school pickup during Thursday, 2 November and Friday, 3 November 2017. These observations occurred after the distribution of the updated School Zone Fines flyer.

There were two drivers on 2 November and four drivers on 3 November who attempted to angle into the No Parking Zone causing a small number of drivers waiting behind to double-park. The Assistant Principal waved on those double-parkers who were waiting prior to the school bell to clear any early queues. The Assistant Principal was unable to fully watch for all potential queues as the pickup pace increased but did their best to move on cars when they noticed attempts to double park.

The following safety issues were observed by the Council's Community Safety Coordinator on the two dates:

- One parent with three children drove off before the child had fully sat down behind the driver. The Assistant Principal will discuss this matter privately with that parent.
- One residential driveway was partially blocked on 2 November and three residential driveways were partially blocked on 3 November. It was not observed if a St Matthews Catholic Primary School student was entering these cars.

The traffic situation has dramatically improved as the St Matthews Catholic Primary Schools parents found a solution to minimise double parking. They drive quite slowly as they enter and move along Little Church Street, even when there is no car in front of them. This usually allows time for spaces to become vacant in the No Parking Zone for their arrival.

As traffic is flowing more smoothly along Little Church Street during the school pickups, the Community Safety Coordinator recommends that a mediation meeting no longer be arranged as any issues can be managed through the occasional monitoring or patrolling of the school. It is also recommended that a letter of appreciation be sent to St Matthews Catholic Primary School thanking the Assistant Principal and staff for their efforts with school parents and local residents to reduce the traffic issues from Little Church Street, Windsor during school drop off and pick up times.

COMMITTEE RECOMMENDATION:

That:

1. Based on the improvements observed during the investigation of traffic issues raised, a mediation meeting is no longer required to be arranged by the Community Safety Coordinator.
2. The Community Safety Coordinator prepare a letter of appreciation to St Matthews Catholic Primary School thanking the Assistant Principal and staff for their efforts in working with school parents and local residents to reduce the traffic issues in Little Church Street, Windsor during school drop off and pick times.

ORDINARY MEETING
Reports of Committees

APPENDICES:

There are no supporting documents for this report.

SECTION 5 - Next Meeting

The next Local Traffic Committee meeting will be held on Monday, 8 January 2018 at 3pm at in the Small Committee Room.

The meeting terminated at 4.05pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
Questions for Next Meeting

QUESTIONS FOR NEXT MEETING

Councillor Questions from Previous Meeting and Responses - (79351)

REPORT:

Questions - 14 November 2017

#	Councillor	Question	Response
1	Richards	Enquired if Council can confirm if the protestors at Windsor Bridge on 13 November 2017 were asked by NSW Police to remove themselves and also move on from the area to allow work to proceed, allowed time to do so and failed to do so.	The Acting Director Infrastructure Services advised that the matter has been referred to the NSW Police for a response to the questions raised. Further advice will be provided to all Councillors when available.
2	Richards	Enquired if Council can confirm if the NSW Police was required to call a special operations vehicle from another Local Area Command (LAC) to safely remove the protestors at Windsor Bridge on 13 November 2017, as Hawkesbury LAC did not have a suitable vehicle available.	The Acting Director Infrastructure Services advised that the matter has been referred to the NSW Police for a response to the questions raised. Further advice will be provided to all Councillors when available.
3	Richards	Enquired if, in regard to the protest at Windsor Bridge on 13 November 2017, Council could confirm that if there had been an incident requiring the presence of the specialist vehicle from the Local Area Command (LAC) it came from, innocent people may have had to wait in dangerous situations for the vehicle to travel back to its LAC.	The Acting Director Infrastructure Services advised that the matter has been referred to the NSW Police for a response to the questions raised. Further advice will be provided to all Councillors when available.
4	Richards	Enquired if Council can provide comment on any possible reputational damage caused by any Councillor being involved in the protest at Windsor Bridge on 13 November 2017 and any ongoing protests.	The General Manager advised that given the complex nature of this matter and the various strongly held views that exist, it is not possible to accurately comment on the issue of reputational damage.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
5	Tree	Enquired as to why the polo was not included in the Housekeeping LEP and at what point was it taken out of the LEP.	<p>The Director City Planning advised that polo was permitted as a "sporting activity" under the definition of a "Recreation Area" under the provisions of Hawkesbury LEP 1989. The conversion of the LEP into the Standard Instrument was, as instructed by the Department of Planning, a strict conversion of the LEP and could not include additional defined uses in the land use table. This was finalised in September 2012 with the gazettal of the Hawkesbury LEP 2012.</p> <p>The Standard Instrument introduced and fixed all definitions in the LEP. The recreation area definition was amended by the Standard Instrument to focus on public sporting facilities which makes such activities on private land not permitted by that definition. Additional definitions of recreation facilities (indoor and outdoor) were two new definitions that were introduced. The conversion of the LEP could not include these new defined uses due to the fact that the new definitions introduced new uses not previously included.</p> <p>At the time of preparing the "Housekeeping LEP", which is a maintenance or "tidy up" proposal only and does not rezone or expand land uses in zones, discussions were underway with landowners in the Richmond Lowlands regarding site specific rezonings.</p> <p>These discussions resulted in an application (LEP006/15) being submitted to Council which included the World Cup Polo event. That application was considered by Council in February 2017. The deferred matter from that Council resolution is currently being pursued with the Department of Planning.</p>

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
6	Tree	Enquired as to the outcomes of the meeting between the RMS and developers regarding the North Richmond Bridge in the VPA at North Richmond, has a site been identified, what progress is happening and when can the community expect to use the new bridge.	The General Manager advised that the meeting between Council, RMS and the developers will be most relevant to determining the way forward and answering the points in the question, it is scheduled to take place in December 2017.
7	Tree	Requested the timeline for finalisation for the acquisition of lands attributed to the stormwater management area of Pitt Town.	<p>The Director City Planning advised that there are currently two separate parcels and processes for land acquisition at Pitt Town.</p> <p>The compulsory acquisition process for obtaining an easement over land in Wells Street has commenced and, subject to receipt of advice from the Office of Local Government. It is anticipated that this process will be completed in the first quarter of 2018.</p> <p>Other land in Hall Street is currently being negotiated with the landowner and the timing of this acquisition is subject to the landowner negotiations.</p>
8	Tree	Requested information in relation to the planning matters that the General Manager is delaying from being presented to Council, while he gets his head around them.	The General Manager advised that as a recently arrived member of staff he is obliged to respond to community inquiries and ask for information from staff so that the inquiries can be answered in an appropriate fashion.
9	Zamprogno	Given the quality of the works carried out on Brennans Dam Road and Old Stock Route Road, Oakville, requested that Reedy Road between Pebbly Hill Road and Fisher Road at Cattai/Maraylya, be urgently reviewed and graded as necessary.	The Acting Director Infrastructure Services advised that instructions had been given for the inspection and grading of these roads as necessary.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
10	Wheeler	Referred to the partial removal of illegal fill at 251C Windsor Road, McGraths Hill and enquired if there is a time limit for removal of the entire illegal fill and requested that the date be included in the staff response.	The Director City Planning advised that compliance action has commenced on this matter and the landowner has requested an extension of time to respond to Council's letters. This time extension has recently expired and the matter is currently being pursued by compliance staff.
11	Wheeler	Referred to the removal of a large number of trees from Macquarie Park, Windsor by an Endeavour Energy contractor and requested details as to who did the work, what approvals they had to carry out the work and, if the contractor acted outside of that approval, and investigate whether the contractor can be issued with a 'make good' order.	The Acting Director Infrastructure Services advised that Endeavour Energy approached Council previously about works required for the relocation of the electricity lines in this vicinity due to the failure of the existing supply lines across the river. The work identified by Endeavour included minor excavation for poles and "trimming of trees". The extent of the works are beyond what was agreed to by Council and meetings have been held with Endeavour Energy to determine the extent of any future works and to propose remediation works in the area.
12	Wheeler	Requested that Council erect a sign stating that it is not responsible for the tree removal at Macquarie Park, Windsor.	The Acting Director Infrastructure Services advised that as part of the remediation works the issue of signage will be discussed so that it may also include information about remediation works.
13	Wheeler	Enquired about land clearing at 1855 Putty Road, Lower Colo along the riverbank, and investigate whether they could be issued a 'stop work' order and for information relating to impacts on the Colo River from run off and sediment control.	The Director City Planning advised that the landowners have been questioned about this work and a stop work order has been issued. The location of the works means that the Office of Water are the appropriate regulatory authority for this matter. The Office has been contacted by Council staff and the compliance team from the Office of Water are investigating the works with a view to take the appropriate action.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
14	Wheeler	Enquired if a private certifier is required to provide after-hours contact details if a development is ongoing.	The Director City Planning advised that Clause 98A of the <i>Environmental Planning and Assessment Regulation 2000</i> requires a site sign to be erected in a prominent position on a building site that shows the name, address and telephone number of the principal certifying authority for the work and also the details of the principal contractor for the works. These requirements apply to any principal certifying authority whether a Council or Private Certifier, but do not apply to works inside an existing building or to Crown developments.
15	Reynolds	Requested an update on the progress towards getting garbage bins to Brinsley Park, Pitt Town.	The Acting Director Infrastructure Services advised that the estimate of costs to provide a separate storage of garbage bins is in the order of \$3,000. The Location is to be determined following discussion with relevant stakeholders.
16	Reynolds	Requested an update on the request for the owner on Punt Road, Pitt Town for sandstone blocks to be installed across the driveway.	The Acting Director Infrastructure Services advised that the sandstone blocks will be placed by the property owner by the week ending 1 December 2017.
17	Garrow	Requested information on suspected asbestos stockpiled on the north compound on Wilberforce Road that is currently being "wetted" down and the run off is running into the Hawkesbury River, in particular information on the detrimental effects on soil, water and long term air quality.	The Director City Planning advised that as this is a State controlled compound Council is not the regulatory authority on the site. The RMS have been contacted to investigate the allegation of asbestos on the site and to take the appropriate action, in accordance with SafeWork NSW requirements.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
18	Rasmussen	Enquired if Council is able to access TCorp loans at this stage and if so, is Council considering making applications for a loan from TCorp and for what purpose.	The Director Support Services advised that subject to the implementation of Council's Fit for the Future Plan, including a Special Rate Variation, Council will be able to access TCorp loans from 2018/2019. Special Rate Variation Options 2 and 3 include a borrowings program of \$25million and \$40 million respectively. If the applicable borrowing program was implemented, the loans would be sought through TCorp. The loans would fund enhanced asset maintenance and renewal works.
19	Rasmussen	Requested an update on the progress of marking power poles on Yarramundi Lane with reflective devices.	The Acting Director Infrastructure Services advised that the renewal of reflectors has been programed for completion by the week ending 1 December 2017.
20	Rasmussen	Enquired as to a commencement date on the RMS works at the Terrace Road/Bells Line of Road intersection in North Richmond.	The Acting Director Infrastructure Services advised that RMS have not provided a commitment on the commencement date at this stage.
21	Ross	Enquired if Council is aware of white material deposited along Tennyson Road near the fire station.	The Director City Planning advised that Council has investigated the deposition of material on a property on Tennyson Road in this vicinity. The material, crushed sandstone, was deposited for use for maintenance of a driveway and no further action was warranted.
22	Lyons-Buckett	Requested an investigation to have a 'Stop' sign installed at the corner of Francis and Chapel Streets, Richmond.	The Acting Director Infrastructure Services advised that the matter would be investigated and advice provided to all Councillors when complete.
23	Lyons-Buckett	Requested that the sign post on the corner of Onus Lane and Francis Street, Richmond be repaired.	The Acting Director Infrastructure Services advised that instructions had been given for the repair of the sign post on the corner of Onus Lane and Francis Street, Richmond.

ORDINARY MEETING**Questions for Next Meeting**

#	Councillor	Question	Response
24	Richards	Enquired if Local Government operates OOSH programs in primary schools and to what level of involvement a council would have in the operation of an OOSH.	<p>The Director Support Services advised that some local governments do operate OOSH programs, some of which are located in primary schools. The provision of OOSH services in public schools is governed by The NSW Department of Education's Community Use of School Facilities Policy. The Department has prepared an online checklist to assist Principals in assessing the demand, feasibility and tender process for establishing an OOSH service within a school. A tender is not required for a school-based parent operated service. The level of involvement of a local council in the operation of an OOSH service would vary depending on the particular child care framework operating within each council. Hawkesbury Council is currently not a provider of OOSH services, but is the licensee for a mobile pre-school based in Wisemans Ferry, which has been delegated to Peppercorn Services Inc. to operate on Council's behalf. There are two OOSH service providers in proximity to the Freemans Reach Public School, operating from Glossodia and North Richmond, who may have the capacity to extend their existing services to Freemans Reach, subject to the outcome of the feasibility assessment.</p>

oooO END OF REPORT Oooo



ordinary
meeting

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paper

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