



Hawkesbury City Council

ordinary
meeting
business
paper

date of meeting: 30 January 2018

location: council chambers

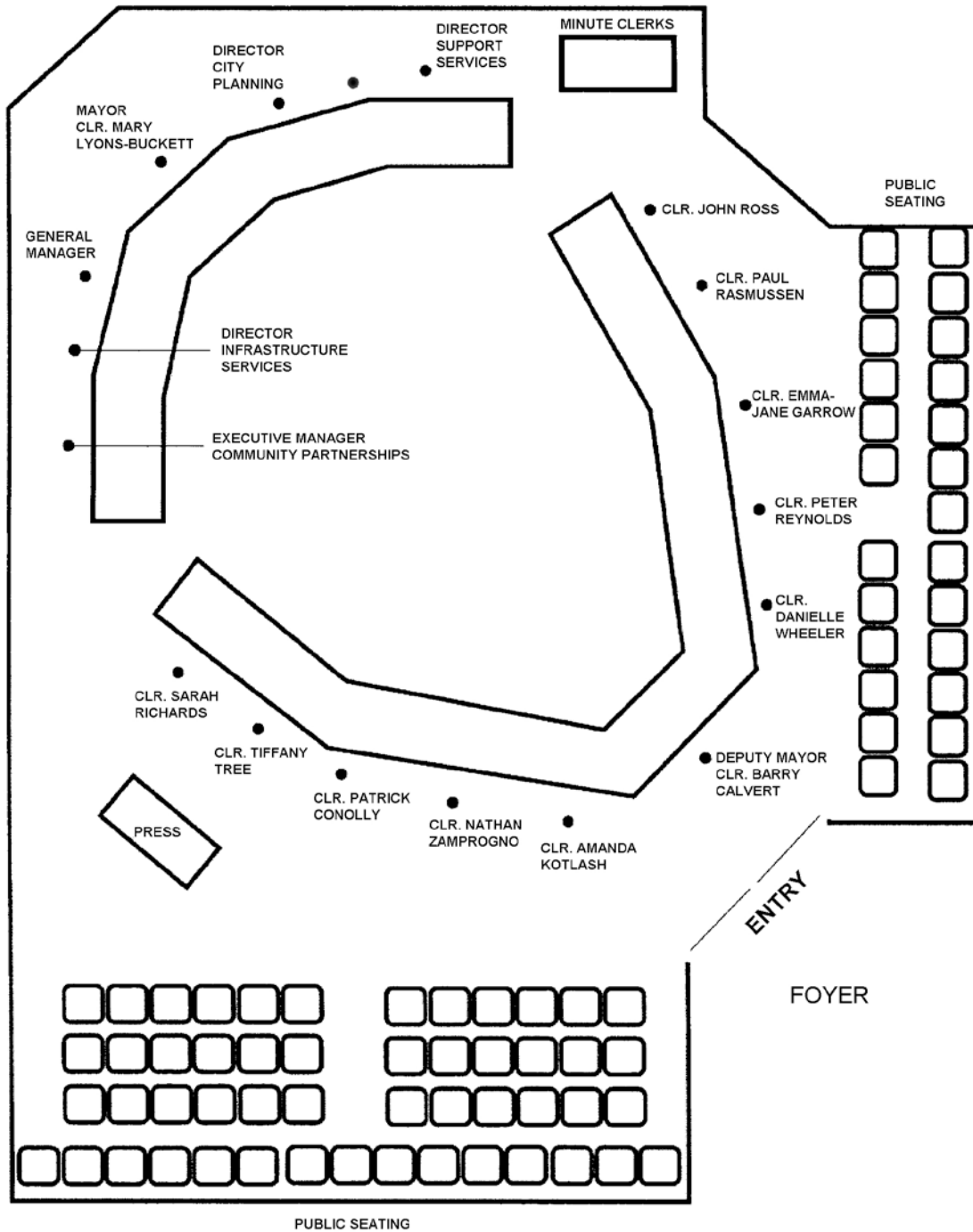
time: 6:30 p.m.



mission statement

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

Hawkesbury City Council



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ORDINARY MEETING
Procedural Matters
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PROCEDURAL MATTERS

Welcome

The General Manager will address the Council meeting, mentioning:

- Acknowledgement of Indigenous Heritage
- Emergency Procedures
- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile phones.

Attendance

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

Apologies and Leave of Absence

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

Declaration of Interest

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

Acknowledgement of Official Visitors to the Council

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

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Procedural Matters

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confirmation of minutes

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SECTION 2 – Mayoral Minutes

Item: 001 **MM1 - Archaeological Discoveries - Thompson Square Precinct - (79351, 79353, 125612)**

REPORT:

Early reports from the archaeological dig being carried out as part of the Windsor Bridge Replacement program indicate there has been a discovery of early colonial infrastructure of significance (two sections of brick barrel drain dating from 1814).

The November 2017 RMS Detailed Salvage Strategy claims there is no evidence of Howe's brick barrel drain.

As the Department of Planning regards the current work as Heritage Mitigation and not 'Pre-Construction' the discovery of the brick barrel drain may require extensive investigation to determine both the nature of the structure and the extent of the structure. It is imperative that all relevant practices and procedures applicable to such a significant discovery are adhered to.

The NSW Government has indicated it will shortly call for tenders for this project. However, it would be preferable to delay this until all necessary investigations regarding the archaeological finds are completed.

If the RMS progress with this tender, without first knowing all the details, they run the risk of the project changing and the cost changing accordingly; variations are where contractors make all of their money. It would be unacceptable to subject the public to a potential burden on the public purse by failing to carry out adequate investigations prior to calling for tenders.

The construction of the Tibby Cotter Pedestrian and Cycleway Bridge over Anzac Parade at Moore Park is an example of cost blowout of \$13 million occurring which then Minister for Roads, Duncan Gay attributed to requirements of the Heritage Council. This Bridge proceeded without a tender but using money diverted from other RMS projects including the Windsor Bridge Replacement Project. Failure to adequately investigate requirements for the Bridge and its rushed construction resulted in the major cost blowout. This is something which must be avoided in this instance.

RECOMMENDATION:

That Council:

1. Request write to the NSW Government and RMS, requesting a delay in the tendering process for the bridge replacement until all investigations into the archaeological discoveries at the site are complete.
2. Write to the Premier and the RMS urging all regular practices and procedures be adhered to with regard to archaeological discovery of heritage items.
3. Advise the Federal Minister for Environment and Energy, Hon. Josh Frydenberg MP of the discovery, and its potential as an item of National significance.
4. Invite the Local Member Dominic Perrottet MP to visit the archaeological site.

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ATTACHMENTS:

- AT - 1** Brick barrel drain found at the archaeological salvage currently being carried out at Thompson Square

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**AT - 1 Brick barrel drain found at the archaeological salvage
currently being carried out at Thompson Square**



oooO END OF MAYORAL MINUTE Oooo

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Item: 002 **MM2 - Urban Resilience - (79351, 79353, 125612)**

REPORT:

Urban resilience relates to the capacity of individuals, communities, institutions, businesses, and systems within a city to survive, adapt, and thrive no matter what kind of chronic stresses and acute shocks they experience.

There is currently work underway funded by the Rockefeller Foundation, led by the City of Sydney and supported by individual metropolitan councils and organisations such as WSROC, which has identified a number of chronic stresses and acute shocks facing metropolitan Sydney, in particular:

- the acute shock of extreme weather conditions, such as the 40 plus degree days experienced during January
- the extreme stress that such extreme weather events place on our health services and facilities, in particular for the young, the aged and the poor.

Recent studies by the University of NSW and Sydney Water have revealed that three times as many people die from heat-related deaths in Sydney's west than in its east during extreme temperature events. It was recently reported that Richmond experienced nine days over 43 degrees in 2017 which was the same amount for the 40 year period 1960-1999.

We must empower our communities to build resilience to chronic stresses and acute shocks. To do so it is necessary to generate a long term plan for building resilience. This has a very wide scope. Ultimately as a Council we must adopt such a plan, the principles of which can be integrated into the activities and decision-making of Council. We can draw from existing information and apply it to our local situation.

On 23 February 2016, Council adopted the 'Adaptation Action Plan - Planning for Climate Change and Natural Hazards', dated 9 February 2016 (the Plan). The Plan contains 16 individual Adaptation Actions that respond to the 'Hawkesbury City Council Planning for Climate and Natural Hazards Initial Risk Assessment' that was prepared by GHD for Council in 2012.

The Plan has commenced the formalisation of local adaptation actions to deal with the risks from natural hazards and climate.

However, it is necessary to immediately ensure our community is protected from the impacts of extreme events and therefore this Mayoral Minute seeks to introduce some scope into our next budget to cater for this, and to formulate protocols around actions required to implement measures in these conditions.

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RECOMMENDATION:

That Council:

1. Hold a workshop in July 2018 to investigate developing a comprehensive Resilience Plan for the city building on the 'Adaptation Action Plan - Planning for Climate Change and Natural Hazards' dated February 2016 and encompassing the impacts of climate change, urban heat islands and natural disasters, on critical infrastructure, communications, health services, the local economy and the natural environment.
2. In the interim period until a plan is in place, Council take the following steps:
 - a) In preparing the upcoming budget, staff develop options and protocols to support and assist vulnerable members of our community to deal with the consequences of extreme weather events, for example:
 - increasing the hours of our pool operations
 - keeping some of our air conditioned venues open for longer periods of time
 - ensuring adequate signage warning of the dangers of swimming in the river are in place at known swimming spots on the river
 - investigate increasing the number of water bubbler/filling stations in public areas
 - investigate the introduction of free transport to allow people access to facilities where they can seek refuge from extreme weather.
 - b) Accelerate efforts to identify and provide an integrated range of permanent support services in a single location for homeless people including medical, food, personal washing, clothes washing, counselling etc. by working in conjunction with existing service providers and other levels of government to deliver this.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF MAYORAL MINUTE Oooo

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Item: 003

MM3 - Special Rate Variation - (79351, 79353, 125612)

REPORT:

While this matter is not specifically aligned with any Fit For The Future Strategies, it supports the implementation of Council's Fit For The Future Plan. I have become aware of two documents that have recently been distributed to residents regarding Council's Application for a Special Rate Variation. Copies provided to me indicate that the documents have been drafted by the Oakville Progress Association Inc. and the Member for Hawkesbury, The Hon. Dominic Perrottet, MP. I understand that Council has not been formally provided with copies of the correspondence by the authors.

The correspondence encourages residents to write to IPART to lodge submissions against Council's proposed special rate increase. Both documents have apparently been distributed despite both of the authors being formally offered the opportunity to meet with Council representatives regarding the details of the proposal. This offer has been extended to the authors on a number of occasions. A meeting with the Local Member has finally been scheduled for February.

I am particularly concerned that the Member for Hawkesbury is urging residents to oppose the rate increase before Council has even lodged its submission to IPART outlining the facts and issues pertinent to the Application.

The letter circulated by the Member for Hawkesbury suggests that Council should be looking to drive efficiencies rather than increase rates. It therefore appears to have overlooked the substantial productivity improvements and cost containment measures that Council has been implementing since 2007, which were outlined in detail in Council's Supplementary Resourcing Strategy placed on public exhibition late last year.

Mr Perrottet's letter to residents also appears to overlook the fact that Council's Special Rate Variation (SRV) Application is consistent with Council's Fit for the Future Improvement Plan, approved for implementation by the NSW Government. The Minister for Local Government, The Hon. Gabrielle Upton MP advised Council in August 2017 that Council had been found to be 'Fit For The Future' on the basis of its Fit For The Future Improvement Plan which includes provision for a possible SRV subject to IPART approval.

In her approval letter, the Minister encouraged Council and the community to continue to work together to identify the priorities and aspirations of the community so that Council can deliver the services and infrastructure that our community wants. This is what this Council has been doing. The proposed special rate increase has been the culmination of a community conversation that we have been having with our residents since July 2016.

Mr Perrottet's letter omits the fact that the recent rating increases in Oakville and other areas adjoining the North West Growth Sector were the direct result of substantial increases in land valuations undertaken by the NSW Valuer General in 2016. The NSW Government brought forward valuing all land in NSW by one year as part of the now deferred introduction of the Fire and Emergency Service Levy.

The letter from the Oakville Progress Association appears to contain some significant omissions and misrepresentations. While I respect the right of residents to express their views about Council decisions, I would hope that any information provided to residents was balanced and fairly represented Council's position. Unfortunately this does not seem to be the case.

Rates did substantially increase in Oakville from 1 July 2017, mostly due to the increase in land values that flow from the decision of the NSW Government to bring forward the NSW Valuer General schedule for land valuation by 12 months. The rating changes that this Council implemented from 1 July 2017 were responsible for a small proportion of the rating increase in Oakville.

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The rating changes this Council implemented have ensured a more fair and equitable distribution of rates for all households in the Hawkesbury based on the value of their land which is the primary principle for the setting of rates under the NSW Local Government Act.

While I appreciate the strong views held by some residents in Oakville about their recent rating increases, what they and Mr Perrottet are asking for is for the rates of the majority of ratepayers in the Hawkesbury to be increased to offset the impact of the substantial increase in the value of land in those areas adjoining the North West Growth Sector, land values which were determined by the NSW Valuer General at the behest of the NSW Government.

RECOMMENDATION:

That Council:

1. Council write to the Oakville Progress Association to restate its offer to address the Association about their concerns and issues.
2. Information prepared for posting on Council's Facebook page and website, attached as Attachments 1 and 2 to the report, to provide residents with the facts and issues relevant to Council's application for a special rate increase, be circulated.
3. Reaffirm its commitment to reviewing the rating structure through a series of workshops, the first to be held on 1 February 2018.

ATTACHMENTS:

AT - 1 The Special Rate Variation - A Summary of the Facts

AT - 2 The Special Rate Variation - It's Been Said vs The Real Facts

AT - 1 The Special Rate Variation - A Summary of the Facts



Hawkesbury City Council is required under legislation to use land values provided by the Valuer General to NSW to levy rates. **The Valuer General recently revalued your land, which may have resulted in an increase in rates for some ratepayers and a decrease for others.**

In the Hawkesbury land values vary a lot. In some suburbs there was a fall of 15% while in other suburbs there were increases of up to 206%. **The average increase to land values in the Hawkesbury was 40%.**

Some properties where land values increased by more than 200% did see an average increase in their rates of more than \$500 but for the majority of properties **the impact of land revaluation was minimal with average rates only increasing \$12.85.**

The previous rating structure was inequitable. The changes to the rating structure by the previous council meant there was an increase for 83% of residential properties (19,454 properties) and a decrease for only 4,000 properties. The increase meant that people in residential villages, often with lower land values and higher levels of socio-economic disadvantage, were asked to pay more in rates to reduce the rates paid by people on larger residential properties.

As a result of recent changes to the rating structure, resolved by the current Council, all residential properties are now treated the same for rating purposes – **everyone pays the same base amount of \$340** with the remainder of the rating charge been based on land value.

If you live in a suburb that adjoins the North West Growth Sector – in Cattai, Vineyard, Oakville or Maraylya (1,307 of the 23,458 residential properties in the Hawkesbury, about 6%) **you would have experienced significant increases in your land value and your rates, of more than \$500.**

The recent change to the rating structure aimed to deliver a more equitable rating outcome for the majority of ratepayers.

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AT - 2 The Special Rate Variation - It's Been Said vs The Real Facts

<p style="text-align: center;">The Special Rate Variation - It's been said....vs.....The Real Facts</p>	
What is a Special Rate Variation?	A Special Rate Variation allows a council to increase its general income above the rate peg.
What is a Rate Peg?	The NSW Government (through IPART) sets a limit (peg) that determines how much councils can increase rates overall each year. The rate peg for 2018/2019 is 2.3%
Why was there a revaluation of my land?	Land revaluations normally occur every three years. In 2017 the NSW Government brought land revaluations forward a year (from 2018). As a result property revaluations and the redistribution of rates occurred a year earlier than normal.
Why did my rates go up so much?	Properties which experienced a big increase in their land values would have experienced an increase in their rates regardless of the rating structure that existed or the proportion of their rates based on land value.
<i>It's been said ...the Mayor wants to put your rates up by 31.3%</i>	Council resolved that rates will go up over the next three years by <ul style="list-style-type: none"> • 9.5% in 2018-2019 (including a rate peg of 2.3%) • 9.5% in 2019-2020 (including a rate peg of 2.5%) • 9.5% in 2020-2021 (including a rate peg of 2.5%) This means by 2021 the average residential rate payer would be asked to pay \$5.12 more a week (\$267.06 a year) above the rate peg. With the rate peg it would mean that the average residential rates will increase by \$6.73 a week (\$351 a year) by 2021.
<i>It's been said ...89% of the Hawkesbury rejects the SRV in its current form</i>	Since 2016 Council has been talking with the community in as many ways as we can. We've been having conversations at town meetings in our town centres, and in our rural villages, at local markets, supermarkets, on the telephone, on-line, in newsletters and through a postal ballot to all residents in the rates notice. The majority of residents told us they didn't want to see a reduction in service levels and they were willing to pay more rates to improve or maintain services.
<i>It's been said ...Council has not informed people that they had already increased rates in several suburbs up to 180%</i>	If you live in a suburb that adjoins the North West Growth Sector – in Cattai, Vineyard, Oakville or Maraylya (1,307 of the 23,458 residential properties in the Hawkesbury, about 6%) you would have experienced significant increases in your land value and your rates, of more than \$500. There were opportunities for residents to hear about these changes to their rates, it was reported to Council in January 2017, and Council also arranged a public meeting with the Valuer General where residents could question the valuers and request revaluations.
<i>It's been said ...that another 31.3% rate increase will mean rates could go from \$2,500 to \$11,817</i>	The cumulative 31.3% increase to rates, over the next 3 years, does mean that if you are paying \$2,500 in rates, based on a land value of \$1.3 million, roughly, now you will be paying around \$3,283 in 3 years time. If your land is currently valued at \$5 million, and you currently pay \$9,000 in rates, you will be paying approximately \$11,817 in three years time, depending on your current land value. The current average residential rate is \$1,121 based on the average land value of around \$450,000.
<i>It's been said ...Council has created the most unfair rates distribution in the history of the Hawkesbury.</i>	Hawkesbury City Council is required under legislation to use land values provided by the Valuer General to NSW to levy rates. Periodically the Valuer General revalues land, which may result in an increase in rates for some ratepayers and a decrease for others. In the Hawkesbury land values varied a lot. In some suburbs there was a fall of 15% while in other suburbs there were increases of up to 206%. The average increase to land values in the Hawkesbury was 40%. In 2017/2018 the average increase in rates for residential properties in the Hawkesbury was \$12.85 All residential properties are treated the same for rating purposes – everyone pays the same base amount of \$340 with the remainder of the rating charge based on land value.
<i>It's been said ...the new Council gave a rates decrease to 80% of the Local Government Area</i>	Yes this Council reversed the changes the previous Council made to the rating structure in 2013/2014 where rates increased for 83% or 19,454 of residential properties and decreased for just over 4,000 residential properties. Smaller residential properties had to pay 28% more, or \$190 a year, while larger properties, 2 to 40 hectares, had their rates fall by \$512. This Council created a new rating structure where there was a \$97 decrease to rates for 19,045 small residential properties, with relatively lower land values, and an average increase of \$405 for 5,895 larger residential properties with higher land values. The recent change to the rating structure aimed to deliver a more equitable rating outcome for the majority of ratepayers.
<i>It's been said ...why would a council not 'Fit for the Future' drop rates to 80% of the district and then request residents pay a 31.3% increase?</i>	The NSW Government has determined that Council is 'Fit for the Future'. The NSW Government applied a rate cap of 1.5% to the total rate income that a council can levy. The total revenue collected from ratepayers from year to year is determined by this rate peg amount. The rate peg doesn't apply to the individual rate assessments levied on each property. This means that: <ul style="list-style-type: none"> • 76% of ratepayers were charged less than last year • 18% of ratepayers were charged more than last year, but the increase was less than \$500. • 6% of ratepayers have experienced an increase in rates greater than \$500 over last year While rates did decrease for individual properties, Council did not forgo any of the available rating revenue it is permitted to collect in 2017/2018.
<i>It's been said ...elderly people in some suburbs are being forced to sell family homes because of the rates burden</i>	Council is not aware of any instances where residents have been 'forced' to sell their home as a result of unpaid rates. Council has recently developed a Debt Recovery, Pensioner Concession and Hardship Policy which provides for rates relief in cases where financial hardship does arise. Council has not received any applications from residents under the hardship provisions.

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SECTION 3 – Reports for Determination

PLANNING DECISIONS

Item: 004 **CP - DA0603/16 - 507 Pitt Town Bottoms Road, Pitt Town Bottoms - Lot 32 DP 830830 - Dwelling House - Alterations and Additions - (95498, 100090)**

Directorate: City Planning

DEVELOPMENT INFORMATION

File Number: DA0603/16
Property Address: 507 Pitt Town Bottoms Road, Pitt Town Bottoms
Applicant: Mrs L Murphy
Owner: Mrs L Murphy
Proposal Details: Dwelling house - Alterations and additions to existing dwelling
Estimated Cost: \$120,000
Zone: RU2 Rural Landscape
Date Received: 24 August 2016
Advertising: Not required

Key Issues: ♦ Existing dwelling relying on existing use rights
 ♦ Flooding
 ♦ Easement

Recommendation: Refusal

REPORT:

Executive Summary

This Development Application seeks consent for alterations and additions to an existing dwelling at 507 Pitt Town Bottoms Road, Pitt Town Bottoms. The existing dwelling was constructed as a result of a previous unauthorised 'dwelling', which was a conversion of a boatshed into a dwelling, being swept away by flood waters during a 1:20 year flood event in August 1990.

On 10 March 1992 Council resolved to accept "existing use rights" for the dwelling on the property. Council subsequently approved a combined Development and Building Application on 1 June 1993, which included a State Environmental Planning Policy (SEPP 1) variation to the 10% increase in floor area permitted by the legislation for development relying on existing use rights.

An assessment of the development controls applying to the land has been undertaken and it is considered that the proposal is unable to be supported due to the significant flood risk as well as the fact that the development has previously utilised the legislation provision of extending the existing use rights floor area by 10%, via the original combined Development and Building application approved in June 1993. In addition, Council granted further approvals in October 1993 for a roof over an existing slab to form a carport and in July 1995 for a patio awning. Further extensions were carried out at a later date for which approvals were not obtained.

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The subject land is adjacent to the Hawkesbury River and the property is considered to be located in an area with a significant flood risk as it is subject to high hazard mainstream flooding even in more frequent flood events. This is evident by the fact that a previous building was swept away in a 1:20 year flood event. Further improvements to this flood affected property is therefore not recommended nor in keeping with statutory regulations.

The subject land is burdened by an electricity easement which benefits an adjoining property. The easement is located in the area where the extensions are proposed. The applicant has provided evidence that the easement could be extinguished however this has yet to occur.

The application is being reported to Council due to the significant Policy implications that the determination will have on surrounding and similar development in the locality.

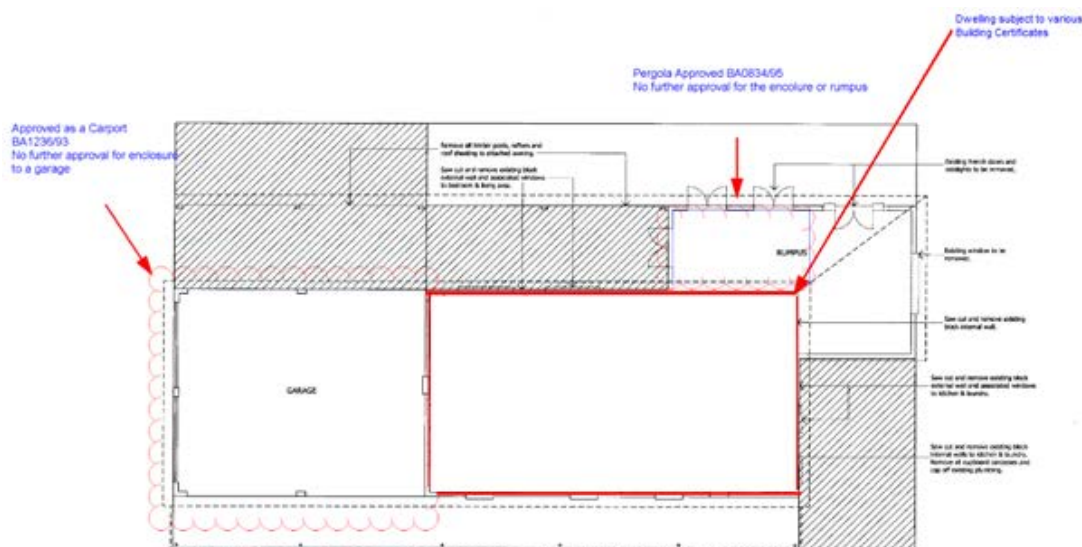
Description of Proposal

The application seeks Council's consent for proposed alterations and additions to the existing dwelling at Lot 32, DP 830830, 507 Pitt Town Bottoms Road, Pitt Town Bottoms.

The existing dwelling was constructed without previously gaining development consent. Although existing use rights were not formally established (i.e., no records of the required consent from Council were found or provided by the owner at the time) Council, based on long term resident letters, accepted existing use rights for the residential use in March 1992. The legislation at the time provided that additions can only comprise 10% of the original floor area. In this regard, the dwelling has already previously exceeded the 10% as was acknowledged with the previous development and building applications, and SEPP 1 variation, submitted to Council in 1992.

Subsequent to the Council resolutions various Building Certificates were issued for the property as the building application and Development Consent could not deal retrospectively with the already constructed building. The last Building Certificate was issued in February 2003 and expired in February 2010 (Note: A Building Certificate prevents the Council from making an Order or taking proceedings on the structure the subject of the Certificate for a period of seven years).

The current application proposes to increase the existing dwelling containing four bedrooms, a single bathroom, laundry, a modest kitchen, living, dining and rumpus room with an attached garage (11.23m x 9m) to a dwelling containing two bathrooms and ensuite, increased living areas, increased bedroom sizes with a walk-in-robe to the master bedroom, office/study, butler's pantry and extend the attached garage (11.23m x 16.42m). This represents an increase in size of the existing structure by 54.8%.



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Description of the site

The subject land is a rectangular shaped battle-axe lot with access to Pitt Town Bottoms Road and has direct access to the Hawkesbury River. The land totals 2.112 hectares in area and falls towards the river. Improvements on the land comprise the existing dwelling, the subject of the application, and various ancillary structures; see History of the property below.

History of the Property

30 July 1991	Application lodged for subdivision.
2 September 1991	<p>A Memorandum was placed on file concerning a meeting held on 28 August 1991 between the applicant and Council staff regarding the processing of the subdivision application. During the meeting it became evident that the applicant had built a dwelling on the land without Council approval and that it was a substantial structure. The applicant indicated that he did not apply for permission as he knew that it would not be forthcoming because of the flood nature of the land. The applicant also indicated that: <i>"this is the second dwelling he had built on the land as the first dwelling had washed away in a recent flood."</i></p> <p>It was also noted that there is no approval records for the first dwelling on the property following a search of Council records. The applicant acknowledged that the first dwelling was converted from a boat shed for which Council does not have any record.</p>
10 September 1991	Letter sent to the owner advising that the building was erected without approval and contrary to the HLEP 1989 – Development of Flood Liable Land. The applicant was requested to show cause within 14 days why proceedings should not be instigated to have the building demolished.
18 September 1991	Letter from the lessee of the property stating that a previously inhabited building was swept away by flood in August 1990 and outlining why the new dwelling was built without approval.
18 December 1991	A Notice under section 317B(i) of the Local Government Act 1919, was issued to the owner of the property ordering the demolition of the building. This notice expired on 18 February 1992.
January & February 1992	Various letters provided comment or knowledge of a dwelling being on the property for a number of years.
11 February 1992	A report was prepared for the 'General Purpose Committee Planning & Development' held on 28 January 1992.

The report outlined the history of events to date and the fact that there was no approval on record for the dwelling. The report advised that:

"The Council and State Government have supported removal of development from the flood plain wherever possible. As the site is directly in the main floodway, there is no professional basis to allow it to remain. Should Council wish to allow the building to remain it should request a certificate from the applicant by an appropriate structural engineer as to the adequacy of the building to withstand flood inundation and flood velocities and an

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indemnity to Council's Solicitor's satisfaction which indemnifies Council insofar as is possible against all matters pertaining to retention of the building".

It was recommended that:

"The matter be reported to Council at the expiration of the Notice to demolish for determination as to a course of action."

This recommendation was adopted by Council at the Ordinary Meeting of 11 February 1992.

10 March 1992

An additional report was presented to Council at the Ordinary Meeting held on 10 March 1992. The report outlined the fact that:

"Planning legislation provides for the continuation of an existing use where that use has been made unlawful by the gazettal of a subsequent planning instrument. It is generally accepted that the existing use had to be lawful in the first instance to avail itself continuation right."

The report further outlined that:

"it appears that the Committee has recognised existing use rights pertaining to the older dwelling. Accepting this, then the landowner has a right, because of planning legislation, to rebuild the existing dwelling. The floor space of the dwelling should not provide for any expansion greater than 10%. It would appear that the new dwelling has exceeded this 10% requirement but, more importantly, has been carried out without the relevant development consent having been granted as is required both in the planning legislation and in the local environmental plan."

In the light of this advice it was resolved:

"A. That Council accept existing use rights over the property for residential purposes.

B. That the landowner be invited to submit, or consent to submitting of development and building applications for consideration. The application to include:

- 1. Details from a structural engineer to the adequacy of the building to withstand flood immersion and velocities and to also include normal provisions relating to disposal of wastes, and the provision of potable water.*
- 2. Details as to how the roof water collection on the building is to be undertaken and collected in an approved water collection tank in accordance with Council's adopted policies."*

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Note: Council does not have the power to 'grant' Existing Use Rights under the Act. Only the Courts have that power. However, Council can 'accept' a use as existing and allow that use to remain.

In the report and minutes there was also mention of the possibility of limiting any existing use right to the current owner and/or upon determination of any development or building application that the existing use right be surrendered. This indicated that there was intent to limit the potential future impacts from having a dwelling in such a flood prone area.

However, this was not resolved by Council.

17 March 1992

A Special Meeting of Council was held and it considered a Rescission Motion to the Council resolution of 10 March 1992. As part of the preparation for this meeting the Divisional Manager prepared a Memorandum dated 17 March 1992 to the General Manager providing a research history of the property and in conclusion advised that:

"There are no provisions in the current LEP for the business, nor the shed, to be approved as the LEP precludes all development below the 1:10 year flood frequency".

3 April 1992

The rescission Motion was lost.

A combined Development Application (DA) and Building Application (BA) were submitted. At the General Purpose Committee Meeting of 1 June 1993 it was recommended that the Engineering Certificate provided with the application be accepted and that the SEPP 1 objection be accepted regarding the size of the building.

28 April 1993

It was also recommended that a Building Certificate be issued for the dwelling.

8 June 1993

An application was lodged for a Building Certificate (000145/93).

11 June 1993

At the Ordinary Meeting held on 08/06/1993 the recommendation to issue a Building Certificate was adopted.

21 October 1993

Building Certificate was issued.

A Building Application (BA1236/93) was lodged and approved for the construction of a carport roof and posts over an existing slab measuring 11m x 9m.

11 July 1995

A Building Application (BA034/95) was lodged and approved for the construction of a patio awning measuring 2.8m x 4.2m.

11 January 1999

Application was made for Building Certificate and determined 14 January 1999.

3 March 1999

Property was sold to new owner.

7 December 2000

Notice of Intent served for illegal works to the river bank.

22 September 2000

Letter sent to the new owner with regards to the use of the site without consent as truck depot and storage of landfill material, sand and gravel.

February 2003

Building Certificate application lodged and determined.

19 September 2006

DA0673/06 & CC0520/06 for a Shed and amenities - Class10(a) Structure of 90.72m² determined and approved.

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25 May 2009	Property was sold to new owner.
18 October 2011	Letter sent to owners directing them to cease use of the building approved under DA0673/06 for the purposes of a Dual Occupancy and to return it to its previous state i.e. that of a storage shed.
2 February 2012	Section 149 Planning Certificate issued to McGillivray Solicitors (Their reference - Murphy) advising that the land is subject to flood related development controls and tidal inundation.
29 February 2012	Property sold to current owners.
11 May 2017	Complying Development Certificate (CDC) was issued by a Private Certifier for a Rural Shed of 432m ² .

Council Policies, Procedures and Codes to Which the Matter Relates

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

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

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

a. The provisions of any:

i. Environmental Planning Instrument:

State Environmental Planning Policy No. 55 – Remediation of Land

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

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

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

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

The existing dwelling maintains the established pattern of development when viewed from the Hawkesbury River. However, it is considered that the proposed alterations and additions will have an impact on the overall scenic quality of the riverine corridor as it will be adding to the bulk and scale of the existing development on the property.

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

This clause applies to the development as the land is located within an area of regional significance. As previously mentioned in this report the dwelling relies upon existing use rights but it already exceeds the area permitted to be relied upon for the utilisation of the existing use rights provisions. The proposed alterations and additions are substantial i.e. 54.8% more than the existing dwelling which will add significantly to the bulk and scale of the development and is considered not to be in keeping with the scenic character of the area.

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

A BASIX Certificate has been issued for the proposed development.

Hawkesbury Local Environmental Plan 2012

The subject land is zoned RU2 Rural Landscape. The proposed development is for alterations and additions to a dwelling house, which is a permitted land use with development consent in the zone.

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

Clause 2.3 Zone objectives and Land Use Table

The objectives of this zone are mostly concerned with protecting sustainable primary industry production, maintaining the rural landscape character, providing for a range of compatible uses, minimising fragmentation and alienation of land, preserving the features of scenic quality and to ensure that no unreasonable demands are placed for the provision or extension of public amenity and services. In this regard it is considered that the two most relevant objectives to this proposal are the following:

- *"To preserve the river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other features of scenic quality.*
- *To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services."*

The proposal is to increase the existing dwelling by 54.8% from a modest dwelling to a more substantial dwelling. The proposal will result in a larger visual impact and it is considered that the proposal will detract from the scenic quality when viewed from the Hawkesbury River therefore not being consistent with this objective.

Consideration needs to be given to the demand that will be placed on the need for provision or extension to the public amenity or services to the proposed development, especially in the event of even a minor flood event. There would also be damage and loss to property which is unlikely to be insured and there could also be potential for loss of lives. Approving intensification of flood prone land would create unreasonable demands on public emergency services prior to and after a flood event and is not recommended.

Clause 4.3 Height of buildings

The building complies with the minimum building height requirement of 10m.

Clause 4.6 Exceptions to development standards

There is no exception to a development standard being sought as part of this application.

Clause 5.10 Heritage Conservation

The land is not identified as containing an item of environmental heritage.

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Clause 6.1 Acid Sulfate Soils

The proposal is on land that has been identified as containing Class 4 acid sulfate soil on the Acid Sulfate Soil Map. The proposed works do not involve any works that is likely to lower the water table and consequently does not fall within the definition of works contained in Clause 6.1(2).

Clause 6.3 Flood planning

The land is subject to flood related development controls. There are a range of design floods in the locality as follows:

- 1 in 5 year Average Recurrent Interval (ARI) level is 11m AHD
- 1 in 20 year ARI level is 13.7m AHD
- 1 in 100 year ARI level is 17.3m.

The proposed development is located on land that is approximately 9m AHD. The finished floor level of the existing dwelling is 9.29m AHD. The land is subject to high hazard mainstream flooding which has resulted in a previous dwelling being washed away during a 1:20 year flood event in 1990.

The dwelling floor level is below all flood levels as follows;

- below the 1 in 5 year level by 1.71m
- below the 1 in 20 year level by 4.41m
- Below the 1 in 100 year level by 8.01m.

This places both residents and property at significant risk, even in a minor flood event. As stated previously approving intensification of flood prone land would create unreasonable demands for public emergency services prior to and after a flood event.

Clause 6.3(3) of the LEP 2012 serves to prevent Council from granting consent to a proposal where the Council is not satisfied that:

- the development is compatible with the flood hazard of the land
- incorporates appropriate measures to manage risk to life from flood
- is not likely to result in unsustainable social or economic costs to the community as a consequence of flooding.'

It is considered that given the very low floor level (being 1.7m below the 1 in 5 year flood level and 8 metres below the 1 in 100 year flood level), the occupants from this particular development would be at an increased, significant risk and exposure to flood events. This is coupled with the fact that there would be limited or no emergency services available to attend this area as these would be concentrated in the more densely populated areas. These factors combined with the cumulative impact of residents in the general vicinity evacuating in a flood in an 'ad hoc' manner with limited assistance means that there is no certainty that the existing or increased development can be safely occupied and evacuated.

When considering Clause 6.3 – Flood Planning of the Hawkesbury LEP 2012, the additions proposed are considered to be inconsistent with the objectives of the clause in that intensifying the use will not result in minimising the flood risk to life and property or allowing development that is compatible with the land's flood hazard.

The consequence of a large scale event with large scale damages, where many in the community are without homes for a substantial period of time, would place an unsustainable economic and social cost upon the general community. Assistance would most likely be required to fund the cost of temporary accommodation, clean-up operations and re-development work. This would not be a responsible position in which to place the community as a result of approving intensification of development in the high risk floodplain.

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It is considered that the proposal is not acceptable in terms of flood risk to life and property.

Development of Flood Liable Land Policy

The proposed development is not consistent with Council's Development of Flood Liable Land Policy.

Subclause (1) of the Policy states "*a building shall not be erected on any land lying at a level lower than 3 metres below the 1:100 ARI flood event level for the area in which the land is situated except as provided by subclauses (3) and (5).*" (Subclause (5) relates to outbuildings and is not applicable to this current application).

Subclause (3) states "*a building that was lawfully situated on any land at 30 June 1997 may be extended, altered, added to or replaced if the floor level of the building, after the building work has been carried out, is not more than 3 metres below the floor height standard for the land immediately before the commencement day.*" (The commencement day being 22 January 1999)

The floor height standard when the structure was built was 16m AHD. In this regard the floor level of any rebuilt structure or extension should be 13m AHD or higher.

The proposed additions with a floor level of 9.29m AHD will not be able to meet this requirement as the floor level of the proposed extensions will be 3.71m below the floor height standard as required by the policy.

Subclause (4) states, in part "*the access to, and egress from, the land should not result in a travel path through areas of higher flood hazard risk and the development should not result in the occupants/users of the development being isolated and requiring rescue.*"

The alterations proposed include increased living areas, larger kitchen, additional bathrooms and the inclusion of an office/study area, which would indicate that the dwelling would be significantly larger and no longer a modest dwelling. The access to the site is via Pitt Town Bottoms Road in an easterly direction to Bathurst Street and the Pitt Town village. Pitt Town Bottoms Road crosses a creek in this vicinity, is lower than the access driveway to the subject land and is cut off at that point in times of heavy rain. In this regard the evacuation access route from the subject land is "*through areas of higher flood hazard risk*" and does not comply with this requirement.

Clause 6.4 Terrestrial Biodiversity

The land is not identified as containing any Endangered Ecological Community, nor containing vegetation with any Conservation Significance or containing any connectivity of vegetation between Remnant Vegetation.

Clause 6.7 Essential Services

Essential Services are currently provided to or are provided onsite.

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

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

iii. Development Control Plan applying to the land

Hawkesbury Development Control Plan (DCP) 2002

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

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Part A Chapter 3 Notification

The application was not required to be notified.

Part C Chapter 2 Car Parking and Access

The current parking arrangement meets the needs of the development.

Part D Chapter 1 Residential Development

The proposed development is consistent with the overall aims, objectives and rules of this chapter.

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

N/A

v. Matters prescribed by the Regulations:

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

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

The impacts envisaged with the proposal relate to the development of the land that is subject to high hazard flooding. The significant risk to life and property and the cost impact that it would have on the community have been discussed previously in this report.

c. Suitability of the site for the development:

The Deposited Plan indicates an easement for a 'Transmission Line' located where the proposed alterations and additions are located. The applicant has advised that they have secured an agreement with the beneficiary of the easement for the extinguishment of the easement and removal from the Title for the Land. However, the easement has not yet been extinguished.

The land is subject to significant flood inundation in frequent flood events. This includes up to 1.7m inundation in the 1 in 5 year flood event. Whilst Council has previously accepted the presence of the dwelling on the site, it is considered that the proposal to extend that dwelling is unsuitable due to this significant flood risk.

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

Public Submissions

This proposal was not required to be exhibited under the HDCP 2002.

e. The Public Interest:

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

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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. In particular the proposal is considered unacceptable having regard to the matters of Clause 6.3 Flood planning. The proposed development is located on land affected by high hazard mainstream flooding and is therefore considered not compatible with the flood hazard of the land.

Furthermore the capital investment incurred by undertaking the proposed additions is likely to result in a significant capital loss to the owner and community in the event of flooding.

Regardless of the size of the proposed alterations in this current application it is not appropriate to permit more intense residential development in an area of such flood risk. If an application was proposing a new dwelling on the site where there was no existing dwelling, a recommendation for refusal would be made due to the significant flood risk to life and property at this site.

It is recommended that the application be refused.

Planning Decision

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

RECOMMENDATION:

That development application DA0603/16 at Lot 32 DP 830830, 507 Pitt Town Bottoms Road, Pitt Town Bottoms for Dwelling House - Alterations and additions to existing dwelling be refused for the following reasons:

1. Hawkesbury Local Environmental Plan 2012

The subject application is considered inconsistent with the provisions contained in Hawkesbury Local Environmental Plan 2012.

Particulars:

- Clause 1.2 Aims of Plan

The proposal is inconsistent with Clause 1.2 (2)(a) in that the application has not demonstrated that it satisfies the management, orderly and economic development of land having regard to the environmental constraints affecting the site.

The proposal is inconsistent with Clause 1.2 (2)(b) in that the application has not demonstrated that the location of the development is appropriate having regard to flood risk associated with the subject land.

- Clause 6.3 Flood planning

The proposed is inconsistent with Clause 6.3 (1)(a) in that the application has not demonstrated that it will not result in an increase in flood risk to life and property associated with the proposed intensification of residential use of the land.

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The proposal is inconsistent with Clause 6.3 (1)(b) in that the application has not demonstrated that the development is compatible with the land's flood hazard, taking into account projected changes as a result of climate change.

The proposal is inconsistent with Clause 6.3(3) (a) and (e) in that the development is incompatible with the identified flood hazard of the land and that approval of the development would not result in unsustainable social and economic costs to the community as a consequence of flooding.

2. Development of Flood Liable Land Policy

The subject application is considered inconsistent with the provisions contained in Councils Development of Flood Liable Land Policy.

Particulars:

- The proposal is inconsistent with Clause 3.0 (3) in that the floor level of the proposed additions are not less than the three metres below the floor height standard for the land.
- The proposal is inconsistent with Clause 3.0 (3) in that the existing dwelling house subject of this application was not lawfully situated on the land.
- The proposal is inconsistent with Clause 3.0 (4) in that intensification of a residential use on land that is accessed via a road that passes through area of higher flood hazard would result in the potential for a higher number of occupants being placed at risk requiring rescue during a flood event.

3. Contrary to Public Interest

In the circumstances approval of the development would not be in the public interest.

ATTACHMENTS:

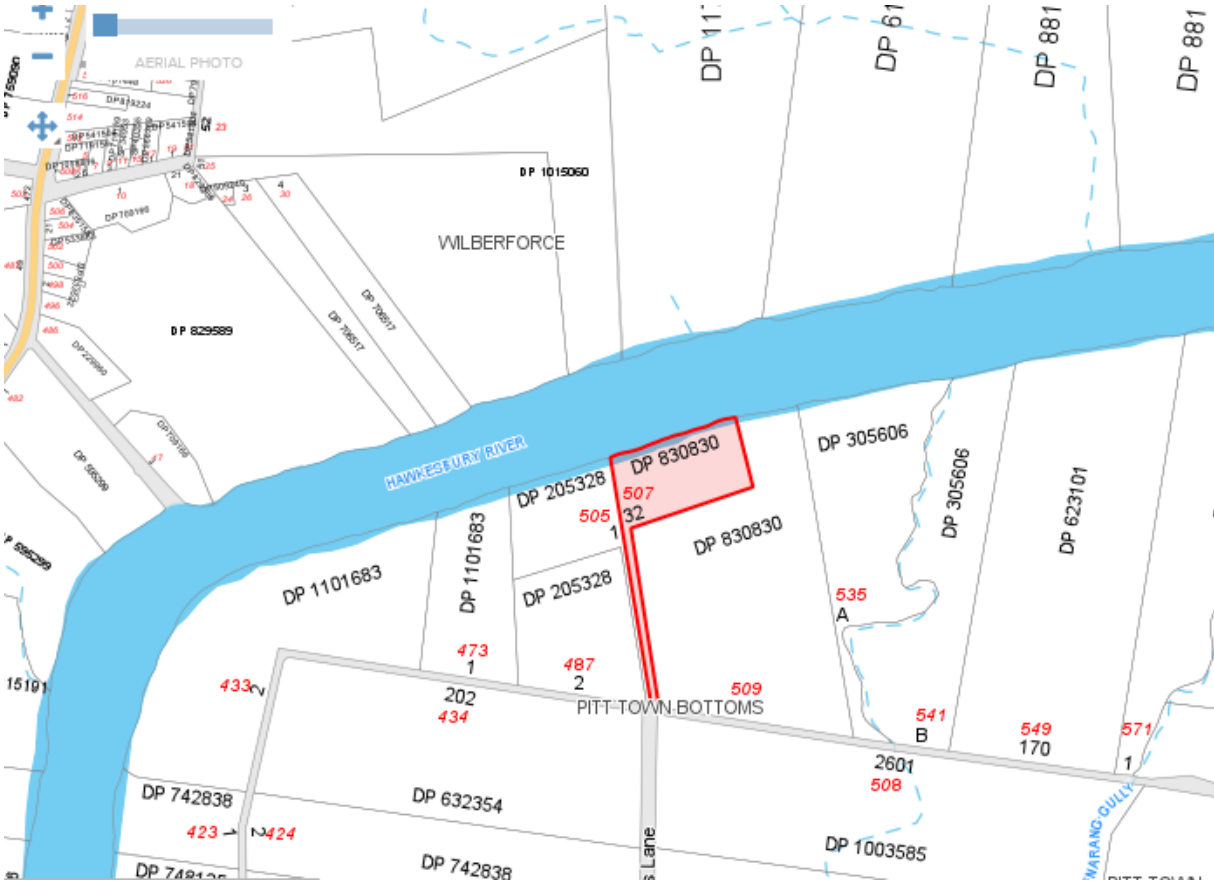
AT - 1 Locality Map

AT - 2 Aerial Map

AT - 3 Plans

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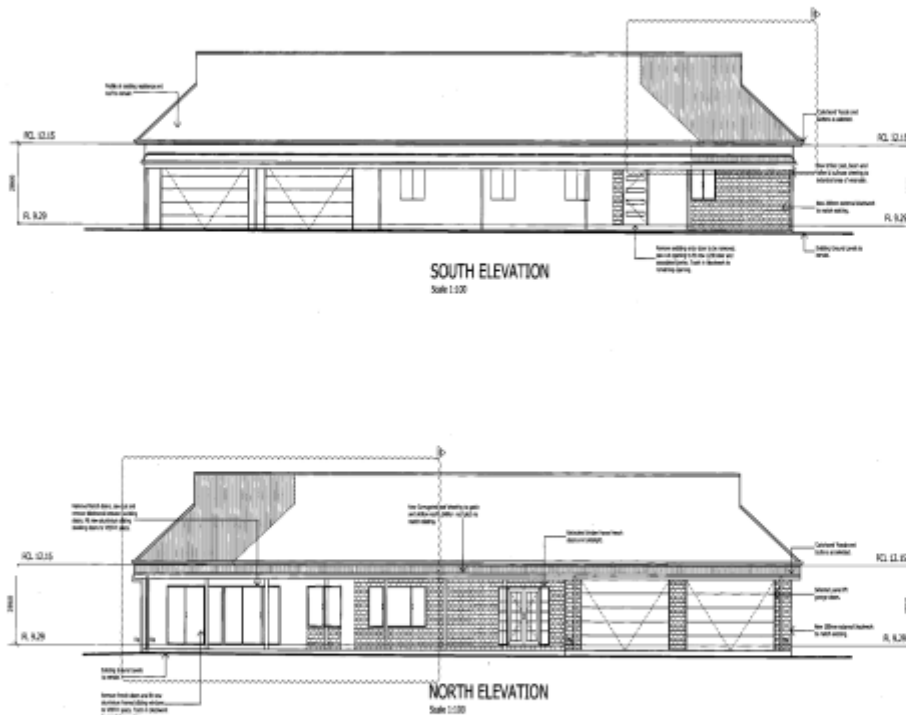
AT - 1 Locality Map



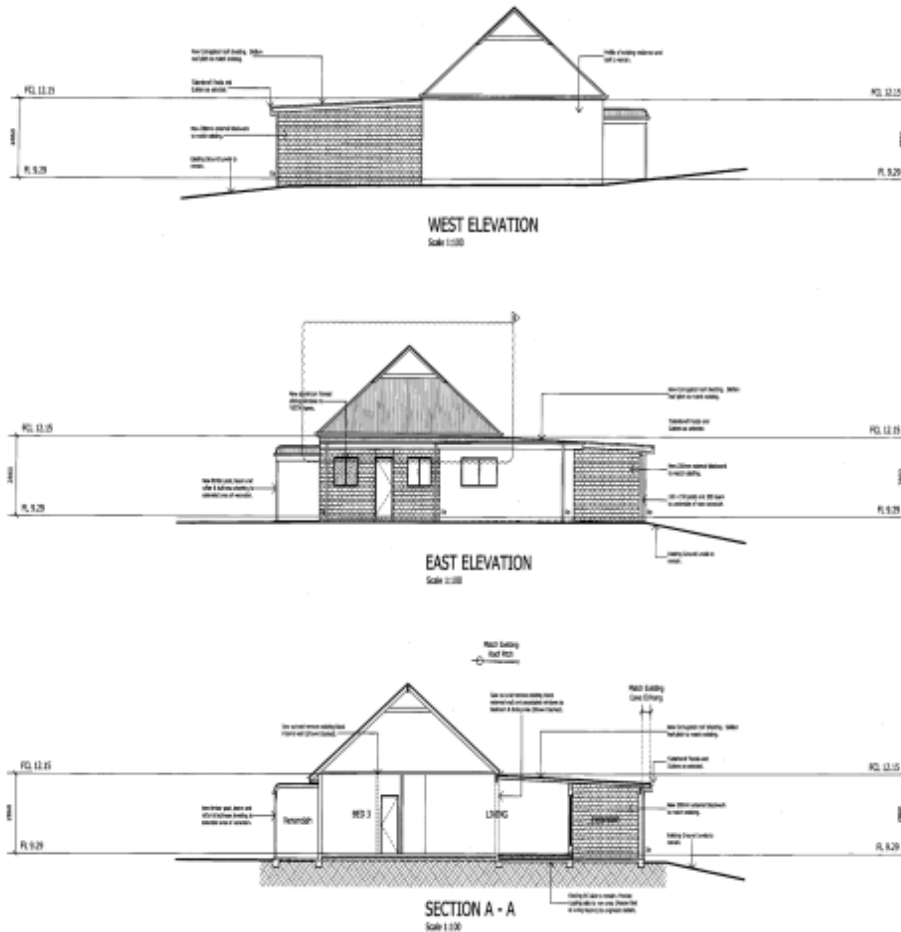
AT - 2 Aerial Map



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NOTES			
<ul style="list-style-type: none"> Provide Formwork Protection in accordance with AS 2885.1 - 1996 Use area waterproofing to ground and first floor levels shall comply with AS 2885.1 - 1996 All steel fabricating to comply with Part 3.3 of the BCA Reinforcement to all internal walls and floors shall comply with Part 3.3.1 of the BCA All brickwork to be made in accordance with Part 3.4.1 of the BCA All plaster to comply with Part 3.4.2 of the BCA BCA refers to comply with AS 2885.1 of the BCA (Building Code of Australia) BCA refers to the BCA with AS 2885.1 of the BCA (Building Code of Australia) 			
BRIEF NOTES			
CONSTRUCTION External walls: 200mm brickwork (200mm brickwork) to be constructed in accordance with the BCA (Building Code of Australia) and AS 2885.1 of the BCA (Building Code of Australia). Internal walls: 100mm brickwork (100mm brickwork) to be constructed in accordance with the BCA (Building Code of Australia) and AS 2885.1 of the BCA (Building Code of Australia). Floors: 100mm concrete (100mm concrete) to be constructed in accordance with the BCA (Building Code of Australia) and AS 2885.1 of the BCA (Building Code of Australia). Roofs: 100mm concrete (100mm concrete) to be constructed in accordance with the BCA (Building Code of Australia) and AS 2885.1 of the BCA (Building Code of Australia). Windows: 100mm concrete (100mm concrete) to be constructed in accordance with the BCA (Building Code of Australia) and AS 2885.1 of the BCA (Building Code of Australia). Doors: 100mm concrete (100mm concrete) to be constructed in accordance with the BCA (Building Code of Australia) and AS 2885.1 of the BCA (Building Code of Australia).			
COPYRIGHT STATEMENT			
All rights reserved and shall be in strict compliance with the provisions of the Building Code of Australia, Building Regulations and local authority requirements. All dimensions are in accordance with the provisions of the Building Code of Australia, Building Regulations and local authority requirements. All dimensions are in accordance with the provisions of the Building Code of Australia, Building Regulations and local authority requirements. All dimensions are in accordance with the provisions of the Building Code of Australia, Building Regulations and local authority requirements. All dimensions are in accordance with the provisions of the Building Code of Australia, Building Regulations and local authority requirements.			
DATE	DESCRIPTION	ISSUE	PRICE
10/12/17	Development Application	1	10
10/12/17	Redesign of front elevation of house	2	10
Proposed Alterations & Additions to an Existing Residence Lot 32 OF 80808 No. 507 Pitt Town Bottoms Road, PITT TOWN BOTTOMS For Mr. & Mrs. D & L Murphy			
Section A - A & Elevations DRAWN: Adnan CHECKED: MC DATE: 10/12/17 SCALE: 1:100 @ A2 SHEET: 1 OF 1			

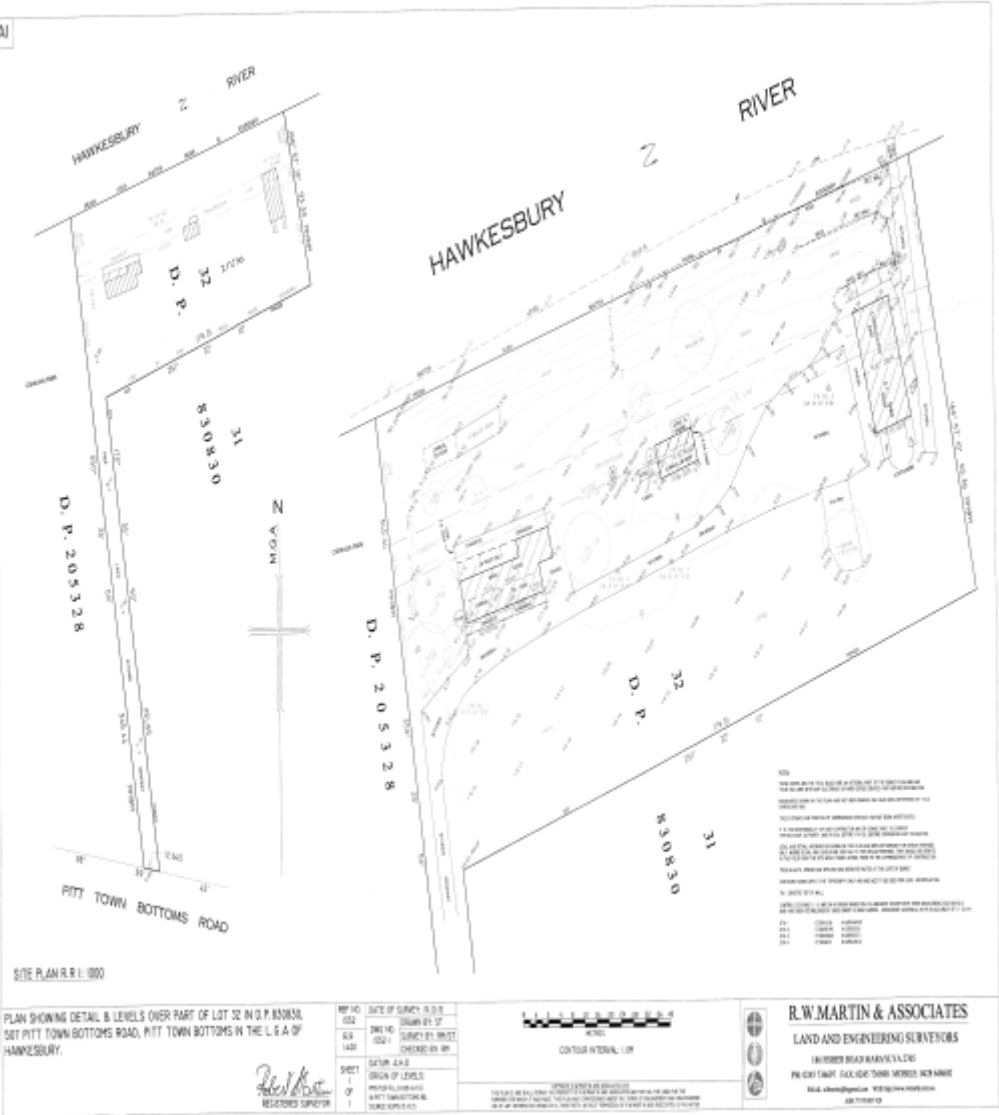


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ORDINARY MEETING

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Item: 005 **CP - DA0107/17 - 7 Smith Road, Oakville - Lot 7 DP532334 - Child Care Centre - Construction and Operation of a Child Care Centre - (95498, 140352, 78471, 78472)**

Previous Item: 143, Ordinary (29 August 2017)

Directorate: City Planning

DEVELOPMENT INFORMATION

File Number: DA0107/17
Property Address: 7 Smith Road, Oakville
Applicant: Damour Design Pty Ltd
Owner: Mr J Azzi and Mr W Azzi
Proposal Details: Child Care Centre – Construction and operation of a child care centre
Estimated Cost: \$1,532,500
Zone: RU4 Primary Production Small Lots
Date Received: 2 March 2017
Advertising: 13 to 27 March 2017

Key Issues: ♦ Parking
 ♦ Amenity Impacts
 ♦ Previous Council Resolutions

Recommendation: Approval

REPORT:

Executive Summary

This application seeks Council's approval for the construction and operation of a child care centre at 7 Smith Road, Oakville. The proposed child care centre is to operate between the hours of 7am and 6pm Monday to Friday and will accommodate a maximum of 101 children.

The matter was previously considered at Council's Ordinary Meeting of 29 August 2017. At this meeting, Council resolved to defer the determination of the application to allow further consultation with the Applicant regarding car parking numbers, setbacks, the garbage storage area and the outdoor play area.

Following discussions with the Applicant amended plans have been submitted incorporating the majority of the matters raised in Council's resolution. The car park has been altered to incorporate 37 parking spaces, the child care centre building has been relocated to accommodate the increased parking and provide a greater setback to the southern boundary, whilst the garbage storage area has been relocated to the northern side of the building.

Child care centres represent a permissible form of development within the RU4 Primary Production Small Lots zone. Having assessed the application against the relevant requirements and considered the issues raised as part of the submissions received, the proposal is acceptable and is recommended for conditional approval.

The application was originally reported to Council at the request of Councillors Conolly and Reynolds.

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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 construction and operation of a child care centre at 7 Smith Road, Oakville. The construction of a single-storey child care centre accommodating a maximum of 101 children is proposed.

The proposed child care centre is to be located on the south-eastern corner of the site, south of the existing dwelling house. The building is to consist of an office, staff room, two rooms for babies, two rooms for toddlers, two rooms for pre-schoolers, two cot rooms, a kitchen, two bottle preparation rooms, two nappy change rooms, toilets, storeroom and rear covered deck. The child care centre building is to be constructed of brickwork, with a rendered front façade.

The application indicates the following break-down of child numbers:

- 0-2 Years (Babies): 36 children
- 2-3 Years (Toddlers): 25 children
- 3-6 Years (Pre-Schoolers): 40 children.

The documentation also indicates that a total of 19 staff may be employed by the child care centre although 16 staff would be required under the applicable children to staff ratios. Should the child care centre operate at full capacity the break-down of required children to staff ratios would be as follows:

- 0-2 Years (Babies): 36 children – nine employees
- 2-3 Years (Toddlers): 25 children – three employees
- 3-6 Years (Pre-Schoolers): 40 children – four employees.

Operating hours of 7am to 6pm Monday to Friday are nominated for the child care centre. The business will not operate on weekends.

The car park is to be located forward of the child care centre building adjacent to Smith Road. Two driveways are proposed to provide separate entry and exit points for the car park. A total of 37 spaces, including one disabled space, are to be provided within the car park.

The rear outdoor play area servicing the child care centre is to consist of a playground, sandpit and two shade sails. The Acoustic Report prepared in support of the application outlines that the outdoor play area will be utilised for two hours in total per day; typically between 9am to 10am and 4pm and 5pm.

Signage for the child care centre is to consist of a freestanding pylon sign located to the south-eastern corner of the site and a façade sign.

Plans of the proposal are included as Attachment 1 to this report.

Background

A report on this matter was previously considered by Council at its Ordinary Meeting of 29 August 2017. Having considered the prepared report Council resolved to defer the determination of the application subject to the following:

"That consideration of this matter be deferred to allow the Applicant to be consulted about:

- a) Increasing the number of car parking spaces from 25 to at least 37.*
- b) Moving the development further away from the common fence with 1 Smith Road, Oakville, further back into the site to better accommodate the extra parking.*
- c) Ensuring that the rubbish storage location be on the northern side of the building.*
- d) Additional noise mitigation devices be investigated to allow the outdoor play area to be utilised for more than two hours per day."*

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Following this resolution discussions were held between the Applicant and Council staff. Amended plans were subsequently prepared to address Council's resolution, including:

- an increase in parking numbers from 25 to 37 spaces within the front car park
- increasing the front setback of the child care centre building from 24m to 38.6m to accommodate the enlarged car park
- increasing the side setback of the child care centre building to the southern boundary from five metres to seven metres
- relocating the garbage storage area to the northern side of the child care centre building.

The proposed amendments generally satisfy Council's resolution.

Additional mitigation measures for the outdoor play area were not nominated by the Acoustic Report as a limitation on the amount of outside playtime. This limitation is instead a management decision as the child care centre is provided with age-specific indoor play areas within which the children will spend the majority of their time.

Site and Locality Description

The subject site is located on the western side of Smith Road, approximately 60m north of the roundabout with Oakville Road, Broos Road and Stahls Road. Legally described as Lot 7 in DP 532334, the site has an area of 2.0230Ha.

Surrounding development generally comprises of rural, rural residential and agricultural land. The neighbouring properties at 1 Smith Road and 69 Oakville Road consist of smaller properties within the context of the locality and are used for residential purposes. The dwelling house at 1 Smith Road fronts Smith Road and is located approximately 10m from the shared boundary with the subject site.

The dwelling house at 69 Oakville Road fronts Oakville Road and the rear of this building is located between 20m and 30m from the shared boundary. The neighbouring property at 15 Smith Road is of a comparable size to be subject property and is used for agricultural and residential purposes. It contains a dwelling house and greenhouses.

A locality map is included as Attachment 2, whilst an aerial plan is included as Attachment 3 to this report.

The subject site currently contains a dwelling house, swimming pool, outbuilding, two greenhouses and a dam. The construction of the dam, the installation of the greenhouses and the use of the land for intensive agriculture was approved with Development Consent No. DA0885/02. The greenhouses are used for the growing of vegetables including tomatoes and cucumbers.

A shared central crossing provides access to the dwelling house and market garden from Smith Road.

The land falls to the rear, with levels ranging from approximately 18m to 24m AHD.

The property is not located within the Vineyard Precinct of the North West Growth Centre.

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

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP No. 64)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Local Environmental Plan (LEP) 2012
- Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Draft Educational Establishments and Child Care Facilities SEPP)
- Hawkesbury Development Control Plan (DCP) 2002

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

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the EP&A Act:

(a)(i) Environmental Planning Instruments

State Environmental Planning Policy (Infrastructure) 2007

Based on the number of children to be serviced by the proposed child care centre the application was referred to the Roads and Maritime Services (RMS) as 'traffic generating development' under Clause 104 and Schedule 3 of the Infrastructure SEPP. In response the RMS have advised that they raise no objection to the proposal.

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".*

In addition to the existing dwelling house, the subject site contains greenhouses and operates as an approved market garden. On account of the sensitive nature of the proposed development, as well as the potential use of chemicals within market gardens, an assessment of the suitability of the land with respect to the provisions of SEPP No. 55 was requested.

In response to this request a Phase 1 Preliminary Site Investigation Report, including sampling and testing, was provided. Based on the data and evidence collected the report outlines that the potential of contamination was 'very low'.

Targeted soil samples collected within the site were below the adopted assessment criteria in terms of heavy metals, organochlorine pesticides (OCP) and organophosphorus pesticides (OPP). No asbestos was detected from a fibro cement sample collected during the site inspection undertaken to prepare the Contamination Report. The report outlines that a Phase 2 Detailed Site Investigation Report is not required and that the site is suitable for use as a child care centre.

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed business identification signage consists of a pylon sign and a sign on the front façade of the building. The location and design of this signage is seen to be compatible with the desired amenity and visual character of the area and to satisfy the provisions of Clause 8 and Schedule 1 of SEPP No. 64.

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

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

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The site is located within a rural area and the development is not expected to significantly impact on the environment of the Hawkesbury-Nepean River in either a local or regional context. The property is not located within a scenic corridor and SREP No. 20 does not outline specific controls for child care centres.

Hawkesbury Local Environmental Plan 2012

The subject property is zoned RU4 Primary Production Small Lots zone under the Hawkesbury LEP 2012.

The Dictionary of the Hawkesbury LEP 2012 contains the following definition for 'child care centres':

"child care centre means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the Children and Young Persons (Care and Protection) Act 1998), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises."

The proposed child care centre offers long day care for a maximum of 101 children and satisfies the Hawkesbury LEP 2012's definition of a child care centre. Child care centres are a permissible form of development within the RU4 Primary Production Small Lots zone.

The objectives of the RU4 Primary Production Small Lots zone primarily seek to encourage primary industry and minimise environmental impacts. However, an objective of this zone also seeks to "minimise conflict between land uses within this zone and land uses within adjoining zones".

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The proposed child care centre is to be located on a rural residential allotment that currently contains a dwelling house and is also used as a market garden. Neighbouring properties at 1 Smith Road and 69 Oakville Road are currently used for residential purposes whilst 15 Smith Road is used for agricultural and residential purposes. The dwelling house at 1 Smith Road is located approximately 10m from the shared boundary with the subject site whilst the dwelling house at 69 Oakville Road is located between 20m and 30m from the shared boundary. With the submission of amended plans the proposed child care centre is to be located seven metres from the shared boundary with 1 Smith Road and 69 Oakville Road.

An Acoustic Report has been prepared demonstrating that the operation of the child care centre is unlikely to result in unacceptable amenity impacts for neighbours. This report indicates that the development can operate in compliance with the relevant noise criteria provided a number of construction and operational measures are employed. Nominated measures to mitigate and minimise amenity impacts include:

- the installation of acoustic barriers on the southern, western and northern sides of the child care centre. The acoustic barriers are to range in height from 1.8m to 2.4m. Where the barriers are to have a height in excess of 1.8m the raised portion of the barrier is to be constructed of Perspex and angled within the subject property
- the child care centre building is to be constructed of brickwork and insulated
- minimum glazing requirements are nominated for the windows of the child care centre
- minimum ceiling and insulation requirements are nominated for the roof of the child care centre
- any air conditioning units are to be located on the northern side of the child care centre, near the existing dwelling house onsite and away from southern neighbours
- the sandpit is to be setback a minimum of 15m from the southern boundary
- a Noise Management Plan is to be developed for the child care centre
- all windows along the southern, western and northern sides of the child care centre are to be closed when children are playing within the indoor play areas
- the outdoor play area will be utilised for a maximum of two hours per day (This is an operational decision rather than an acoustic mitigation measure, however, this will contribute to noise mitigation)
- music should not be played outside above specified levels
- staff are to be directed to control and minimise noise.

Council's Environmental Health Officer has reviewed the supplied Acoustic Report and generally supports its conclusions and recommendations. Compliance with the recommendations of this report is to be conditioned.

As discussed later in this report, the effluent disposal requirements for the child care centre will likely necessitate the removal of one or more of the existing greenhouses onsite. It is acknowledged that this will impact on the operation of the existing market garden, however this is a personal and financial decision for the owners.

The child care centre is unlikely to be significantly impacted by agricultural pursuits as both the subject site and the neighbouring property at 15 Smith Road use greenhouses. The use of greenhouses for the growing of vegetables will manage the risk of spray drift and chemical runoff. The child care centre will also be fenced and supervised to prevent children from accessing the rear market garden.

With a building height of approximately 6.6m at its highest point the building complies with the maximum height limit imposed by Clause 4.6(2) of the Hawkesbury LEP 2012. Whilst the façade signs and colour will identify the building as a child care centre, the bulk, scale and height of the building is compatible to that of a large dwelling house.

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The prepared Plan of Management, Acoustic Report, Traffic and Parking Report and Contamination Report demonstrate that the operation of the development is unlikely to result in unacceptable amenity impacts, environmental impacts or conflict with or between land uses. The development is permissible and is seen to be generally consistent with the zone objectives and provisions of the Hawkesbury LEP 2012.

(a)(ii) Draft Environmental Planning Instruments

Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 has recently been gazetted however at the time of lodgment the Policy was in draft format. As a result the application has been considered against the Draft Educational Establishments and Child Care Facilities SEPP.

This Draft Policy provides a new definition for 'centre-based child care facilities':

"centre-based child care facility means:

- (a) *a building or place used for the education and care of children that provides any one or more of the following:*
 - (i) *long day care,*
 - (ii) *occasional child care,*
 - (iii) *out-of-school-hours care (including vacation care),*
 - (iv) *preschool care, or*
- (b) *an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),*
Note: An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

but does not include:

- (c) *a building or place used for home-based child care or school-based child care, or*
- (d) *an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or*
- (e) *a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
- (f) *a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or*
- (g) *a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*
- (h) *a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility."*

The proposed development would satisfy this definition of a centre-based child care facility.

The Draft Educational and Child Care SEPP does not establish permissibility controls for child care centres. Instead this Policy establishes matters for consideration and development standards. The Draft Educational and Child Care SEPP references the Education and Care Services National Regulations, Children (Education and Care Services) Supplementary Provisions Regulation 2012 and a new Child Care Planning Guideline.

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Clauses 25(2)(b)(i) and (ii) of the Draft Policy outline minimum indoor and outdoor space requirements. Based on 101 children the child care centre must have a minimum unencumbered indoor space of 328m² and useable outdoor space of 707m². With a combined area of approximately 389m² between the babies', toddlers' and pre-schoolers' rooms, as well as an outdoor area of approximately 707m², the development satisfies the indoor and outdoor requirements of the Draft Educational and Child Care SEPP.

(a)(iii) Development Control Plans

Hawkesbury Development Control Plan 2002

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

Part A Chapter 3: Notification:

The proposal was notified from 13 to 27 March 2017 in accordance with Part A Chapter 3 of the Hawkesbury DCP 2002. Four submissions were received and are discussed later in this report.

Part C Chapter 1: Landscaping:

A landscaping plan has been submitted to satisfy the requirements of Part C Chapter 1 of the Hawkesbury DCP 2002.

A 4m wide landscaping strip, including the use of Water Gums (*Tristanopsis laurina*), will be provided to the front of the property to soften and screen the proposed car park. The use of Lily Pillies (*Syzygium smithii*) and other native shrubs are also proposed along the boundaries to screen the required acoustic barriers.

Part C Chapter 2: Car Parking:

Part C Chapter 4 of the Hawkesbury DCP 2002 does not outline specific parking controls for child care centres.

The RMS 'Guide to Traffic Generating Development' recommends that off-street parking is provided at the rate of one space for every four children in attendance. Based on a maximum of 101 children, the Guide to Traffic Generating Development would require 25 onsite spaces.

The proposed childcare centre is to provide a total of 37 onsite spaces and therefore satisfies the numerical parking controls of the Guide to Traffic Generating Development.

The proposed car park has been designed to have separate entry and exit points, with traffic within the car park travelling in a single direction only. This aspect of the design is supported by Council's Development Engineer.

Smith Road is a Council owned and controlled road. The area within Smith Road immediately in front of the subject site comprises of a raised grass verge and drainage swale. The current condition of the road verge and swale would prevent a vehicle from parking safely on the western side of Smith Road within the immediate vicinity of the proposed child care centre. Regardless of parking numbers and the design of the car park it is recognised that parents often use the road to drop-off and pick-up children. Indeed the submitted design proposes the construction of a footpath leading from Council's grass verge in anticipation that vehicles will park within Smith Road.

The current inability to park vehicles on the western side of Smith Road without protruding onto the road is a safety concern. It is considered that the land is not suitable for use as a child care centre without undertaking works to improve the current condition of Smith Road.

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To address this safety issue, it is proposed to include a condition requiring the upgrading of the western side of Smith Road. This would necessitate road widening to create a road shoulder, as well as the construction of kerb and gutter along the length of the child care centre and a portion of the verge in front of 1 Smith Road. Compliance with the recommended condition will result in a minimum half road pavement width of 5.8m from the road centreline to the face of kerb and allow vehicles to safely park on the side of the road.

Part C Chapter 3: Signage:

Section 3.4 of Part C Chapter 3 of the Hawkesbury DCP 2002 outlines a maximum height of 2.5m and area of 0.75m² for signs in rural areas. A limit of one sign per property also applies.

The proposal involves the installation of a pylon sign and a sign on the front façade of the building. The signage exceeds the maximum area allowed under the Hawkesbury DCP 2002 however the signage is seen to be appropriate for commercial premises such as a child care centre. The provision of two signs is also considered acceptable given that the façade sign is integrated with the building and visual clutter would be minimised.

The location and design of the signage is compatible with the desired amenity and visual character of the area. For these reasons it is considered that the proposal satisfies the objectives of Section 3.4 of Part C Chapter 3 of the Hawkesbury DCP 2002.

Part C Chapter 7: Effluent Disposal:

An Effluent Disposal Report submitted in support of the application indicates that insufficient space is available on the site occupied by the child care centre to treat effluent generated by the child care centre and that a pump-out system would need to be employed. The use of a pump-out system would be contrary to Council's resolution of 10 August 1999 and Clause 7.4(b) of Part C Chapter 7 of the Hawkesbury DCP 2002 which states:

"The only developments to be approved in respect of unsewered land that will rely on tanker removal of septic tank effluent are as follows:

- a) single dwelling houses*
- b) light industry and single shops which do not require a water supply greater than that which can be delivered via a normal domestic connection without on-site storage or which are not connected to a reticulated water supply."*

The inability of the property to treat and dispose of effluent onsite relates to the size and location of the existing greenhouses. The development's non-compliance with the effluent disposal requirements of Part C Chapter 7 of the Hawkesbury DCP 2002 have been discussed with the Applicant as the overall property would have sufficient area for on-site disposal of effluent. The Applicant has since agreed to the removal of the existing greenhouses to provide sufficient area for the effluent from the child care centre to be managed and treated onsite.

The proposal to dispose of effluent in another location on the property is satisfactory as the development does not involve subdivision. However, the submission of a further Effluent Disposal Report will be required with the submission of the Sewerage Management Facility (SMF) Application to determine the disposal area required. The Sewerage Management Facility Application will be a recommended consent condition.

(a)(iv) Regulations

Should the application be supported, the EP&A Regulation 2000 outlines that the development is to comply with the National Construction Code/Building Code of Australia (BCA) and Disability (Access to Premises – Building) Standards 2010. Compliance with these requirements would need to be demonstrated at Construction Certificate stage.

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(b) Likely Impacts of the Development

Documentation has been supplied indicating that the proposal satisfies the facility, equipment, landscaping, play area, staff and child number requirements of the 'Children (Education and Care Services) Supplementary Provisions Regulation 2012'.

The child care centre will generally operate between the hours of 7am to 6pm Monday to Friday. The documentation further outlines that the outdoor play area will be utilised for a maximum of two hours per day; generally between 9am to 10am and between 4pm and 5pm. The submitted Acoustic Report indicates that the development can operate in compliance with the relevant noise criteria and that the operation of the child care centre is unlikely to result in unacceptable amenity impacts for neighbours.

With the imposition of conditions and appropriate management it is considered unlikely that the proposed development will generate significant adverse environmental or social impacts for the locality.

(c) The Suitability of the Site for Development

The property has levels ranging from approximately 18m to 24m AHD. The adopted 100 year Average Recurrence Interval (ARI) flood planning level for the area is 17.3m AHD and accordingly the proposal is not subject to Council's flood planning controls. It is further noted that 'flood free' access to Boundary Road and Windsor Road would also be available during a 100 year ARI flood event.

The property is identified as bushfire prone land and child care centres are classified as 'special fire protection purposes' in such circumstances. On this basis the application was referred to the Rural Fire Services (RFS) as 'integrated development'.

The Bushfire Report prepared in support of the application indicates that the development will not be exposed to bush fire risk as the surrounding land is managed. The preparation of an Evacuation Plan is recommended for the management of potential emergency events. Upon review the RFS have raised no objection to the proposal and have issued their General Terms of Approval.

The proposed development is considered suitable within the context of the locality.

(d) Submissions

The proposal was notified from 13 to 27 March 2017 in accordance with Part A Chapter 3 of the Hawkesbury DCP 2002. Four submissions were received in response to the notification of the application. Two of these submissions were prepared by the owners of 1 Smith Road and a consultant that they engaged. The remaining submissions were received from Oakville residents after the matter was considered at Council's Ordinary Meeting of 29 August 2017.

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

The proposed child care centre is incompatible with the zoning objectives of the RU4 Primary Production Small Lots zone.

Officer's comment: The submissions argue that the proposal is incompatible with the objectives of the zone in that the proposed child care centre use is in conflict with the existing agricultural use that operates from the property. It is noted that the submissions do not refer to agricultural uses on adjoining properties.

Child care centres are permissible within the RU4 Primary Production Small Lots zone and sufficient documentation has been provided to demonstrate that the operation of the development is unlikely to result in land use conflict.

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The property is not suitable for use as a child care centre.

Officer's comment: The submissions suggest that the subject site is not suitable for use as a child care centre on the basis that the property is bushfire prone and would be isolated during major flood events. However as previously discussed the RFS have issued their General Terms of Approval and the land is not subject to Council's flood planning controls. Flood free access to Boundary Road and Windsor Road is also available during a 100 year ARI flood event.

The addition of another child care centre will impact on the financial viability of existing centres.

Officer's comment: The proposal is permissible within the zone and competition between individual operators is not a matter of consideration under the EP&A Act.

The child care centre will generate unacceptable traffic impacts for the locality.

Officer's comment: Council's Development Engineer has not objected to the proposal on traffic generation grounds or its proximity to the roundabout with Oakville Road, Broos Road and Stahls Road. The proposal also provides onsite parking beyond RMS guidelines.

It is acknowledged that the road shoulders on either side of Smith Road are unformed and that parents often use road reserves to drop-off and pick-up children, in particular during peak times. To facilitate the safe use of the western side of Smith Road, which unlike the eastern side cannot accommodate a parked vehicle, the imposition of a condition requiring the upgrading of the Smith Road pavement and the provision of kerb and gutter has been recommended.

Insufficient car parking is provided for the development.

Officer's comment: With the provision of 37 onsite spaces in accordance with Council's resolution of 29 August 2017, the car park exceeds the numerical parking controls detailed within the RMS Guide to Traffic Generating Development.

The child care centre will generate unacceptable noise impacts and will adversely impact upon the amenity of the area.

Officer's comment: As detailed previously the dwelling house at 1 Smith Road is located approximately 10m from the shared boundary with the subject site while the dwelling house at 69 Oakville Road is located between 20m and 30m from the shared boundary. An Acoustic Report has been prepared in support of the application which nominates a series of construction and operational measures to mitigate and minimise noise impacts. Measures nominated in the report to address noise impacts include the installation of acoustic barriers, glazing and insulation, the closing of windows, the location of air conditioning units and limitations on the length of outdoor play. Compliance with the Acoustic Report and subsequent addendums has been conditioned.

The submissions suggest that insufficient details have been provided relating to the acoustic barriers and the location of air conditioning units. However, the submitted Acoustic Report does provide location, height and design details for the acoustic barriers and also outlines that any air conditioning units must be located on the northern side of the child care centre, away from the neighbours at 1 Smith Road and 69 Oakville Road.

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The proposed acoustic barriers will range in height between 1.8m and 2.4m. Where the barriers are to have a height in excess of 1.8m the raised portion of the barrier is to be constructed of Perspex or similar and angled within the subject property. The provisions of the Dividing Fences Act 1991 will apply to the location of these barriers and the potential removal of existing fences, however it is likely that the barriers will be located wholly within the subject site.

The acoustic barriers located forward of the child care centre and setback 12m of the front boundary (adjacent to the shared southern boundary with 1 Smith Road) will have a height of 2.1m to treat noise generated by the car park. To minimise their visual impact the raised portion of the barriers will be constructed of Perspex and landscaping will be used to soften and screen their appearance.

The child care centre is of an architectural form and style that is visually incompatible with the built forms that characterise a rural area.

Officer's comment: The front façade of the proposed child care centre is to be rendered and a combination of colours will be employed to highlight the intended use of the building. Whilst it is acknowledged the building will clearly identify as a commercial use, the overall bulk, scale and height of the building would be comparable to that of a large dwelling house.

An increased setback of 7m for the child care centre building from the boundary with 1 Smith Road and 69 Oakville Road has also been nominated in response to Council's resolution of 29 August 2017.

It should also be noted that Clause 25(2)(d) of the Draft Educational and Child Care SEPP outlines that child care centres may be of any colour scheme provided the property is not heritage-listed or located within a conservation area.

The bin storage area proposed to service the development is inappropriately located and may generate odour impacts for neighbours.

Officer's comment: The proposed bin storage area was originally nominated for the southern side of the site, and would have been adjacent to the neighbouring property at 1 Smith Road. It was agreed that this location was inappropriate and that such a facility would be more appropriately located between the child care centre and the dwelling house onsite. The imposition of a condition requiring the relocation of the bin storage area was recommended and this was reflected in Council's resolution of 29 August 2017.

With the submission of amended plans the garbage storage area has been relocated to the northern side of the child care centre building.

(e) Public Interest

The proposed development is permissible within the zone and is not expected to unreasonably impact on the amenity of the locality or the surrounding environment. The approval of the application is therefore seen to be in the public interest.

Financial Implications

Child care centres are exempt from the payment of developer contributions under Section 2.7 of Council's Section 94A Development Contributions Plan 2015.

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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 satisfies, and exceeds, the numerical parking requirements of the RMS and acoustic measures have been nominated to minimise noise impacts. Design amendments have also been made to generally satisfy Council's resolution of 29 August 2017.

The proposed development is permissible and is recommended for conditional approval.

Planning Decision

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

RECOMMENDATION:

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. DA0107/17 for the construction and operation of a child care centre on Lot 7 in DP 532334, known as 7 Smith Road, Oakville, subject to the conditions detailed in this report:

Conditions

General Conditions

1. Integrated Development – General Terms of Approval

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

- a) NSW Rural Fire Service – The General Terms of Approval (Reference No. D17/728 DA17031406417 GB) dated 3 April 2017 are attached and form part of this consent.

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 by other conditions of the consent:

- a) Plans Reference:

Drawing Number/Name	Prepared by	Issue No.	Date
Drawing No. DA101 'Site Plan'	Damour Design	B	December 2017
Drawing No. DA102 'Ground Floor Plan'	Damour Design	B	December 2017
Drawing No. DA103 'Roof Plan'	Damour Design	B	December 2017
Drawing No. DA104	Damour Design	B	December 2017

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Drawing Number/Name	Prepared by	Issue No.	Date
'Elevations and Section Plan'			
Drawing No. DA105 'Colour and Material Schedule'	Damour Design	A	January 2017
Drawing No. 2016.1108DA1-1 'Landscape Plan'	TGS Landscape Architects	A	22 November 2016
Drawing No. 2016.1108DA1-1 'Landscape Plan'	TGS Landscape Architects	A	22 November 2016
Drawing No. 16MB7191/D01 'Site and Roof Drainage Plan'	United Consulting Engineers Pty Ltd	A	14 September 2016

b) Document Reference:

Document/Reference	Prepared By	Date
'Plan of Management'		15 December 2016
'Acoustical Assessment' Report (Reference No. CC003-01)	Sound Acoustic Consultants	22 September 2016
'Acoustic Statement' Letter (Reference No. CC003/02/A)	Sound Acoustic Consultants	6 December 2017
'Acoustic Statement' Email	Sound Acoustic Consultants	12 January 2018
'Bushfire Protection Assessment' Report (Reference No. B162796)	Australian Bushfire Protection Planner Pty Limited	17 October 2016

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

3. Design Amendments Required – Demolition of Greenhouse Structure

The existing greenhouse structure located to the rear of the existing dwelling house shall be demolished as required to provide sufficient area for the onsite disposal of effluent.

Compliance with this requirement is to be demonstrated in any plans and documentation prepared for a Design Compliance Certificate, Construction Certificate or Sewerage Management Facility (SMF) Application.

Note: The submission of an Effluent Disposal Report will be required in support of the application to install an onsite sewage management system for the child care centre. This report must demonstrate that the land is suitable for the onsite disposal of the effluent generated by the development. The use of a pump-out system is not permitted.

4. Design Compliance Certificate Required

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

- a) civil drainage (Issued by Council or a C1 Accredited Certifier);
- b) car park and pavement design (Issued by Council or a C1 Accredited Certifier); and
- c) Smith Road works (Issued by Council only)

Plans showing finished levels, any associated drainage, any structural details, batter grades and finished surfaces must be submitted to the Certifying Authority prior to the issue of a Part 4A Design Compliance Certificate.

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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.

5. Construction Certificate or Design Compliance Certificate Required Prior to Commencement of Works

No approved civil or building works shall commence until:

- a) a Design Compliance Certificate or Construction Certificate as relevant from either Council or an Accredited Certifier has been obtained (a fee is payable for this service);
- b) a Principal Certifying Authority has been appointed; and
- c) a Notice of Commencement has been lodged with Council.

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

6. Occupation Certificate Required Prior to the Use of the Building

The child care centre and associated structures shall not be occupied or used prior to the issue 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. 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.

8. 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).

9. 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.

Note: The submission of an Effluent Disposal Report will be required in support of the application to install an onsite sewage management system for the child care centre. This report must demonstrate that the land is suitable for the onsite disposal of the effluent generated by the development. The use of a pump-out system is not permitted.

10. 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.

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

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.

11. Detailed Drainage Design

A detailed drainage design of the site must be submitted and approved prior to the release of the Design Compliance Certificate. The detailed plan must:

- a) 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;
- b) be to the satisfaction of the Certifying Authority;
- c) be designed to cater for a 1 in 20 year Average Recurrence Interval (ARI) storm event;
- d) show details of any overflow drainage paths and that they be designed to cater for 1 in 100 year ARI storm event;
- e) comply with Council's Hawkesbury Development Control Plan 2002 - Appendix E – Civil Works Specification - Part I Chapter 8 and Australian Standard AS3500 'Plumbing and Drainage' unless variation is specifically noted and approved in the Development Application concept drainage plan.

12. 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 these requirements are to be shown on the plans to be submitted to the Certifying Authority prior to issue of the Design Compliance Certificate.

13. Structural Design of Deep Pits

All pits deeper than 3m must be designed by a certified structural engineer and be in accordance with AS3600:2009. Pits deeper than 1.2m must have step irons and pits deeper than 1.8m are to be reinforced concrete.

Details to this effect shall be incorporated on the detailed drainage design that is submitted to the Certifying Authority prior to issue of the Design Compliance Certificate.

14. Pit Grates

All pits must have flush fitting grates. All pits larger than 600mm by 600mm are to be grated galvanised steel grid hinged and to be heavy duty-type where traffic loading is expected. Details to this effect are to be included on the plans submitted to the Certifying Authority prior to issue of the Design Compliance Certificate.

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15. Car Parking Design

Car parking spaces shall be provided in accordance with Australian Standards AS2890.1:2004 'Parking facilities: Off-street car parking' and AS2890.6 'Parking facilities: Off-street parking for people with disabilities'. A minimum number of 37 spaces (including one disabled space) shall be provided within the car park.

All car parking areas, manoeuvring areas and the access aisles must be paved, drained and marked. All car parking spaces are to be identified by line-marking and appropriate signposting.

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 the above requirements must be submitted to the Certifying Authority prior to issue of the Design Compliance Certificate.

16. Smith Street Road Formalisation and Safety Works

The western side of Smith Road shall be constructed for a length of approximately 90m to have kerb and gutter, laybacks and road widening from the existing kerb and gutter within the vicinity of the roundabout to a location 2m north of the existing driveway for the dwelling house at 7 Smith Road (Lot 7 DP 532334). The road widening is to be constructed to facilitate vehicle parking, turning movements into the site and pedestrian safety. In this respect the road must have a final minimum half road pavement width of 5.8m from the road centreline to the face of kerb. The existing kerb must reach this width and be maintained for the length of works fronting the subject site (Lot 7 DP 532334).

Works must incorporate adequate drainage infrastructure to prevent ponding or impact on adjoining properties.

Road verge regrading and layback construction in front of 1 Smith Road (Lot 11 DP 803218), road line marking, any works to utilities and the relocation of any affected road signs must be undertaken by the developer at no cost to Council.

Plans and details demonstrating compliance with the above requirements must be submitted to and approved by Council prior to the issue of a Design Compliance Certificate.

17. 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) 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; and
- d) 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 satisfying the above requirements are to be included on plans submitted to the Certifying Authority prior to issue of a Design Compliance Certificate.

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18. Retaining Walls - Structural Engineer's Design

Any retaining walls having a height exceeding 600mm proposed in conjunction 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 Design Compliance Certificate.

19. Erosion and Sediment Control Plan

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) where applicable the diversion of runoff from upslope lands around the disturbed areas;
- c) location of all soil and other material stockpiles including topsoil storage;
- d) location and type of proposed erosion and sediment control measures;
- e) site rehabilitation proposals; and
- f) frequency and nature of the maintenance program.

Prior to the Issue of Construction Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction 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 Construction Certificate.

20. 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.

21. Design Compliance Certificate – Required prior to Construction Certificate

A 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.

22. Access and Facilities for Persons with a Disability

Access and facilities for the child care centre must be designed to satisfy the requirements of the Disability (Access to Premises - Buildings) Standards 2010, Building Code of Australia (BCA) and Australian Standard AS1428.1 'Design for Access and Mobility'. Details demonstrating compliance with this requirement are to be submitted to the Certifying Authority prior to issue of a Construction Certificate.

23. Vehicular Crossing

An 'Agreement Form for Driveways' must be submitted to Council prior to the issue of a Construction Certificate. Evidence of the lodgement and payment of fees for this application shall be provided to the Certifying Authority.

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The vehicular crossings must:

- a) have a minimum width of 3.5m at the property boundary and 4.5m at the pavement edge;
- b) have a sealed concrete finish; and
- c) the table drain is to be piped.

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

<http://www.hawkesbury.nsw.gov.au/roads/roads/forms-and-publications>

24. Traffic Management Plan

A Traffic Management Plan for construction shall be prepared in accordance with AS1742.3:2002 by an appropriately qualified person and be submitted to Council for approval prior to the release of the Construction Certificate.

25. Noise Generating Premises - Acoustic Measures

The recommendations detailed in Section 6 of the 'Acoustical Assessment' Report (Reference No. CC003-01 – Version 1) dated 22 September 2016, the 'Acoustic Statement' Letter (Reference No. CC003/02/A) dated 6 December 2017 and the 'Acoustic Statement' Email dated 12 January 2018, each of which were prepared by Sound Acoustic Consultants, shall be incorporated into the design and construction of the development.

Any required air conditioning units or plant equipment must be located on the northern side of the child care centre whilst any acoustic barriers must be located wholly within the subject property. The raised 2.1m high acoustic barrier along the southern boundary with 1 Smith Road shall be setback 12m from the front boundary.

Where acoustic barriers are to have a height in excess of 1.8m adjoining a neighbouring property, the portion of the barrier in excess of 1.8m shall be cantilevered at a 45° angle and constructed of a transparent material such as Perspex.

A suitably qualified acoustic consultant shall be engaged to assist with the preparation of the final building plans and specifications to ensure compliance with the recommendations of the Acoustic Report.

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

26. Noise Generating Premises – Noise Management Plan

A Noise Management Plan shall be prepared and incorporated into the Plan of Management for the child care centre. The Noise Management Plan must include all the recommendations detailed in Section 6.1.7 of the 'Acoustical Assessment' Report (Reference CC003-01 – Version 1) prepared by Sound Acoustic Consultants and dated 22 September 2016.

The updated Plan of Management, incorporating the Noise Management Plan, must be submitted to Council prior to the issue of the Construction Certificate.

27. Garbage Storage Area

The garbage (bin) storage area located on the northern side of the child care centre shall be enclosed to minimise odour and pest nuisance and also suitably screened from Smith Road. Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

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28. Food Premises Requirements

All works associated with food preparation facilities shall be designed and constructed in accordance with the requirements of:

- Food Act 2003, Food Regulation 2015 and food safety standards adopted thereunder; and
- Australian Standard AS4674:2004 'Design, construction and fit-out of food premises'.

Adequate spatial provision and equipment for all aspects of food handling activities, including storage, preparation and cleaning shall be incorporated into the facilities.

A cleaner's sink shall be provided within the premises in proximity to food handling areas. It shall be provided with hot and cold running water and drained directly to an approved waste water connection point.

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

29. Pylon Sign Requirements

The approved pylon sign shall have a maximum height of 1.8m and width of 2m. Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

30. Front Fence Requirements

The front fence adjoining Smith Road shall have a maximum height of 1.2m and have an open rural-style appearance (post and rail or post and wire). Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

31. Evacuation Plan

An Evacuation Plan shall be prepared in accordance with Section 5.6 of the 'Bushfire Protection Assessment' Report (Reference No. B162796) prepared by Australian Bushfire Protection Planners Pty Ltd and dated 17 October 2016 and Australian Standard AS3745:2002 'Emergency control organisation and procedures for buildings, structures and workplaces'. A copy of the Evacuation Plan shall be submitted to Council prior to the release of the Construction Certificate.

32. Structural Engineer's 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 the Construction Certificate.

33. Council Sewer Authority – Inspection Fees

Council is the sewer authority for this development. As this development requires the installation and connection to a new onsite waste management facility, the payment of the prescribed inspection fees 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.

34. Onsite Sewage Management – Approval Required

Prior to the issue of the Construction Certificate, approval shall be obtained for the installation of an onsite sewage management system. The Sewerage Management Facility (SMF) Application shall be submitted to Council together with design details, an Effluent Disposal Report demonstrating that the land is suitable for onsite disposal and the payment of the prescribed fees.

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The demolition of the existing greenhouse(s) as appropriate is required to allow for the installation of an onsite management system that will dispose of effluent onsite. The use of a pump-out system will not be considered for the development.

35. Sydney Water – Section 73 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 any water extensions required or fees to be paid. It is recommended that early contact with the Coordinator is made since the building or water extensions can be time consuming and may impact on other services as well as the building, driveway and landscaping design.

The Notice of Requirements must be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

Prior to Any Works Commencing

36. 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.

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; and
- b) details of the name, address and licence details of the Builder.

38. Principal Certifying Authority (PCA) Site Sign

A sign must be erected in a prominent position on any site on which demolition or building 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.

39. 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.

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40. 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 onsite 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.

41. Erosion and Sediment Control

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)' and the approved Erosion and Sediment Control Plan (ESCP).

42. Implementation of Traffic Management Plan

All traffic management devices shall be installed and maintained in accordance with the approved Traffic Management Plan.

43. Preparation and Implementation of Waste Data File

A Waste Data File to be prepared and maintained for audit purposes during the demolition and construction phase of the development works. Upon request the Waste Data File shall be made available to Council or the Principal Certifying Authority.

44. 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:

www.sydneywater.com.au

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

45. Survey Certificate – Building to be Verified by a Registered Surveyor

In order to ensure compliance with approved plans, a Survey Certificate prepared by a Registered Surveyor is to be undertaken following the installation of formwork at ground floor level prior to placement of concrete showing the level of the form work and its relationship to boundaries.

Progress certificates shall be submitted to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the works as constructed.

The survey certificate shall detail the location of any easements affecting the subject land.

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During Construction

46. Construction Hours

Clearing of land, running of machinery, demolition, 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.

47. 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'. Asbestos removal must 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 AS4687 'Temporary fencing and hoardings', and
 - (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) 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;

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- i) no material is to be burnt on site; and
- j) the site shall be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

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) Where requested copies of receipts stating the following must be given to the Principal Certifying Authority or Council:
 - (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.

49. Dust Management Measures

All reasonable measures to minimise dust generated during demolition and/or construction are to be implemented. This includes but is not limited to:

- a) clearly defined stop work thresholds whereby work onsite will be cease with the exception of water trucks;
- b) dust screen installation and maintenance around the perimeter of the site for the duration of the works;
- c) the use of water trucks to regularly wet down; and
- d) stabilisation and stockpiles.

50. Loading and Unloading During Construction

The following requirements apply:

- a) All loading and unloading associated with construction activity must be accommodated on site.

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- b) 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.
- c) 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.

51. 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.

52. 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 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;

Inspections must be conducted on the exposed pipes prior to any backfilling including poured concrete or concrete encasement.

53. Civil Construction Work – Requirements

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

54. Civil Construction Work – Inspections

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 Specification - Part II Table 1.1.

Prior to Issue of 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.

55. 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.

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56. Detailed 'Works As Executed' Plans

'Works As Executed' plans must be submitted to the Certifying Authority prior to issue of a Construction Compliance Certificate by a registered surveyor certifying compliance with the approved design plans. 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) surface and invert levels of all pits;
- d) invert levels and sizes of all pipelines;
- e) floor levels of all buildings; and
- f) top of road pavement levels.

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

Prior to Issue of Occupation Certificate

57. 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.

58. Construction Compliance Certificate Required

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

59. Compliance Certificate – Connection to Onsite Waste Management Facility

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

Onsite Sewage Management – Approval to Operate

An Approval to Operate the onsite sewage management system shall be obtained from Council prior to the issue of any Occupation Certificate.

60. Infrastructure Repair and Completion of Works

Prior to the issue of any Occupation Certificate:

- a) all works in the road reserve must be fully completed; and
- b) any public infrastructure damaged as a result of the development must be repaired to the satisfaction of Council.

61. Acoustic Certification

Prior to the issue of the Occupation Certificate an acoustic consultant shall certify that the works have been completed in accordance with the recommendations contained in Section 6 of the 'Acoustical Assessment' Report (Reference No. CC003-01 – Version 1) dated 22 September 2016, the 'Acoustic Statement' Letter (Reference No. CC003/02/A) dated 6 December 2017 and the 'Acoustic Statement' Email dated 12 January 2018, each of which were prepared by Sound Acoustic Consultants, and that the development is capable of operating in accordance with the design criteria.

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62. Notification of Food Premises

Notification of the premises as a food business operation is to be provided in the approved form to Hawkesbury City Council as the appropriate enforcement agency under the Food Act 2003. This notification must be provided to Council prior to issue of an Interim or Final Occupation Certificate.

63. Inspection of Food Premises

An inspection of the food preparation facility is to be organised with and conducted by Council's Environmental Health Officer prior to the release of an Interim or Final Occupation Certificate.

64. 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 Occupation Certificate.

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

65. Termite Protection - Certificate of Treatment

A certificate detailing 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 slab perimeters shall be submitted 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.

66. Termite Protection – Notice

A Termite Protection Notice, printed on durable material, shall be affixed in the meter box prior to a Final Inspection being carried out in accordance with Australian Standard AS3660.1 'Termite Management - New building work'. The notice shall include information on the form of termite protection employed and the expected service life of the barrier before maintenance is required.

67. 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.

68. 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.

69. 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.

70. Vehicle Access Signage

Vehicle entrances and exits shall be clearly signposted, including street number, and visible from both the street and site at all times.

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71. Car Park Directional Marking

The entry/exit points and internal aisle ways associated with the car parking area are to be marked with pavement arrows to direct traffic movements in and out of the site and guide traffic circulation through the car park.

Operational Conditions

72. Approved Use – Child Care Centre

Approval is given for use as a Child Care Centre with a maximum capacity of 101 children. A separate approval/license is required to be obtained from the NSW Department of Community Services before the commencement of the use of the child care centre.

73. Hours of Operation

The premises shall operate or trade only between the following hours:

Mondays to Friday	7am to 6pm
Saturday and Sunday	Closed
Public Holidays	Closed

Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.

74. Plan of Management

The child care centre shall be operated and managed in accordance with the Plan of Management.

A copy of the approved Plan of Management and this Development Consent must be kept onsite and made available to any Council, Department of Community Services or Police officer upon request. Access to the Incident Register and register of complaints must be made available for viewing at the request of any Council, Department of Community Services or Police officer.

75. Noise Generating Premises – Acoustic Management

The child care centre must be operated in accordance with the recommendations of Section 6 of the 'Acoustical Assessment' Report (Reference No. CC003-01) prepared by Sound Acoustic Consultants and dated 22 September 2016 and the prepared Noise Management Plan.

The outdoor play area shall be used for a maximum of two hours per day. The LAeq 15minutes noise level emitted from the use of the outdoor play area must not exceed 10dB above the background (L90) noise level as a result of outdoor play at the child care centre.

The LAeq, 15minutes noise level emitted for any other noise from the child care centre, such as air conditioning and plant equipment, must not exceed 5dB above the background (L90) noise level.

The source noise shall be assessed at the boundary of any affected receiver.

All windows along the southern, western and northern sides of the child care centre are to be closed when children are playing within the indoor play areas.

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76. 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.

77. Pollution Incidents - Protection of the Environment Operations Act 1997

In accordance with the requirements of Part 5.7 of the 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.

Waste water from waste receptacles, floor and perimeter surface cleaning shall not be disposed of into food preparation or utensil sinks, or to any storm water drainage inlet.

78. Waste Management – Protection of the Environment Operations Act 1997

All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. The development shall maintain facilities sufficient for containment of all wastes arising from the use of the site.

Waste removal service contracts/agreements shall be maintained for the business at all times

79. Food Premises Requirements

The food premises shall be maintained in accordance with the requirements of:

- Food Act 2003 and Regulations there under;
- Australian Standard AS4674:2004 'Design, construction and fit-out of food premises'.

80. 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.

Advisory Notes

(i) Operation of Sewage Management Facility

The sewage management facility must be operated in accordance with the relevant operating specifications and procedures for the component facilities, and so as to allow disposal of treated sewage in an environmentally safe and sanitary manner (Local Government [General] Regulation 2005).

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The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 and 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system. Please contact Council's Customer Service Staff to make an appointment so that Council officers may conduct your inspection.

(ii) Works within the Road Reserve

An approval under Section 138 of the Roads Act 1993 must be obtained from Council to undertake works within the road reserve.

Private accredited Certifiers do not have any authority to issue Engineering Approvals or carry out inspections for works on Public Roads under the Roads Act 1993.

(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 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) 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.

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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.

(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.

(ix) 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.

(x) 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.

(xi) Works in Close Proximity to Boundary and Dividing Fences Act Requirements

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

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

ATTACHMENTS:

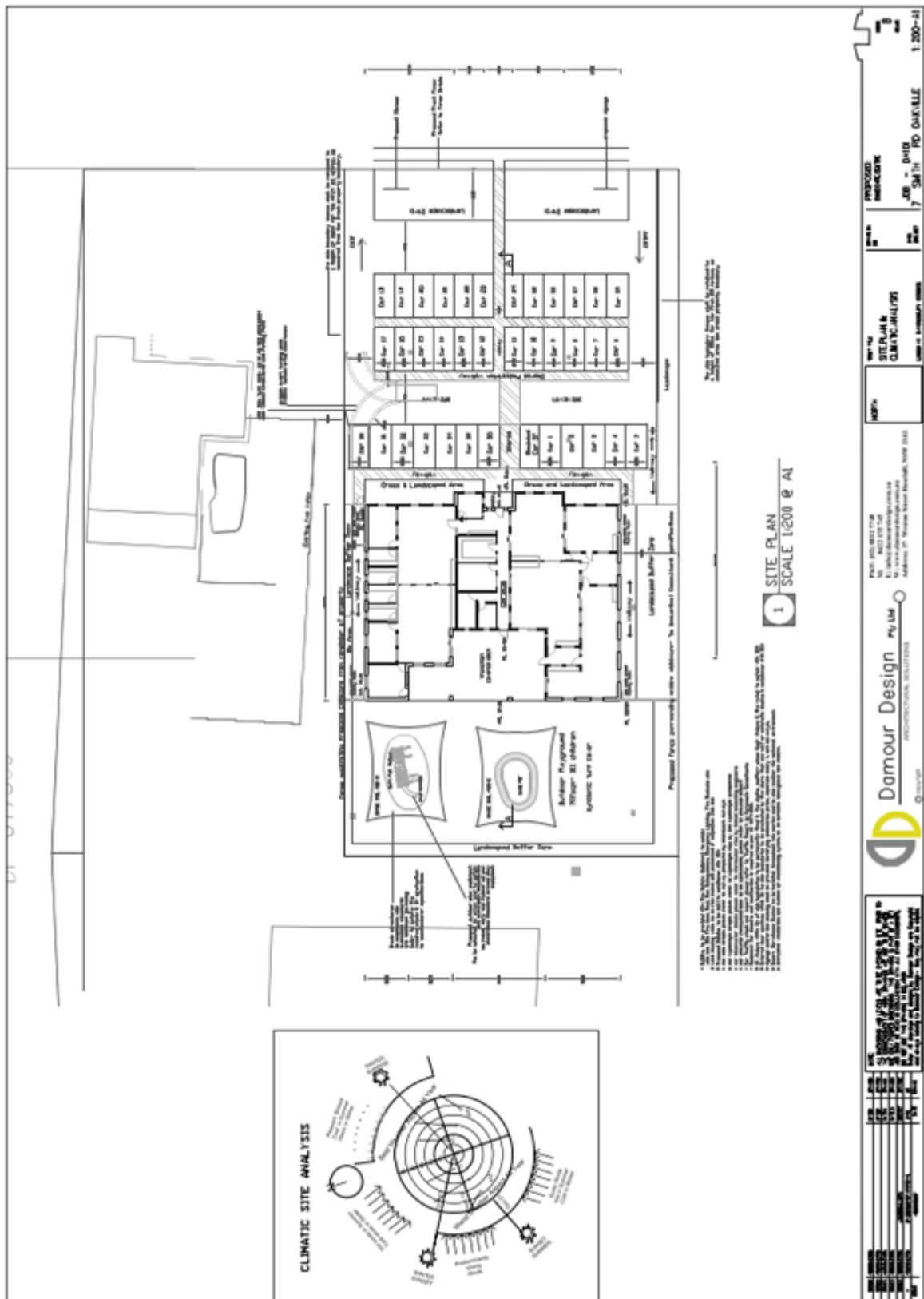
AT - 1 Plans of the Proposal

AT - 2 Locality Map

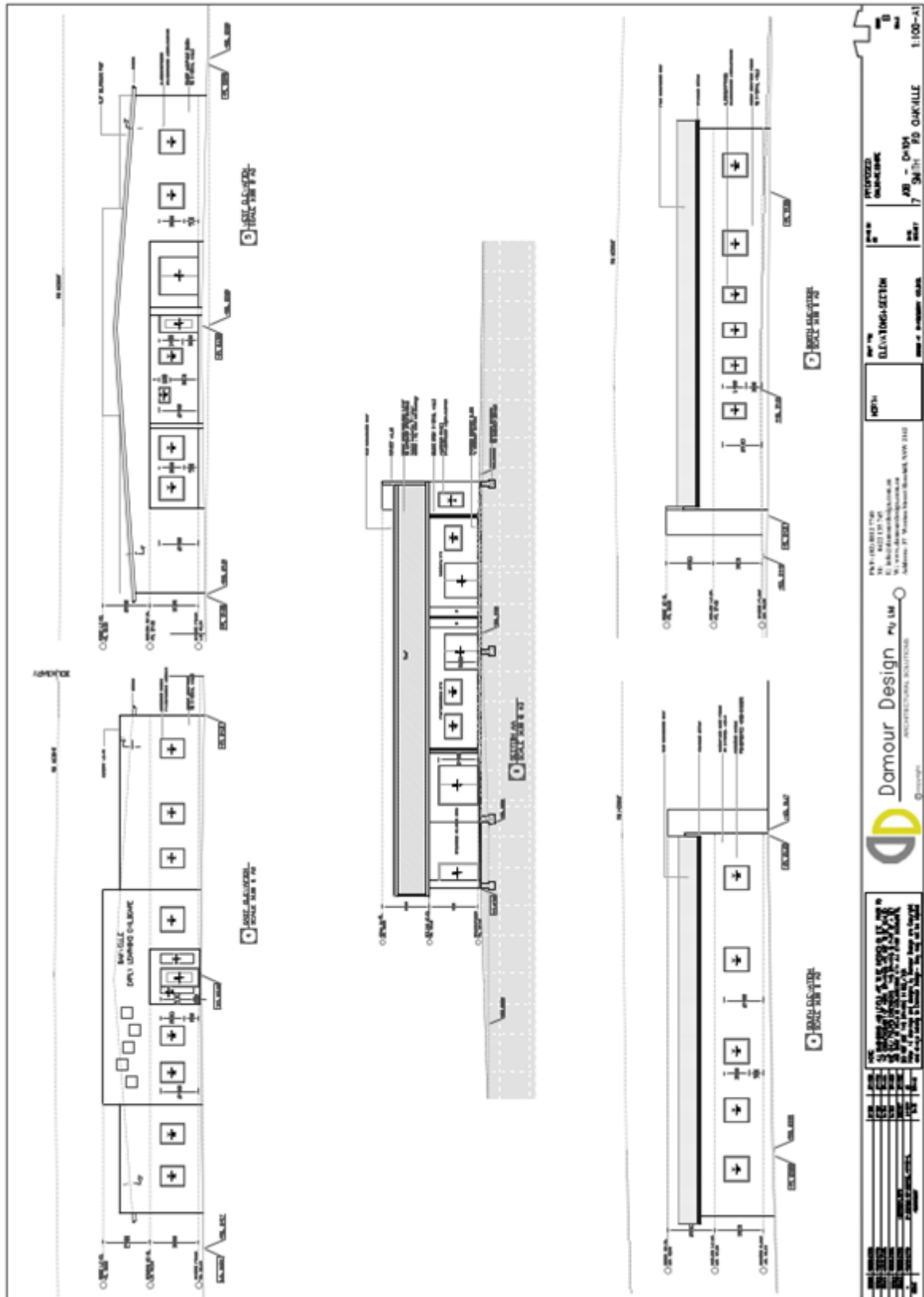
AT - 3 Aerial Plan

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AT - 1 Plans of the Proposal



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AT - 2 Locality Map



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AT - 3 Aerial Plan



oooO END OF REPORT Oooo

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GENERAL MANAGER

Item: 006 **GM - Special Rate Variation Application For 2018/2019 - (79351)**

Previous Item: 212, Ordinary, (28 November 2017)
 186, Ordinary (10 October 2017)
 175, Ordinary (26 September 2017)
 170, Ordinary (26 September 2017)
 159, Ordinary (12 September 2017)
 60, Ordinary (28 March 2017)
 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)

Directorate: General Manager

PURPOSE OF THE REPORT:

The purpose of this report is to advise Council of the completion of a Special Rate Variation Application (Application) for 2018/2019 and to seek approval for the Application to be submitted to the Independent Pricing and Regulatory Tribunal (IPART) for assessment and determination. The lodgement of the Application will give effect to Council's Resolution of 28 November 2017 where Council resolved to notify IPART of its intention to lodge an Application.

EXECUTIVE SUMMARY:

This report outlines the community consultation and decision making process undertaken by Council to reach its decision to notify IPART of its intention to lodge a Special Rate Variation Application for 2018/2019. The report advises Council of the completion of the required Application and outlines the IPART Criteria required to be addressed in this Application.

The report also provides information as to the IPART assessment process and the relevant provisions for public submissions to be lodged in response to Council's Application and makes reference to correspondence which has been forwarded to residents by third parties encouraging residents to lodge submissions with IPART opposing the proposed special rate increase. The report briefly canvasses this matter and concludes that the matters raised in these correspondences 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.

The report concludes that in the absence of other viable options to achieve financial and asset sustainability, that Council should confirm its intention to seek approval for a special rate increase by approving the submission of a Special Rate Variation Application for 2018/2019. This course of action will deliver the future that residents want to see for the Hawkesbury: a vibrant city with a rural feel.

RECOMMENDATION SUMMARY:

That Council receive the Special Rate Variation Application for 2018/2019 and approve its submission to IPART for assessment and determination.

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REPORT:

Context and Background

The preparation of a Special Rate Variation Application for 2018/2019 is the culmination of a Fit For The Future Community Engagement Process which commenced in 2012 (as outlined in Figure 1).

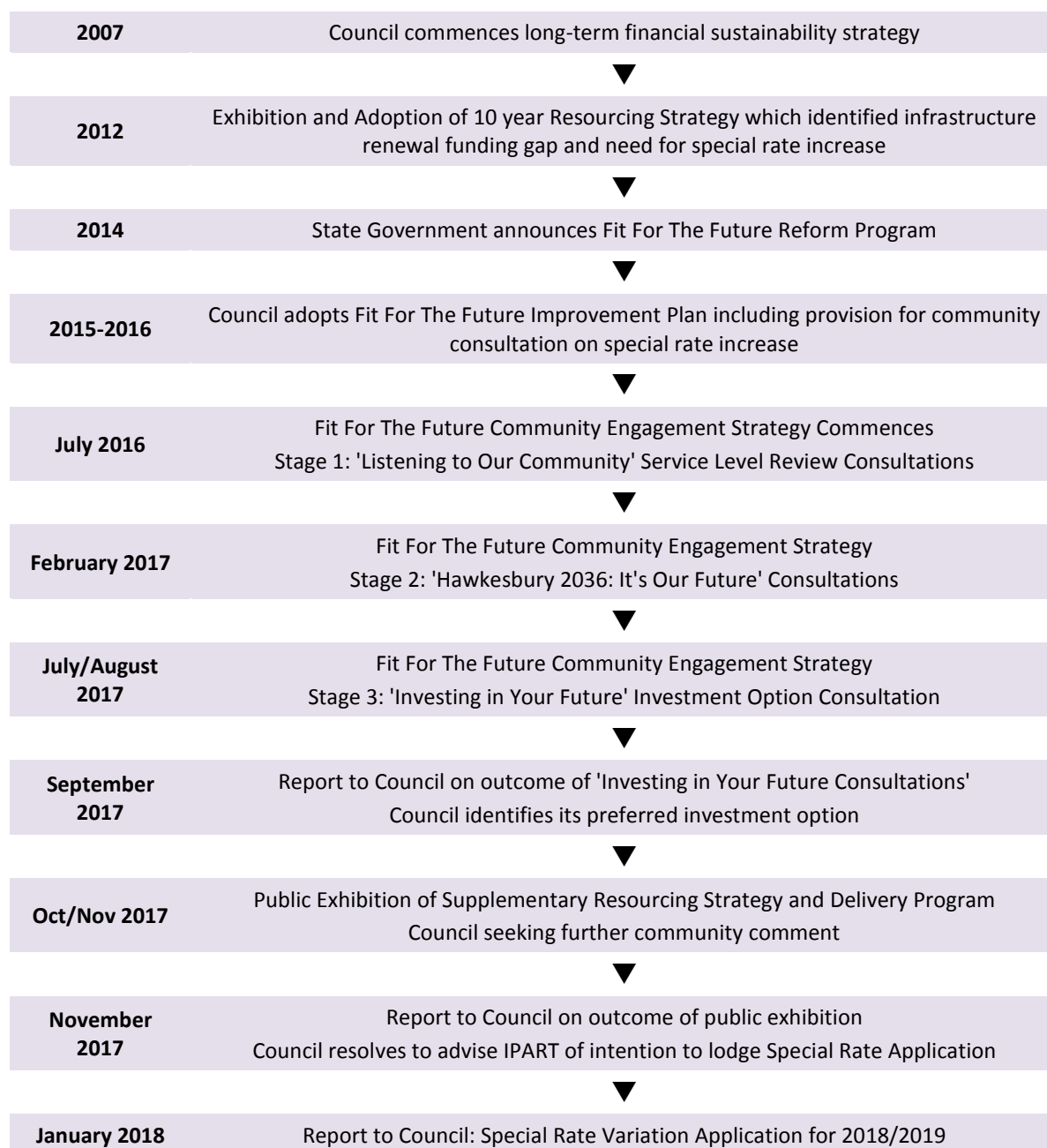


Figure 1: Fit For The Future Timeline and Community Engagement Process

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Council has been engaged in an ongoing conversation with residents about the future of the Hawkesbury. As part of these discussions, Council has been open with the community about the challenges it faces in addressing its asset renewal funding shortfall and long term financial sustainability. A range of activities have been used to engage with residents over this period including:

- a mail out information package and reply paid survey
- regular updates in community newsletters
- facts sheets
- media releases
- online surveys
- two statistically valid telephone surveys
- information in Mayoral Columns
- Facebook posts on the 'Hawkesbury Events' Facebook page
- 26 town meetings
- PowerPoint presentations at town meetings
- 25 listening and information kiosks at shopping centres and markets
- targeted engagement with young people
- drop in information sessions
- public exhibition of key documents and calls for submissions
- website updates on Council's online engagement portal
- information in rates notices.
- displays at Library, Council Offices and community centres.

During 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
- independent reviews of Council's financial position and Fit For The Future improvement plan.

This comprehensive consultation program and Council's deliberation process culminated in the preparation of a Supplementary Resourcing Strategy 2017-2027, which was placed on public exhibition between 13 October 2017 and 10 November 2017.

The Supplementary Resourcing Strategy 2017-2027 contained detailed information about the key issues that Council would be required to address as part of a proposed Special Rate Variation Application to IPART, including the outcome of previous community consultations and the impact of the 3 different investment options on long term service provision and the capacity to maintain, renew and upgrade community assets.

The Supplementary Resourcing Strategy 2017-2027 also outlined Council's assessment of the rating impact and affordability of its preferred resourcing option (the subject of the SRV Application), including an explanation of changes to Council's rating structure and the impact of the 2016 land valuation (one year in advance of the normal three year cycle) undertaken by the NSW Valuer General, particularly in those localities adjoining the North West Growth Sector.

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In its consideration of the outcome of the public exhibition of the Supplementary Resourcing Strategy 2017-2027 Council resolved, at its Ordinary Meeting of 28 November 2017, to notify IPART of its intention to prepare an Application for a Special Rate Variation based on the following elements:

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	As per Option 3 – 9.5% in 2018/2019, 9.5% in 2019/2020, 9.5% in 2020/2021 (including rate peg)
Permanent or temporary increase	A permanent increase to be 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

Special Rate Variation Application

IPART was formally notified of Council's intention to apply for a Special Rate Variation on 30 November 2017.

Council staff have now completed the preparation of the Application for a Special Rate Variation in accordance with the IPART guidelines and the Application as is attached as Attachment 1 to this report.

The SRV Application addresses the following criteria.

Table1: Outline of IPART Criteria for assessment of proposed special rate increases

IPART Criteria	Required Information
Preliminaries	An overview of key aspects of Council's application including the purpose and the steps undertaken in reaching the decision to make the Application.
Need for Variation	Council's case for the proposed special variation including Council's understanding of its financial sustainability and how Council identified and considered community need and alternate funding options.
Community Awareness and Engagement	Council's community engagement process about the proposed special rate variation outlining the engagement methods used and the opportunities for input and feedback from the community about the proposal.
Impact on Ratepayers	Outline of Council's current rating structure and quantitative information on the impact of the proposed special variation on rate levels including Council's assessment of the affordability and the community's capacity and willingness to pay the proposed rate increases.
Integrated Planning and Reporting (IP&R) Documents	Outline of the Integrated Planning and Reporting process that was undertaken to reach the decision to apply for a special variation including the details and dates of the public exhibition and adoption of IP&R documents.
Productivity Improvements and Cost Containment	Outline of the productivity improvements and cost containment strategies that Council has implemented and plans for productivity improvements and cost containment over the duration of the proposed special variation.
List of Attachments	List of supporting documents included with Application

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IPART Criteria	Required Information
Certification	Certification by General Manager and Responsible Accounting Officer of the information provided in the Application.

The information outlined in Council's Application has been primarily drawn from its publicly exhibited and adopted IP&R documents – particularly the Supplementary Resourcing Strategy 2017-2027, as well as the content of Council Reports highlighted above.

The Application is made up of two parts:

Part A: Detailed Microsoft Excel (protected) worksheets containing the financial calculations supporting the Application. Due to the content and complexity of the worksheets, it is not possible to render them into a hard-copy readable format. Accordingly they can be accessed from the following link

<http://www.hawkesbury.nsw.gov.au/council/council-meetings/business-papers>

Part B: The body of the SRV Application outlining Council's response to the IPART Criteria. Part B of the Application has been appended to this report under separate cover (Attachment 2).

Attachments: The Application includes 18 attachments which comprises the supporting documentation for the Application. These attachments are in the public domain, or available on Council's website, or have been previously reported to Council or distributed to ratepayers. As they constitute a considerable body of material, for the sake of brevity they have not been appended in hard copy to this Report but will available electronically following the lodgement of the Application.

The list of Attachments is documented below.

Table 2: Summary of Supporting Documentation for Special Rate Application

Attachment No.	Description of Supporting Document
1	Hawkesbury Community Strategic Plan 2017-2036
2	Hawkesbury City Council Delivery Program 2017-2021
3	Hawkesbury City Council Resourcing Strategy 2017-2027
4	Hawkesbury City Council. Supplementary Resourcing Strategy 2017-2027 Incorporation Supplementary Delivery Program 2017-2021
5	Community Engagement Materials
6	Hawkesbury City Council. Original Fit For The Future Council Improvement Proposal (June 2015)
7	Hawkesbury City Council. Fit For The Future Reassessment Proposal (November 2016)
8	Review of Council's Strategies for Financial Sustainability. September 2017. Morrison Low
9	Correspondence. 4 August 2017. The Hon. Gabrielle Upton MP. Advising outcome of Fit For The Future Reassessment
10	Hawkesbury City Council. Financial Statements for the year ended 30 June 2017.

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Attachment No.	Description of Supporting Document
11	Hawkesbury City Council: Financial Assessment and Benchmarking Report. NSW Treasury Corporation. August 2012.
12	Council Report: 11 October 2016. Outcomes of Service Level Review Consultation.
13	Council Report: 12 September 2017. Outcomes of Investing in Your Future Consultations.
14	Council Report: 28 November 2017. Outcome of Public Exhibition of Supplementary Resourcing Strategy.
15	Public Submissions: Supplementary Resourcing Strategy
16	Debt Recovery, Pensioner Concession and Hardship Policy. Adopted 28 November 2017.
17	Council Resolution to Apply for SRV. 28 November 2017
18	Certification: Application for a Special Rate Variation.

IPART Assessment Process – Public Submissions

The Application for a Special Rate Variation is required to be submitted on-line by 12 February 2018. IPART will assess the Application and announce its determination on 15 May 2018.

The IPART assessment process includes provision for public submissions. IPART will accept and consider all submissions from interested groups or individual ratepayers regarding the Special Rate Application up until four weeks after the application deadline (12 February 2018). Details of how and where to lodge submissions are outlined on the IPART website.

Council has encouraged and will continue to encourage community participation in its special rate consultation process including the IPART assessment process and welcomes public scrutiny of its Application. To this end, Council would encourage residents to review the information outlined in the Supplementary Resourcing Strategy 2017-2027 and in Council's Application to gain a full understanding of the facts and issues that Council has carefully considered and outlined to support the proposed special rate.

Council has become aware that information has been distributed to residents regarding Council's Application for a Special Rate Variation advising residents to write to IPART or lodge submissions to express opposition to the proposed special rate increase. The information distributed to residents appears to raise issues primarily relating to the rating impact of the recent land valuations in those areas of the Hawkesbury adjacent to the North West Growth Sector; and in particular the suburb of Oakville.

The authors have expressed opposition to the proposed special rate increase on the basis that their rates had increased significantly from 1 July 2017 relative to other areas in the Hawkesbury. Council has previously received representations from residents in Oakville and has endeavoured to provide factual responses to the questions and issues raised by some members of the Oakville community. These issues were comprehensively addressed in the Council Report of 28 November 2017, which also outlined the actions taken by Council in response to these matters. These matters have been further addressed by the Mayor within a Mayoral Minute included elsewhere in this Business Paper.

Council has written to community groups in Oakville and to elected representatives who have made representations on behalf of residents in Oakville in relation to these issues to offer them a detailed briefing regarding Council's plan for financial sustainability and issues pertinent to the proposed special rate.

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It would appear that the concerns expressed by some residents in Oakville have been influenced by the impact of recent land revaluations on rates in Oakville. As outlined in Council's SRV Application, these issues 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. 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 would 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 Oakville 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.

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 $\pm 4.9\%$.

The telephone survey indicated that 57% of respondents supported the need for a special rate option - based on the margin of error, the level of community support for a special rate option could conceivably 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.

In considering these issues, and in the absence of other viable options to achieve financial and asset sustainability and satisfy the Fit for the Future requirements Council resolved on the 28 November 2017 to notify IPART of its intention to apply for a special rate increase. 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 submission of the Application for a Special Rate Variation, if approved by IPART, will deliver these outcomes.

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Consultation

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. As outlined in this report, the submission of an Application for a Special Rate Variation for 2018/2019 represents the culmination of a comprehensive community engagement process. It will give effect to Council resolution to notify IPART of its intent to lodge an Application.

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.

Discussion

As outlined in this report, confirmation of Council's approval to lodge the Application for a Special Rate Variation for 2018/2019 will give effect to Council's Resolution of 28 November 2017 and is consistent with the outcome of Council's Fit For The Future Community Engagement Process and the provisions of Council's adopted Fit For The Future Improvement Plan.

Financial Implications

The report proposes that Council confirm its advice to IPART of its intention to lodge an Application for a Special Rate Variation by approving the lodgement of the Application as appended to this report. The lodgement of the Application, subject to its approval by IPART, will 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.

Fit For The Future Strategy Considerations

The proposal is aligned to the following Fit For The Future Strategy:

2.1 Special Rate Variation

Notional SRV of 14.49% (excluding rate peg) over two years commencing in 2018/2019 to generate additional rating revenue to meet loan repayments for \$25 million infrastructure borrowings program, with balance of revenue directed to asset renewal and maintenance and budget repair.

Conclusion

The report outlines the steps taken by Council in reaching the decision to apply for a Special Rate Variation. This decision was based on the comprehensive assessment of Council's financial position and financial sustainability and has been verified by external assessment. Council has engaged the community in wide-ranging conversations about the future of the Hawkesbury which have indicated that the majority of residents do not want service levels to reduce and are willing to pay additional rates to improve or maintain service levels. Submitting the Application for a Special Rate Variation will deliver the future that residents want to see for the Hawkesbury: A vibrant City, with a rural feel.

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RECOMMENDATION:

That Council confirm its intention to seek approval for a special rate increase by approving the submission of a Special Rate Variation Application for 2018/2019 as outlined in this report to the Independent Pricing and Regulatory Tribunal for assessment and determination.

ATTACHMENTS:

- AT - 1** Application for a Special Variation to General Income
- AT - 2** Special Variation Application Form – Part B For 2018/2019 (*Distributed Under Separate Cover*)

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AT - 1 Application for a Special Variation to General Income

Section 508(a) and 508(2) Application Form Part A 2018/2019: accessed through the following link:

<http://www.hawkesbury.nsw.gov.au/council/council-meetings/business-papers>

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INFRASTRUCTURE SERVICES

Item: 007 **IS - Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2017-2021 - (95495, 112179)**

Previous Item: 218, Ordinary (11 November 2014)

Directorate: Infrastructure Services

PURPOSE OF THE REPORT:

The purpose of this report is to provide a summary of issues relating to the Western Sydney Regional Waste Avoidance and Resource Recovery Strategy (the Strategy) for Council's consideration and adoption.

EXECUTIVE SUMMARY:

The NSW Environment Protection Authority's (EPA) 'Waste Less, Recycle More' (WLRM) initiative provides regional waste program funding for the regional groupings of Councils over a four year period. A regional waste strategy requires adoption by Councils to access program funds under WLRM. To achieve this Western Sydney Region of Councils (WSROC) has coordinated the preparation of a regional waste strategy for WSROC member Councils as well as The Hills Shire Council.

Between 2017 and 2021 approximately \$1.6 Million will be made available through the WLRM initiative for the delivery of these regional waste strategy programs.

This strategy enables funding to be addressed for projects such as asbestos management and various, education programs. This strategy follows an earlier strategy, the 'Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2014-2017', adopted by Council in 2014.

RECOMMENDATION SUMMARY:

Is it recommended that Council adopt the 'Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2017-2021'.

REPORT:

Context and Background

The NSW EPA's WLRM initiative provides regional waste programs funding for nine Councils, including Hawkesbury City Council, in the Western Sydney area. These Councils form the Western Sydney Region of Councils (WSROC), as well as The Hills Shire Council.

The Strategy is a four year document guiding regional waste programs. It was developed in accordance with the State Government Waste and Resource Recovery Strategy 2014-2121 and is required to be adopted by Councils in the Western Sydney region in order to access the funds.

Council has previously adopted the 2014-2017 Regional Waste Avoidance and Resource Recovery Strategy 2014-2017 and the new strategy will build on and develop resource management policy and direction for the next four years.

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Detailed History, including previous Council decisions

Council has previously adopted the 2014-2017 Regional Waste Strategy in 2014.

Policy considerations

The new strategy will supersede the previous strategy.

Consultation

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

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Environment

- 3.3 We reduce, reuse and recycle - Identify ways for our community to reduce, reuse and recycle waste
- 3.3.1 Develop and maintain active partnerships that will result in the innovative management of our community's waste, with an emphasis on resource recovery and waste minimisation.
 - 3.3.2 Undertake community education on best practice environmental sustainability and climate change issues.

Discussion

This Strategy follows an earlier strategy, the Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2014-2017, adopted by Council in 2014, which saw approximately \$3.2M in funding for the delivery of over 100 waste management projects to support Western Sydney Councils. Some of these projects included the Western Sydney Regional Asbestos Disposal Scheme which saw the free collection and disposal of asbestos fibro sheeting from over 100 Hawkesbury homes, training and access to RIDOnline to support Council's Regulatory Services Team, delivery of the Hawkesbury social research report on Waste Management, and assistance in securing a range of waste education, composting, and organics management programs for the Hawkesbury community.

Between 2017 and 2021 approximately \$1.6M will be made available through the WLRM initiative via WSROC for the delivery of this strategy on behalf of Hawkesbury, Blue Mountains, Penrith, Blacktown, Liverpool, The Hills, Cumberland, Parramatta, and Fairfield Councils.

Council staff have taken part in a number of strategic planning days and worked with our respective counterparts across the Western Sydney region in the formulation of a diverse range of regional projects over the term of the strategy. These projects will focus on a number of key result areas, including:

- avoid and reduce waste generation
- increase recycling and divert more waste from landfill
- manage problem wastes better
- reduce litter
- reduce illegal dumping
- improve regional waste governance.

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These projects strive to increase each Council's waste and resource recovery efforts towards the state 2021 targets of:

- avoid and reduce waste generation per capita
- increase recycling rates for:
 - municipal waste to 70%
 - commercial and industrial waste to 70%
 - construction and demolition waste to 80%
- divert 75% of waste from landfill
- manage problem wastes better
- reduce the incidence of litter by 40%
- reduce the incidence of illegal dumping by 30%.

Financial Implications

All funding for this Strategy and the delivery of its projects is provided through the NSW EPA's Waste Less, Recycle More Initiative.

Fit For The Future Strategy Considerations

While this matter is not specifically aligned with any Fit For The Future Strategies, adoption of this Strategy will have financial and environmental benefits to Council.

Conclusion

The Strategy has been developed in conjunction with relevant Councils and reflects an alignment and coordination of actions with State Government directions. Adoptions of the Strategy by Council will enable EPA funding to be accessed for a range of activities.

RECOMMENDATION:

That Council adopt the Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2017-2021.

ATTACHMENTS:

- AT - 1** Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2017-2021 -
(*Distributed Under Separate Cover*)

oooO END OF REPORT Oooo

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Item: 008 **IS - Windsor Bridge Replacement Project - Proposed Council Infrastructure - (95495, 79354, 73621)**

Previous Item: 151, Ordinary (29 August 2017)

Directorate: Infrastructure Services

PURPOSE OF THE REPORT:

The purpose of this report is to provide information relating to infrastructure proposed to be constructed by RMS within Council managed lands as part of the Windsor Bridge Replacement Project.

EXECUTIVE SUMMARY:

As part of the proposed Windsor Bridge Replacement Project, RMS have proposed:

- the provision of street/park lighting upgrade in Thompson Square
- the retention and adaption of the first span of the existing bridge for use as a viewing platform.

The lighting will replace the existing light poles and fittings with lighting that is considered more sympathetic to the heritage of the square. The retention and modification of the first bridge span as a viewing platform would provide an acknowledgement of the role and engineering of the historic bridge. RMS have confirmed that the maintenance of the detention/water quality basin will be an RMS responsibility. Council would, as per normal arrangements, be responsible for open space areas behind the kerb.

RECOMMENDATION SUMMARY:

This report recommends that the lighting design be endorsed, and that it accept the retention and conversion of the end bridge span as a viewing platform. The report also recommends that Council make the strongest representation at a political level to have RMS retain ongoing responsibility for the viewing platform given the heritage significance of the structure.

REPORT:

Context and Background

Council has previously received and considered reports and briefings relating to the provision of a viewing platform and the type of public space lighting to be provided in Thompson Square as part of the RMS proposed Windsor Bridge Project.

RMS have most recently provided a briefing to Councillors on 5 December 2017 outlining various aspects of the project in more detail, including those issues as well as infrastructure handover to Council.

Council previously, after considering the report at its meeting of 29 August 2017, resolved that "RMS put the proposal to Council again prior to final sign off of Option 1 by the relevant agencies."

At the briefing of Councillors on 5 December 2017, RMS advised that both Office of Environment & Heritage and the Department of Planning had given their support and acceptance for the proposed viewing platform, however it is not a requirement or condition of approval for the project.

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Policy considerations

Council has previously resolved to oppose the current bridge proposal by RMS. Council in any response to RMS can reiterate this position.

Consultation

This matter, whilst not triggering a requirement for public consultation, has been previously referred to Council's Heritage Advisory Committee. Responses are included in the previous report to Council (attached).

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 Community

2.5. Cultural Development and Heritage - Enable broad and rich celebration of our local culture and significant heritage

2.5.3 Recognise, conserve and promote the areas history and heritage for current and future generations.

Discussion

This report provides a summary of the current position in relation to issues raised at the RMS briefing.

Viewing Platform

A report was previously presented to Council on 29 August 2017 outlining in detail the proposed retention of the first span (Windsor side) of the bridge and its adaption for use as a viewing platform. A copy of that report is attached as Attachment 1 to this report.

In summary, that report outlined that RMS were prepared to incorporate the viewing platform into the project, subject to Council taking over its ongoing ownership and management.

The report recommended that the retention of the end span for a viewing platform be supported, however this was subject to the structure being managed and maintained by RMS as part of its ongoing obligation to manage its historic assets.

RMS have subsequently advised that they have satisfied all of the relevant conditions relating to the Urban Design and Landscape Plan. The viewing platform is considered to be a separable portion of the project, and RMS have again advised that should Council not wish to accept the ongoing responsibility for the structure, it will not be included in the project works.

RMS have indicated that a decision needs to be made urgently if the design documentation is to be prepared on the basis of retention of the end span and its reconfiguration. RMS have further advised that should Council not accept ownership, the proposed viewing platform would not proceed further.

Given the RMS position, and consistent with the advice provided by the previous report advocating retention and reuse of the end span as part of a genuine element of heritage interpretation it is suggested that Council agree to the proposal to provide the viewing platform and accept, in principle, the ongoing management of the structure.

It would remain open to Council to continue to lobby the NSW Government to assume ongoing responsibility for the structure based on its heritage significance at a state level.

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Park and street lighting

The parkland area of Thompson Square is currently lit by a network of six, 80W mercury vapour lights connected to the street lighting grid. This is a cost effective arrangement for Council with ownership, maintenance and operation the responsibility of Endeavour Energy. Council meets the cost of this as part of the street lighting agreement.

The RMS works will necessitate changes to the lighting and significant discussion has been held with RMS, Office of Environment & Heritage and Endeavour Energy to select a suitable light that is able to continue to be part of the street light network as well as being a compatible design response to the areas heritage.

The proposed light is a 42W compact fluorescent lamp in a "Bourke Hill" light on a "Boulevard" column. This is shown in Figure 1. The existing lights are shown in Figure 2. A total of 13 lights will be installed.



Figure 1: Proposed lights for Thompson Square; Boulevard Column and Bourke Hill Luminaire



Figure 2: Existing lights

Office of Environment & Heritage support this light selection, as an appropriate response to heritage issues. Council had sought to have an LED luminaire included in the light fitting however, at this stage the compatible LED is not approved for this light, whilst on the street lighting grid.

It is recommended that this light type be endorsed by Council as it would enable the overall park lighting scheme to be unified. This would be at RMS expense. Should Council at some point in the future wish to incorporate LED luminaires, it would remain open for Council to have the lights removed from the street light grid and connected to a metered supply (Council would then assume all operational costs and responsibilities).

Detention basin (Freemans Reach side)

A detention basin including water quality function is proposed for the Freemans Reach side of the bridge adjacent to the roundabout. This basin will treat road runoff prior to discharge into the river. RMS will maintain this drainage system, however the surrounding area will incorporate pathways and grassed parkland, connecting to Macquarie Park. As in other state road configurations this area will become Council's maintenance responsibility.

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At the briefing by RMS clarification was sought. RMS have subsequently advised that the normal maintenance responsibility arrangements for state roads would apply to the overall project. In general Council will become responsible for all areas behind the back of the kerb. Specific to this project RMS will retain maintenance responsibility for scour protection of the embankment at the bridge abutments. RMS will retain all responsibility for the entire bridge structure.

RMS will also maintain all landscaping for a period of 24 months post completion.

Financial Implications

Should Council adopt the recommendations in this report, it is estimated that the long term cost of maintaining the viewing platform is \$5,000 per annum. There will be an additional cost for the operation of the lighting of \$1,100 per annum due to the additional lighting of the park areas.

Fit For The Future Strategy Considerations

The proposal is not aligned to any Fit For The Future Strategies.

Conclusion

Whilst Council has adopted a position opposing the current proposed bridge project, RMS are continuing to progress the project through the finalisation of documentation relating to design and specification.

Should the project proceed against Council's wishes, infrastructure including open space and lighting, will be modified and transferred to Council.

The proposed lighting is considered to be a sympathetic response and improvement on the current park lighting and endorsement of the proposed style, which enables its continued connection to the street lighting grid, is recommended.

In relation to the proposed viewing platform, retaining the end span of the current bridge, it is suggested that, on balance, the proposal has merit, in that it retains a small part of the heritage structure. Whilst it is still felt that RMS should assume all ongoing responsibility for the structure, it is clear that an impasse has been reached on this aspect, with RMS indicating that it will not be included in their design if Council does not accept ongoing responsibility. It is therefore recommended that Council agree to the retention, and accept responsibility. However it is suggested that Council make the strongest representations at a political level for RMS to be directed to manage this structure given the current bridge's State Heritage listing significance.

RECOMMENDATION:

That:

1. Council reiterate its opposition to the current bridge project, and advise RMS that no commentary on design issues should be construed as support for the project.
2. Endorse the proposed park lighting design, utilising "Bourke Hill" luminaires and "Boulevard" columns.
3. Advise RMS that, in the absence of RMS or the NSW Government acknowledging its financial and moral obligation to maintain the proposed retained bridge span as a viewing platform, Council will accept ongoing management responsibilities.
4. Make the strongest representations to the NSW Government outlining its responsibility to maintain the retained bridge span as part of its obligation to preserve State Significant Heritage.

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ATTACHMENTS:

- AT - 1** Council Report - Item 151, Ordinary Meeting 29 August 2017 - Windsor Bridge Replacement Project - Proposal for Viewing Platform

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AT - 1 Council Report - Item 151, Ordinary Meeting 29 August 2017 - Windsor Bridge Replacement Project - Proposal for Viewing Platform

ORDINARY MEETING
Meeting Date: 29 August 2017

Item: 151 **IS - Windsor Bridge Replacement Project - Proposal for Viewing Platform - (95495, 79354, 73621)**

REPORT:

Executive Summary

As part of the Windsor Bridge Replacement Project, Roads and Maritime Services (RMS) have sought advice from Council regarding its position on retaining the southernmost (Windsor side) abutment and a single span of the existing bridge as a viewing platform.

RMS have advised that they are prepared to carry out works necessary to enable its use for that purpose, if Council is prepared to accept ongoing ownership and maintenance. In the event that this is not accepted by Council, RMS advise that they will remove this element from their design.

It is Council's current position not to support the current replacement bridge proposal, and to seek the retention of the existing bridge. Should the current replacement bridge proposal proceed, the demolition of the existing bridge will result in the loss of heritage. Therefore, the retention of an element of the existing bridge may be of value from an interpretive perspective.

There is no significant need for an additional viewing platform from an open space perspective. The existing upstream platform, the proposed bridge and the wharf adequately fulfil this objective.

This report recommends that Council advise RMS that whilst it is not prepared to accept the ongoing management responsibility for the retention of the span to provide a viewing point, it does consider the retention of the span a key element of an interpretive strategy and should be incorporated into the replacement bridge project and maintained by RMS.

Consultation

This matter was referred to Council's Heritage Advisory Committee for comment, noting that this is not a Council project and that Council's position is being sought by RMS through its consultative process.

All comments from the Heritage Advisory Committee are outlined in this report.

Background

As part of the Windsor Bridge Replacement Project, RMS have proposed that the southern span of the existing bridge could be upgraded and retained as a viewing platform.

RMS have sought Council's commitment to take ownership and maintenance responsibilities if RMS carry out the upgrade works. Should Council decline to accept this ongoing responsibility RMS have indicated that the viewing platform would be removed from the design.

Discussion

The attached documentation from RMS provides the rationale for the reuse of the span as a viewing platform, citing its interpretation and urban design values.

Council officers have indicated that determination of a position in relation to retention of the span as a viewing platform is a policy decision for Council.

Concerns have been raised over any liability that may accrue to Council in the future as a result of the retention of the span, including damage as a result of flood behaviours/impacts and maintenance costs.

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In relation to the possible flood damage, Council would be generally indemnified by the consultants designing the works. This would be subject to Council fulfilling any required maintenance requirements throughout the life of the structure.

From an open space operational perspective, it is considered that there is already a satisfactory number of viewing points along the river in this vicinity. The existing upstream platform, the proposed replacement bridge and the existing wharf all providing a range of viewing aspects.

The introduction of another pedestrian node will require additional cleaning, litter collection and routine maintenance.

RMS has not been able to provide any additional detail on whole of life maintenance requirements for the retained elements of the bridge at this stage, however have indicated that concrete and other repairs would be undertaken as part of the conversion to a viewing platform. It is likely that ongoing inspection and maintenance will be required.

From a heritage perspective there is certainly value in recognising and preserving the structure to highlight the history and the engineering evolution of the bridge structure. The full and ongoing value of this should however be attributed to the project itself and be the responsibility of RMS, as an appropriate response to conserve the values of a listed heritage item.

Heritage Advisors Comments

Council's Heritage Advisor was requested to review the proposal and provide comments. The Heritage advisor recommended that:

- the matter be referred to Council's Heritage Advisory Committee in relation to the overall appropriateness of the viewing platform
- appropriate interpretative signage/display be incorporated in any retained structure, and that details of lighting, seating and bollards should be provided
- the RMS provide a detailed long term maintenance plan and costings.

These comments were provided with the comment that retention of the existing bridge would provide a better heritage outcome.

Heritage Advisory Committee comments

The Heritage Advisory Committee (HAC) discussed the matter and it was agreed that members' comments should be provided to Council staff for consideration in preparation of this Council report.

The following summarises the various comments provided from the HAC:

- if the span is retained RMS should assume all ongoing maintenance and appropriate protection and maintenance should be secured
- if the purpose is for heritage interpretation value then there must be appropriate ancillary works that secure and reinforce the heritage/interpretative values, rather than being simply another viewing deck
- the proposal should be based on the interpretation plan, rather than being an 'add-on'
- one member provided general support for the viewing deck
- the proposed viewing deck view would be dominated by the higher new bridge with downstream views obscured and therefore the proposal is not supported

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- retention of the span would be unlikely to adequately reflect the heritage of the bridge crossing and would simply be a 'tombstone' to its history
- difficult to comment based on the plans provided and the lack of an Interpretation Strategy
- proposal was first mooted in 2008 and now appears to be an afterthought to the current proposal.

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

The proposal relates to the following Focus Area, Direction and Strategy 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.

Financial Implications

It is anticipated that if the viewing platform were to be transferred to Council that additional annual maintenance costs of approximately \$5,000, including cleaning, general maintenance and inspection. This would not include long term structural maintenance and renewal.

Summary

Whilst Council has indicated its opposition to the current RMS proposal which includes demolition of the existing bridge, it is appropriate for Council to provide a commentary on the proposed viewing platform.

Having regard to the comments by HAC members, the Heritage Advisor and Council staff, there is value in retaining the end span as a viewing platform. This is subject to the following provisions:

- the viewing deck should be a genuine element of an interpretation strategy to best practice standards
- RMS should maintain any retained structure on a permanent basis, if its retention is warranted by OEH/Department of Planning for heritage interpretation
- any retained structure should be protected through heritage controls that would also secure ongoing maintenance responsibilities and funding.

RECOMMENDATION:

That Council advise the RMS that:

1. It does not support the current replacement bridge proposal, including the demolition of Windsor Bridge.
2. Should the current proposal proceed, RMS should retain the southernmost span and abutment as a viewing platform, subject to this structure being managed and maintained by RMS as part of its ongoing responsibility and obligation to maintain and recognise the heritage value of a historic asset in its care.
3. Any retained structure incorporate interpretation of the heritage of the bridge at best practice level.

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ATTACHMENTS:

AT - 1 RMS Documentation - Windsor Bridge Replacement Project - Request for Endorsement of Viewing Platform

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AT - 1 RMS Documentation - Windsor Bridge Replacement Project
Request for Endorsement of Viewing Platform



29 June 2017

Reference Number: SSI-4951

Mr Peter Conroy
General Manager
Hawkesbury City Council
366 George Street,
Windsor NSW 2756 Australia

Attention: Mr Chris Amit

Dear Sir,

Windsor Bridge Replacement Project – Request for Endorsement of Viewing Platform

Roads and Maritime Services (RMS) are seeking advice from Hawkesbury City Council (Council) as to whether the Council is prepared to accept ownership and maintenance responsibility for the proposed viewing platform on the southern Hawkesbury River bank.

In its submission on the draft Urban Design and Landscape Plan, Council advised that they would await feedback from the recently conducted stakeholder consultation on the draft Urban Design and Landscaping Plan and Historical Interpretation Strategy before deciding as to whether they will accept the viewing platform.

Council staff, during a meeting with Council staff on 23rd May 2017, requested the RMS provide a document that details the background and reasons for inclusion of the viewing platform in the urban design and interpretation plan. This letter is a response to that request.

1. Background

The concept of providing a viewing platform using the southern span of the existing bridge was developed by the project team including specialists in archaeological interpretation, urban designers and engineering consultants. It is also proposed the viewing platform would be a key interpretation node with information about the history of the area displayed on the platform.

The concept was presented and discussed extensively with key stakeholders including the Department of Planning and Environment (DPE), Office of Environment and Heritage (OEH) and Council staff; the overall the feedback was positive.

The viewing platform was subsequently included in the draft Urban Design and Landscape Plan, which was publicly exhibited for community comment from 13 March to 7 April 2017. Feedback from the community on the proposal for the viewing platform was also positive. The draft Urban

Roads and Maritime Services

27-31 Argyle Street, Parramatta NSW 2150 |
PO Box 973, Parramatta NSW 2124 |

www.rms.nsw.gov.au | 13 22 13

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Design and Landscape Plan will now be finalised and published online with the Submissions Report.

2. Heritage

The retention of southern span of the existing bridge as an interpretation node will acknowledge the heritage significance and importance of the existing Windsor Bridge by maintaining a tangible record of the bridge location, level and the approach road alignment.

The retention of the main structural elements of the existing bridge including the southern bridge abutment, the concrete girders, bridge deck and a set of piers will also provide a tangible record of the engineering materials and methodology used to build the bridge. The piers will also show evidence of the major modifications and upgrades carried out to the bridge since its original construction in the 1870's including:

- The entire bridge level was raised in 1897 by 2.4 metres by extending the height of the abutments and the cast iron caissons; and
- In 1921-22, the original timber deck was replaced with 8 longitudinal reinforced concrete girders and an integral concrete decking slab as part of the deck replacement works.

Interpretation signage displaying historical information and site interpretation relating to both Windsor Bridge and Thompson Square would be incorporated into this platform, which has been selected as a key interpretation node within the heritage interpretation strategy for the project.

The viewing platform responds to the conservation principles identified in the draft Strategic Conservation Management Plan (SCMP) by providing interpretation, connection with the historic setting and public access to the river front. Refer to the project EIS (Section 7) and SCMP for further details relating to historical heritage of the bridge structure.

3. Urban design

From an urban design perspective, the viewing platform will create a vantage point to enjoy views across the Hawkesbury River. A new balustrade and seating will also be incorporated into the viewing platform.

The platform will allow people to gain access to a memorable location above the water's edge to enjoy this riverside setting. It will allow people to appreciate this riverside environment and water activities with views up and down the river.

The retention of the southern abutment and first span of the existing bridge will create a viewing platform which will allow users to establish a visual connection to the northern abutment, which will be retained, and visualise the historical alignment of the old bridge. The bridge will also perform as an accessible vantage point for views back towards Thompson Square.

The viewing platform has been designed to complement the existing upstream viewing platform on the southern side of the river. It will use consistent materials which are durable and able to withstand floods. The balustrade would be made from galvanised steel with a hardwood top rail and the seating would similarly be made from steel and hardwood.

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4. Engineering and other considerations

4.1. Retaining the entire existing bridge

The retention of the entire bridge and reuse as a pedestrian/shared path and support for utilities was considered during the concept design phase of the bridge replacement project. This concept was later rejected due to the ongoing cost of maintaining the bridge in a safe condition and the flood impacts of having the two bridges across the section of the river as discussed in Section 4.3 below.

4.2. Structural

A structural review of the existing bridge was undertaken for the purpose of retaining bridge elements to function as a viewing platform. From this inspection it was identified that a number of areas are likely to require concrete repair. These repairs will be undertaken by the RMS.

One of the proposed features of the viewing platform is to investigate the feasibility of providing removable or collapsible balustrades to minimise damage to the balustrades during flood events and reduce loading on the structure from accumulation of flood debris forces.

4.3. Flooding

In order to assess the flooding impacts of the project, a flood model was developed which includes the removal of the existing bridge and addition of the new bridge, viewing platform, scour protection and road embankments into the model.

The model results indicate that there are no flood level impacts for the majority of the design flood events with minor increases in flood levels for both the 5 year and 10 year ARI events. In general, increases in flood levels are 20mm for the 5 year ARI event and in the range of 10mm to 20mm for the 10 year ARI event. Peak flood level increases of up to 100mm are localised to just upstream of the new bridge. For the 20 year ARI or larger flood events it was found that there are no changes in flood level. It was found that the inclusion or exclusion of the viewing platform structure would have negligible impacts on the overall afflux results found in the flood model for the proposed scenario.

In contrast, the inclusion of the entire existing bridge combined with the proposed bridge would have some impacts on the existing flood regime. For the 10 year ARI event, flood level increases are generally in the range of 20mm to 50mm. For the 5 year ARI event, potential flood level increases are generally in the range of 50mm to 100mm, with some localised changes in levels up to 110mm directly upstream of the existing Windsor Bridge. For the 20 year ARI or larger flood events it was found that there are no changes in flood level.

There is also the potential for the existing bridge to be washed away by flood waters, which could damage the new bridge.

4.4. Scour protection

Scour protection is proposed to be provided where river flow velocities are expected to be increased as a result of the proposed bridge and associated works. Flow velocities along the southern side of the river are observed to increase by the greatest amount with peak flow velocity increases of up to 0.6m/s in the 100 year ARI event.

The removal of the existing bridge (with the exception of the southern span and southern pier) is not expected to increase velocities along the southern bank.

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Along the southern bank, the scour protection is proposed to extend from the downstream side of the existing bridge to just upstream of the existing Windsor Wharf.

4.5. Safety

The existing bridge has vehicle barriers and a 1.2 metre wide footway attached to the downstream side. For safety reasons, these climbable elements will be removed from the viewing platform structure and replaced with new compliant pedestrian balustrades.

RMS seeks Council's commitment to take ownership and maintenance responsibilities for the proposed viewing platform. Should Council accept the viewing platform, as detailed in the attached concept design, RMS will proceed with the finalisation of the detailed design.

Should Council not support the viewing platform, the RMS intends to delete the platform from the designs.

Yours faithfully

 Graham Standen
Senior Project Manager

Meeting Date: 30 January 2018

Meeting Date: 29 August 2017



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SUPPORT SERVICES

Item: 009 **SS - Monthly Investments Report - November 2017 - (95496, 96332)**

Previous Item: 97, Ordinary (30 May 2017)

Directorate: Support Services

PURPOSE OF THE REPORT:

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

EXECUTIVE SUMMARY:

This report indicates that Council held \$51 million in investments at 30 November 2017 and outlines that all investments were made in accordance with the Act, the Regulation and Council's Investment Policy.

RECOMMENDATION SUMMARY:

It is recommended that the Monthly Investments Report for November 2017 be received and noted.

REPORT:

Context and Background

The following table indicates that Council held \$51 million in investments as at 30 November 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%	3,000,000	5.88%	
Tcorp*					1.95%	4,026,074	7.89%	
Total On-call Investments								7,026,074
Term Investments								
ANZ	A1+	AA-	01-Feb-17	31-Jan-18	2.70%	1,000,000	1.96%	
Bankwest	A1+	AA-	22-Nov-17	19-Sep-18	2.55%	1,000,000	1.96%	
Bankwest	A1+	AA-	22-Nov-17	21-Nov-18	2.55%	1,500,000	2.94%	
CBA	A1+	AA-	02-Mar-17	02-Mar-18	2.65%	1,000,000	1.96%	
CBA	A1+	AA-	17-Mar-17	14-Mar-18	2.71%	1,500,000	2.94%	
CBA	A1+	AA-	27-Apr-17	27-Apr-18	2.63%	1,500,000	2.94%	
CBA	A1+	AA-	28-Jun-17	09-May-18	2.60%	1,500,000	2.94%	
CBA	A1+	AA-	03-Aug-17	18-Jul-18	2.54%	2,000,000	3.92%	
CBA	A1+	AA-	24-Aug-17	23-Aug-19	2.72%	3,000,000	5.88%	
NAB	A1+	AA-	14-Dec-16	13-Dec-17	2.70%	1,500,000	2.94%	

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Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
NAB	A1+	AA-	24-Aug-17	13-Dec-17	2.45%	1,500,000	2.94%	
NAB	A1+	AA-	07-Sep-17	13-Dec-17	2.50%	1,000,000	1.96%	
NAB	A1+	AA-	08-Feb-17	07-Feb-18	2.60%	2,000,000	3.92%	
NAB	A1+	AA-	08-Nov-17	07-Feb-18	2.45%	500,000	0.98%	
NAB	A1+	AA-	22-Nov-17	18-Apr-18	2.45%	500,000	0.98%	
NAB	A1+	AA-	16-Aug-17	16-Aug-18	2.52%	1,500,000	2.94%	
St George	A1+	AA-	24-Jan-17	24-Jan-18	2.70%	1,500,000	2.94%	
St George	A1+	AA-	22-Feb-17	22-Feb-18	2.61%	1,000,000	1.96%	
Westpac	A1+	AA-	18-Oct-17	20-Dec-17	2.35%	1,000,000	1.96%	
Westpac	A1+	AA-	30-Mar-17	04-Apr-18	2.70%	500,000	0.98%	
Westpac	A1+	AA-	30-Mar-17	04-Apr-18	2.70%	1,000,000	1.96%	
Westpac	A1+	AA-	14-Apr-17	18-Apr-18	2.70%	1,000,000	1.96%	
Westpac	A1+	AA-	31-Oct-17	02-May-18	2.50%	1,000,000	1.96%	
Westpac	A1+	AA-	31-May-17	31-May-18	2.65%	1,000,000	1.96%	
Westpac	A1+	AA-	14-Jun-17	14-Jun-18	2.65%	2,000,000	3.92%	
Westpac	A1+	AA-	28-Jun-17	28-Jun-18	2.65%	2,000,000	3.92%	
Westpac	A1+	AA-	05-Jul-17	05-Jul-18	2.65%	2,500,000	4.90%	
Westpac	A1+	AA-	03-Aug-17	03-Aug-18	2.60%	800,000	1.57%	
Westpac	A1+	AA-	03-Aug-17	03-Aug-18	2.60%	1,000,000	1.96%	
Westpac	A1+	AA-	03-Aug-17	03-Aug-18	2.60%	1,000,000	1.96%	
Westpac	A1+	AA-	16-Aug-17	16-Aug-18	2.65%	500,000	0.98%	
Westpac	A1+	AA-	24-Aug-17	24-Aug-18	2.70%	400,000	0.78%	
Westpac	A1+	AA-	24-Aug-17	24-Aug-18	2.70%	800,000	1.57%	
Westpac	A1+	AA-	09-Oct-17	09-Oct-18	2.70%	2,000,000	3.92%	
Westpac	A1+	AA-	08-Nov-17	08-Nov-18	2.60%	500,000	0.98%	
Total Term Investments								44,000,000
TOTAL INVESTMENT AS AT 30 November 2017								51,026,074

*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	7,026,074	1.65%	Reserve Bank Cash Reference Rate	1.50%	0.15%
Term Deposit	44,000,000	2.62%	UBS 90 Day Bank Bill Rate	1.75%	0.87%
Total	51,026,074	2.49%			

Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	9,706,238
External Restrictions - Other	5,336,995
Internal Restrictions	19,305,919
Unrestricted	16,676,922
Total	51,026,074

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

In addition to funds being fully allocated to fund the Operational Plan activities, funds relating to closed self-funded programs and that are subject to legislative restrictions cannot be utilised for any purpose other than that specified. Externally restricted funds include funds relating to Section 94 Contributions, Domestic Waste Management, Sewerage Management, Stormwater Management and Grants.

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.

Detailed History, including previous Council decisions

Council considered and adopted Council's Investment Policy on 30 May 2017.

Policy considerations

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.

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.

Consultation

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

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

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Discussion

During the reporting period, the investment portfolio increased by \$2.8 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 30 November 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.

Financial Implications

The matters raised in this report have direct financial implications:

- The income applicable is provided for in the 2017/2018 Adopted Operational Plan.

Fit For The Future Strategy Considerations

While this matter is not specifically aligned with any Fit For The Future Strategies, it supports the implementation of Council's Fit For The Future Plan.

Conclusion

Council has investments totalling \$51 million as at 30 November 2017, invested in accordance with Council's Investment Policy.

RECOMMENDATION:

That the Monthly Investments Report for November 2017 be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING
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Meeting Date: 30 January 2018

Item: 010 **SS - Monthly Investments Report - December 2017 - (95496, 96332)**

Previous Item: 97, Ordinary (30 May 2017)

Directorate: Support Services

PURPOSE OF THE REPORT:

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

EXECUTIVE SUMMARY:

This report indicates that Council held \$51.6 million in investments at 31 December 2017 and outlines that all investments were made in accordance with the Act, the Regulation and Council's Investment Policy.

RECOMMENDATION SUMMARY:

It is recommended that the Monthly Investments Report for December 2017 be received and noted.

REPORT:

Context and Background

The following table indicates that Council held \$51.6 million in investments as at 31 December 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%	1,600,000	3.10%	
Tcorp*					1.62%	3,031,151	5.87%	
Total On-call Investments								4,631,151
Term Investments								
ANZ	A1+	AA-	01-Feb-17	31-Jan-18	2.70%	1,000,000	1.94%	
Bankwest	A1+	AA-	13-Dec-17	12-Jan-18	2.10%	2,000,000	3.87%	
Bankwest	A1+	AA-	22-Nov-17	19-Sep-18	2.55%	1,000,000	1.94%	
Bankwest	A1+	AA-	22-Nov-17	21-Nov-18	2.55%	1,500,000	2.91%	
CBA	A1+	AA-	02-Mar-17	02-Mar-18	2.65%	1,000,000	1.94%	
CBA	A1+	AA-	17-Mar-17	14-Mar-18	2.71%	1,500,000	2.91%	
CBA	A1+	AA-	27-Apr-17	27-Apr-18	2.63%	1,500,000	2.91%	
CBA	A1+	AA-	28-Jun-17	09-May-18	2.60%	1,500,000	2.91%	
CBA	A1+	AA-	03-Aug-17	18-Jul-18	2.54%	2,000,000	3.87%	
CBA	A1+	AA-	13-Dec-17	13-Dec-18	2.57%	3,000,000	5.81%	
CBA	A1+	AA-	21-Dec-17	21-Dec-18	2.61%	1,000,000	1.94%	
CBA	A1+	AA-	24-Aug-17	23-Aug-19	2.72%	3,000,000	5.81%	

ORDINARY MEETING
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Investment Type	Institution Short Term Rating	Institution Long Term Rating	Lodgement Date	Maturity Date	Interest Rate %	Principal \$	Percentage of Portfolio	Total \$
NAB	A1+	AA-	08-Feb-17	07-Feb-18	2.60%	2,000,000	3.87%	
NAB	A1+	AA-	08-Nov-17	07-Feb-18	2.45%	500,000	0.97%	
NAB	A1+	AA-	22-Nov-17	18-Apr-18	2.45%	500,000	0.97%	
NAB	A1+	AA-	13-Dec-17	16-May-18	2.45%	2,000,000	3.87%	
NAB	A1+	AA-	16-Aug-17	16-Aug-18	2.52%	1,500,000	2.91%	
St George	A1+	AA-	24-Jan-17	24-Jan-18	2.70%	1,500,000	2.91%	
St George	A1+	AA-	22-Feb-17	22-Feb-18	2.61%	1,000,000	1.94%	
Westpac	A1+	AA-	30-Mar-17	04-Apr-18	2.70%	500,000	0.97%	
Westpac	A1+	AA-	30-Mar-17	04-Apr-18	2.70%	1,000,000	1.94%	
Westpac	A1+	AA-	14-Apr-17	18-Apr-18	2.70%	1,000,000	1.94%	
Westpac	A1+	AA-	31-Oct-17	02-May-18	2.50%	1,000,000	1.94%	
Westpac	A1+	AA-	31-May-17	31-May-18	2.65%	1,000,000	1.94%	
Westpac	A1+	AA-	14-Jun-17	14-Jun-18	2.65%	2,000,000	3.87%	
Westpac	A1+	AA-	28-Jun-17	28-Jun-18	2.65%	2,000,000	3.87%	
Westpac	A1+	AA-	05-Jul-17	05-Jul-18	2.65%	2,500,000	4.84%	
Westpac	A1+	AA-	03-Aug-17	03-Aug-18	2.60%	800,000	1.55%	
Westpac	A1+	AA-	03-Aug-17	03-Aug-18	2.60%	1,000,000	1.94%	
Westpac	A1+	AA-	03-Aug-17	03-Aug-18	2.60%	1,000,000	1.94%	
Westpac	A1+	AA-	16-Aug-17	16-Aug-18	2.65%	500,000	0.97%	
Westpac	A1+	AA-	24-Aug-17	24-Aug-18	2.70%	400,000	0.77%	
Westpac	A1+	AA-	24-Aug-17	24-Aug-18	2.70%	800,000	1.55%	
Westpac	A1+	AA-	09-Oct-17	09-Oct-18	2.70%	2,000,000	3.87%	
Westpac	A1+	AA-	08-Nov-17	08-Nov-18	2.60%	500,000	0.97%	
Total Term Investments								47,000,000
TOTAL INVESTMENT AS AT 31 December 2017								51,631,151

*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	3,031,151	1.49%	Reserve Bank Cash Reference Rate	1.50%	-0.01%
Term Deposit	47,000,000	2.60%	UBS 90 Day Bank Bill Rate	1.78%	0.82%
Total	51,631,151	2.50%			

Restricted/Unrestricted Funds

Restriction Type	Amount \$
External Restrictions -S94	10,093,860
External Restrictions - Other	5,377,057
Internal Restrictions	18,609,576
Unrestricted	17,550,658
Total	51,631,151

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

In addition to funds being fully allocated to fund the Operational Plan activities, funds relating to closed self-funded programs and that are subject to legislative restrictions cannot be utilised for any purpose other than that specified. Externally restricted funds include funds relating to Section 94 Contributions, Domestic Waste Management, Sewerage Management, Stormwater Management and Grants.

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.

Detailed History, including previous Council decisions

Council considered and adopted Council's Investment Policy on 30 May 2017.

Policy considerations

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.

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.

Consultation

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

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

ORDINARY MEETING
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Meeting Date: 30 January 2018

Discussion

During the reporting period, the investment portfolio increased by \$0.6 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 December 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.

Financial Implications

The matters raised in this report have direct financial implications:

- The income applicable is provided for in the 2017/2018 Adopted Operational Plan.

Fit For The Future Strategy Considerations

While this matter is not specifically aligned with any Fit For The Future Strategies, it supports the implementation of Council's Fit For The Future Plan.

Conclusion

Council has investments totalling \$51.6 million as at 31 December 2017, invested in accordance with Council's Investment Policy.

RECOMMENDATION:

That the Monthly Investments Report for December 2017 be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

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Meeting Date: 30 January 2018

Item: 011 **SS - Pecuniary Interest Return - Designated Person - (95496, 96333)**

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to table a Disclosure of Pecuniary Interests and Other Matters Return, which has been recently lodged by a Designated Person, as required by Section 449(1) of the Local Government Act 1993.

EXECUTIVE SUMMARY:

Councillors and other members of Council staff identified as Designated Persons under the Local Government Act are required to complete a Pecuniary Interest Return form identifying any pecuniary and other types of interests that they hold as at their date of commencement with Council.

One such Return has recently been lodged with the General Manager, and is now tabled at the first Council meeting held after the required lodgement date.

RECOMMENDATION SUMMARY:

That the information be received and noted.

REPORT:

Context and Background

Councillors and other members of Council staff who hold a position involving the exercise of functions that, in their exercise, could give rise to a conflict between the person's duty as a member of staff and the person's private interest, are identified by Council as a "Designated Person", as defined by Section 441 of the Local Government Act.

Designated Persons are required by Section 449 of the Local Government Act to complete a Return form identifying any pecuniary and other types of interests that they hold as at their date of commencement with Council.

These Return forms must be lodged with the General Manager within three months of the Designated Person's date of commencement with Council, and must be tabled at the first Council meeting held after the required lodgement date.

Policy considerations

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:*

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- (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).

Consultation

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

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Discussion

With regard to Section 450(2)(a), the following Section 449(1) Return has been lodged:

Position	Return Date	Date Lodged
Building Services Officer	3 October 2017	2 January 2018

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 Return.

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.

Fit For The Future Strategy Considerations

This matter does not align to any Fit For The Future Strategy.

Financial Implications

This matter is not specifically aligned with any Fit For The Future Strategies.

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Conclusion

The Designated Person has lodged their Section 449(1) Return with the General Manager prior to the required due date.

The Return has now been tabled at a Council meeting as required by the Local Government Act, and is available for inspection if required.

RECOMMENDATION:

That the Section 449(1) Pecuniary Interest Return be received and noted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 30 January 2018

Item: 012 **SS - Council Resolution Summary - July 2017 to December 2017 - (95496, 79337)**

Previous Item: NM2, Ordinary (24 June 2014)

Directorate: Support Services

PURPOSE OF THE REPORT:

The purpose of this report is to provide a summary of the resolutions passed by Council for the period from 1 July 2017 to 31 December 2017.

EXECUTIVE SUMMARY:

At the Ordinary meeting on 24 June 2014, Council resolved to receive a six-monthly report summarising the resolutions moved by Council in the preceding six months. This report and the attachment to the report summarises the resolutions passed by Council for the period from 1 July 2017 to 31 December 2017, excluding resolutions as outlined in the report below.

RECOMMENDATION SUMMARY:

The report recommends that the Resolution Summary for 1 July 2017 to 31 December 2017 be received and noted.

REPORT:

Context and Background

Council, at its meeting on 24 June 2014, gave consideration to a Notice of Motion regarding summarising Council resolutions. At that meeting, Council resolved, as follows:

"That Council prepare a six-monthly report summarising the resolutions passed by Council in the preceding six months, excluding resolutions not requiring action or procedural resolutions, and assigning a status to such resolutions to indicate if the action has commenced, has been completed, or a likely timeframe for completion."

Detailed History, including previous Council decisions

Following the resolution of 24 June 2014, staff determined a means to capture the required information in line with the resolution. Accordingly, based on the excluded resolutions outlined in the above resolution, it was determined that the Council report would be prepared according to the following criteria for accuracy and consistency with the resolution:

A. Inclusions for the six-monthly report are:

1. Resolutions regarding Development Applications that:
 - a) are referred to a Councillor Briefing Session
 - b) are deferred to conduct a site visit
 - c) call for a further report to be submitted to Council.
2. Resolutions regarding Conference attendances that require a follow-up report.

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3. Resolutions regarding Confidential items including:
 - a) all lease matters
 - b) all tender matters.
 4. Resolutions not in the exclusions outlined in Part B, below.
- B. Exclusions for the six-monthly report are:
1. Items with receive and note resolutions.
 2. Procedural resolutions, including the adoption of reporting publications such as, Council's Operational Plan and adoption of Council Policies.
 3. Resolutions regarding Development Applications which have been approved with conditions or refused.
 4. Resolutions regarding Conference attendance without a follow-up report.
 5. Reports of Committees where they are received and/or adopted.
 6. Resolutions regarding park usage which have been approved or refused.

Included, as Attachment 1 to this report, is a Resolution Tracking Summary for the period from 1 July 2017 to 31 December 2017, based on the Council resolutions outlined in Part A above. The Resolution Tracking Summary contains information regarding each resolution including the Council Meeting Date, Item Number, Item Description, Resolution Number, Summary of the Resolution, Responsible Officer, and the Status. The Status column of the Summary has a set of options, being "Completed / In Progress / Not Initiated" and a comments area to further expand on the progress or final actions of each resolution.

Consultation

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

Conformance to the Hawkesbury Community Strategic Plan 2017-2036

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

Our Leadership

- 1.6 Corporate Services - Support the operation of the organisation through the provision of effective and efficient corporate support services.
 - 1.6.2 Council's workforce, systems and processes will support high performance and optimal service delivery for our community.

Discussion

During the reporting period, Council determines a number of resolutions that either require staff action or are procedural in nature.

The information provided in Attachment 1 to this report, provides a summary of the resolutions that require staff action and note the action that has occurred, or is expected to occur.

The summary information as provided in Attachment 1 to this report is reviewed regularly to ensure that required actions are performed.

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Financial Implications

There are no financial implications applicable to this report.

Fit For The Future Strategy Considerations

This matter is not specifically aligned with any Fit For The Future Strategies.

Conclusion

Council resolves a number of substantive and procedural matters throughout the course of its Council Meetings. The status and information updates on the substantive resolutions are provided for in Attachment 1 to this report.

RECOMMENDATION:

That the report regarding Council resolutions for the period of 1 July 2017 to 30 December 2017 be received and noted.

ATTACHMENTS:

AT - 1 Council Resolution Summary - July to December 2017 (*Distributed under separate cover*).

oooO END OF REPORT Oooo

ordinary

section 4

reports
of committees

ORDINARY MEETING

SECTION 4 – Reports of Committees

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SECTION 4 – Reports of Committees

Item: 013 **ROC - Heritage Advisory Committee - 23 November 2017 - (124414, 80242)**

Directorate: City Planning

PURPOSE OF THE REPORT:

The purpose of this report is to present the Minutes of the Heritage Advisory Committee, held on 23 November 2017.

RECOMMENDATION SUMMARY:

A number of the matters contained within the attached minutes of the Heritage Advisory Committee have policy or financial implications to Council, and as such require special consideration by Council.

In relation to Items 3, 5, 7 and General Business as they have no policy or financial implications for Council they are presented for information only.

In relation to Items 1,2,4,6 and 8 as they have potential policy and/or financial implications, they require specific consideration by Council, the details of which are discussed below.

REPORT:

Discussion

The Committee considered staff reports on a range of matters as shown in the attached minutes (Attachment 1). The following items are of particular note to Council:

Item: 1 HAC - Missing Historical Milemarker From Road Reserve Outside 54 Windsor Street, East Richmond

The Committee considered ways in which to respond to a missing Milemarker in East Richmond, and particularly how its previous existence in front of the site could be marked by some form of plaque or interpretative signage. Following consideration of the matter, the Committee resolved as follows:

"That:

- 1. The information contained in this report be noted.*
- 2. The matter relating to the missing historical Milemarker from the road reserve outside 54 Windsor Street, Richmond be brought back to the Heritage Advisory Committee following consideration by officers of relevant publications and guidelines associated with Milestones/ Milemarkers.*
- 3. Council staff seek heritage funding to undertake the recommended conservation management actions in the Field Survey Sheet documents dated May 2014 on the remaining Milemarker post and boundary stones which would also include engaging a consultant to carry out further investigations into the history and heritage significance of the mileposts and boundary stones.*

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SECTION 4 – Reports of Committees
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4. *Council staff seek further information from the publication "Sydney Region Heritage Milestones" (Department of Public Works and Services 1999) with consideration given to keeping the original intent of the Milemarker post."*

Officers are reviewing relevant guidelines and will report back to the Committee in due course. Additionally, Officers are exploring funding opportunities in terms of Part 3 of the Committee Recommendation and will advise the Committee.

Item: 2 HAC - Reports of Heritage Advisory Committee Working Groups

The Heritage Advisory Committee currently has two separate working groups, including:

- Heritage Study/Inventory Working Group;
- Heritage Awards Working Group

Updates from both working groups were provided at the meeting, and following discussion on the matter the Committee resolved:

"That the:

1. *Heritage Advisory Committee Heritage Study/Inventory Working Group and the Heritage Awards Working Group present their updates on the activities of each working group since the last Committee Meeting.*
2. *Proposal tabled by the Heritage Awards Working Group for the implementation of a Heritage Awards event be put to Council for approval and inclusion in the 2018/19 budget and further expert advice with respect to Heritage Awards is sought."*

In terms of Part 2 of the Committee Recommendation, this will be included within the 2018/2019 Budget process for consideration by Council. At that stage, it is expected that Council would have received notification of the outcome of its funding applications to the Office of Environment and Heritage as outlined in Item 8 of the Minutes.

Item: 4 HAC - Potential State Heritage Listing of Macquarie Towns

The Committee considered a report on previous attempts by Council and the Committee for a State Heritage listing of the five Macquarie Towns to preserve the Conceptual Town Plans of the Hawkesbury as laid out by Governor Lachlan Macquarie. Following discussion on the matter, the Committee resolved:

"That the matter of State Heritage listing of the five Macquarie Towns to preserve the Conceptual Town Plans of the Hawkesbury as laid out by Governor Lachlan Macquarie be revisited by the Heritage Advisory Committee, for consideration of further representations to Council and the Office of Environment and Heritage."

Officers will report back to the Committee and subsequently Council in terms of this matter.

Item: 6 HAC - Preparation of the Thompson Square Conservation Management Plan

The Committee considered a report detailing the commencement of consultancy works associated with the Preparation of a Conservation Management Plan for Thompson Square and Heritage Impact Statement of the Windsor Bridge Replacement Project. Following discussion on the matter, the Committee resolved:

"That:

1. *The Heritage Advisory Committee recommend that Council write to the appropriate Ministers if they have not already done so, as well as the Local State Member, Mr Dominic Perrottet, recommending that the RMS cease work on the Windsor Bridge Replacement Project until the findings of the Upper House Inquiry are finalised.*

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2. *Council has engaged independent experts at significant cost to prepare a Thompson Square Conservation Management Plan as well as a Statement of Heritage Impact of the current bridge on Thompson Square."*

Subsequent to the Committee Meeting, Council's Ordinary Meeting on 28 November 2017 considered a Mayoral Minute regarding the Upper House Inquiry into the Windsor Bridge Replacement Project. Following consideration of the matter, the Council resolution from that meeting included the Heritage Advisory Committee resolution in terms of providing written correspondence to the Local State Member in addition to the Premier and Minister for Roads, Maritime and Freight.

Item: 8 HAC - Opportunities for Office of Environment & Heritage - Heritage Near Me Funding

The Committee received an outline of and discussed the Project Plans for possible funding opportunities including the Heritage Study, Cemeteries Management and works on individual properties that had applied for funding through the Office of Environment and Heritage.

The Committee was advised that the four main areas that need to be prioritised in the Project Plans included:

- Providing outcomes around gaining skills and knowledge by trades people and heritage item owners.
- Creating sustainable strategies.
- Creating collaboration and partnerships.
- Identifying methods to gain community engagement in the projects.

It is expected that the outcome of those funding applications to the Office of Environment and Heritage will be known shortly, and the Committee and Council will be advised accordingly.

RECOMMENDATION:

That in relation to the Minutes of the Heritage Advisory Committee Meeting held on 23 November 2017:

1. Council receive and note the Committee Minutes in respect of Items 3, 5 and 7.
2. Council endorse the Committee Recommendations in respect of Item 1, namely:

"That:

1. *The information contained in this report be noted.*
2. *The matter relating to the missing historical Milemarker from the road reserve outside 54 Windsor Street, Richmond be brought back to the Heritage Advisory Committee following consideration by officers of relevant publications and guidelines associated with Milestones/ Milemarkers.*
3. *Council staff seek heritage funding to undertake the recommended conservation management actions in the Field Survey Sheet documents dated May 2014 on the remaining Milemarker post and boundary stones which would also include engaging a consultant to carry out further investigations into the history and heritage significance of the mileposts and boundary stones.*

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4. *Council staff seek further information from the publication "Sydney Region Heritage Milestones" (Department of Public Works and Services 1999) with consideration given to keeping the original intent of the Milemarker post."*
3. Council endorse the Committee Recommendations in respect of Item 2, namely:

"That the:
 1. *Heritage Advisory Committee Heritage Study/Inventory Working Group and the Heritage Awards Working Group present their updates on the activities of each working group since the last Committee Meeting.*
 2. *Proposal tabled by the Heritage Awards Working Group for the implementation of a Heritage Awards event be put to Council for approval and inclusion in the 2018/19 budget and further expert advice with respect to Heritage Awards is sought."*
4. That in respect to part 2. above of the Committee Recommendations for Item 2, a further report regarding the inclusion of this event within the 2018/2019 Budget process will be prepared for consideration by Council."

ATTACHMENTS:

AT - 1 Minutes of the Heritage Advisory Committee held on 23 November 2017

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AT - 1 Minutes of the Heritage Advisory Committee

held on 23 November 2017

The meeting commenced at 5:31pm.

Present:	Councillor Danielle Wheeler, Chairperson Mr Graham Edds, Deputy Chairperson Councillor Peter Reynolds, Hawkesbury City Council Ms Abigail Ball, Community Representative Mr Michael Edwards, Community Representative Ms Janice Hart, Community Representative Professor Ian Jack, Community Representative Ms Helen Mackay, Community Representative Ms Judy Newland, Community Representative Mr Steve Rawling AM, Community Representative Ms Venecia Wilson, Community Representative Ms Deborah Hallam, Community Representative
Apologies:	Councillor Nathan Zamprogno, Hawkesbury City Council Ms Michelle Nichols, Community Representative
In Attendance:	Mr Matthew Owens, Hawkesbury City Council Mr Andrew Kearns, Hawkesbury City Council Mr Peter Conroy, Hawkesbury City Council Mr Craig Johnson, Hawkesbury City Council Ms Robyn Kozjak - Minute Secretary, Hawkesbury City Council

REPORT:

RESOLVED on the motion of Mr Edds and seconded by Councillor Reynolds that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Mr Edds and seconded by Councillor Reynolds that the Minutes of the Heritage Advisory Committee held on the 3 August 2017, be confirmed.

Attendance Register of Heritage Advisory Committee

Member	23/11/2017			
Councillor Danielle Wheeler, Chairperson	✓			
Mr Graham Edds, Deputy Chairperson	✓			
Councillor Peter Reynolds	✓			
Councillor Nathan Zamprogno	A			
Ms Abigail Ball	✓			
Mr Michael Edwards	✓			
Professor Ian Jack	✓			
Ms Helen Mackay	✓			
Ms Judy Newland	✓			
Ms Michelle Nichols	A			
Mr Steve Rawling AM	✓			
Ms Venecia Wilson	✓			
Ms Janice Hart	✓			
Ms Deborah Hallam	✓			

Key: A = Formal Apology

✓ = Present

X = Absent - no apology

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The Chair advised of a change to the Order of Business as follows:

1. HAC - Preparation of the Thompson Square Conservation Management Plan (CMP) - (Item 6)
2. HAC - Opportunities for Office of Environment & Heritage - Heritage Near Me Funding - (Item 8)
3. HAC - Potential State Heritage Listing of Macquarie Towns - (Item 4)
4. HAC - Reports of Heritage Advisory Committee Working Groups - (Item 2)
5. HAC - Local Heritage Assistance Fund 2017/2018 - Minor Improvements/Conservation Works to Heritage Listed Residential Properties in the Windsor and Richmond Historic Townships - (Item 7)
6. HAC - Update on Heritage Information/Assistance - (Item 3)
7. HAC - Missing Historical Milemarker From Road Reserve Outside 54 Windsor Street, East Richmond - (Item 1)
8. HAC - Review of Delegations of Authority under Section 377 of the Local Government Act 1993 in relation to the Heritage Advisory Committee of Council and Objectives of the Committee - (Item 5)
9. General Business.

SECTION 3 - Reports for Determination

ITEM: 1 HAC - Missing Historical Milemarker From Road Reserve Outside 54 Windsor Street, East Richmond - (80242, 124414)

DISCUSSION:

- Discussion occurred on whether there should be something in vertical form such as a bollard with a plaque placed on top.
- Mr Cserhalmi recommended staff refer to the publication "*Sydney Region Heritage Milestones*" (Department of Public Works and Services 1999).

Mr Edds advised he holds that publication.

Mr Edds subsequently sent an email to advise he no longer had that document and provided a copy of "Miles, Milestones, Tolls and Turnpikes" prepared by the Department of Main Roads (NSW).

RECOMMENDATION TO COMMITTEE:

That:

1. The information contained in this report be noted.
2. The Heritage Advisory Committee support and endorse the replacement of the missing Milemarker post with a plaque containing pictures of the pre-existing post with an explanation of the purpose of the historic piece of road infrastructure.

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3. Council staff seek heritage funding to undertake the recommended conservation management actions in the Field Survey Sheet documents dated May 2014 on the remaining Milemarker post and boundary stones which would also include engaging a consultant to carry out further investigations into the history and heritage significance of the mileposts and boundary stones.

MOTION:

RESOLVED on the motion of Ms Mackay, seconded by Ms Hart.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The information contained in this report be noted.
2. The matter relating to the missing historical Milemarker from the road reserve outside 54 Windsor Street, Richmond be brought back to the Heritage Advisory Committee following consideration by Officers of relevant publications and guidelines associated with Milestones/ Milemarkers.
3. Council staff seek heritage funding to undertake the recommended conservation management actions in the Field Survey Sheet documents dated May 2014 on the remaining Milemarker post and boundary stones which would also include engaging a consultant to carry out further investigations into the history and heritage significance of the mileposts and boundary stones.
4. Council staff seek further information from the publication "*Sydney Region Heritage Milestones*" (Department of Public Works and Services 1999) with consideration given to keeping the original intent of the Milemarker post.

Item: 2 HAC - Reports of Heritage Advisory Committee Working Groups - (80242, 124414)

DISCUSSION:

- Ms Wilson advised that she is progressing the transfer of data from the existing inventory sheet listings into a new searchable database.
- Reference was made to previous discussions regarding the collection of information from organisations (with an interest in history) to assist in identifying potential listings. Ms Wilson and Mr Edds agreed to draft an introductory letter to be sent to organisations (west of the river as previously agreed). Other Committee members were asked to provide names and contact details of relevant organisations (historical societies etc) and forward to staff.

Subsequent to the meeting, an email was received by Mr Rawling AM, advising of the comprehensive historical information held by the Kurrajong-Comleroy Historical Society - further details can be found at www.kurrajonghistory.org.au.

- A proposal for the implementation of a Heritage Awards Program at HCC was tabled by the Heritage Awards Working Group. It was agreed the proposal be put to Council for approval and inclusion in the 2018/2019 budget process. There would be 18 months to plan and execute the event which should provide sufficient time for HCC staff to organise.

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- Mr Conroy offered to contact staff from Marrickville Council who have extensive experience in running Heritage Awards and invite them to a future Heritage Advisory Committee. Contact will also be made with Shaun Carter, Principal Architect (former NSW Chapter President, Australian Institute of Architects).

RECOMMENDATION TO COMMITTEE:

That the Heritage Advisory Committee Heritage Study/Inventory Working Group and the Heritage Awards Working Group present their updates on the activities of each working group since the last Committee Meeting.

MOTION:

RESOLVED on the motion of Mr Edds, seconded by Ms Mackay.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the:

1. Heritage Advisory Committee Heritage Study/Inventory Working Group and the Heritage Awards Working Group present their updates on the activities of each working group since the last Committee Meeting.
2. Proposal tabled by the Heritage Awards Working Group for the implementation of a Heritage Awards event be put to Council for approval and inclusion in the 2018/19 budget and further expert advice with respect to Heritage Awards is sought.

Item: 3 HAC - Update on Heritage Information/Assistance - (80242, 124414)

Previous Item: GB, HAC (3 August 2017)

RECOMMENDATION TO COMMITTEE:

That the:

1. Information be received and noted.
2. Heritage Advisory Committee members provide relevant information for inclusion into the compilation of the "plain language" heritage information sheets.

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MOTION:

RESOLVED on the motion of Mr Edwards, seconded by Mr Edds.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the:

1. Information be received and noted.
2. Heritage Advisory Committee members provide relevant information for inclusion into the compilation of the “plain language” heritage information sheets.

Item: 4 HAC - Potential State Heritage Listing of Macquarie Towns - (80242, 124414)

Previous Item: 1, HAC (25 November 2009)
 1, HAC (11 February 2010)
 3, HAC (12 August 2010)

DISCUSSION:

- The Committee agreed to make further representation to Council and the Office of Environment and Heritage in relation to the matter of listing the five Macquarie Towns.
- Discussion arose in relation to Castlereagh being included in the listing and it was suggested that Penrith City Council may be supportive of such an approach.

RECOMMENDATION TO COMMITTEE:

That the matter of State Heritage listing of the five Macquarie Towns to preserve the Conceptual Town Plans of the Hawkesbury as laid out by Governor Lachlan Macquarie be revisited by the Heritage Advisory Committee, for consideration of further representations to Council and the Office of Environment and Heritage.

MOTION:

RESOLVED on the motion of Ms Mackay, seconded by Mr Edwards

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the matter of State Heritage listing of the five Macquarie Towns to preserve the Conceptual Town Plans of the Hawkesbury as laid out by Governor Lachlan Macquarie be revisited by the Heritage Advisory Committee, for consideration of further representations to Council and the Office of Environment and Heritage.

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SECTION 4 - Reports for Information

Item: 5 **HAC - Review of Delegations of Authority under Section 377 of the Local Government Act 1993 in relation to the Heritage Advisory Committee of Council and Objectives of the Committee - (80242, 124414)**

RECOMMENDATION TO COMMITTEE:

That the information be received and noted.

MOTION:

RESOLVED on the motion of Professor Jack, seconded by Mr Edwards.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received and noted.

Item: 6 **HAC - Preparation of the Thompson Square Conservation Management Plan (CMP) - (80242, 124414)**

DISCUSSION:

- Mr Kearns gave an overview of the report in relation to the commencement and preparation of the Thompson Square Conservation Management Plan.

5:34pm - Matt Owens arrived at the meeting.

5:35pm - Helen Mackay arrived at the meeting.

- Reference was made to an Upper House Inquiry into the Windsor Bridge Replacement Project.
- It was noted that Council had previously resolved against Option 1 for the Windsor Bridge Replacement Project and had determined to forward letters to relevant Ministers and the Local Member expressing its concerns with the Project.
- The majority of the Committee agreed to make further contact with the appropriate Ministers and Local State Member in relation to the cessation of works on the Windsor Bridge Replacement Project until the findings of the Upper House Inquiry are finalised.

RECOMMENDATION TO COMMITTEE:

That the information be received.

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MOTION:

RESOLVED on the motion of Mr Edds, seconded by Mr Rawling AM.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. The Heritage Advisory Committee recommend that Council write to the appropriate Ministers if they have not already done so, as well as the Local State Member, Mr Dominic Perrottet, recommending that the RMS cease work on the Windsor Bridge Replacement Project until the findings of the Upper House Inquiry are finalised.
2. Council has engaged independent experts at significant cost to prepare a Thompson Square Conservation Management Plan as well as a Statement of Heritage Impact of the current bridge on Thompson Square.

Professor Jack and Councillor Reynolds each declared a conflict of Interest in this matter.

Ms Newland advised she was against the Motion.

Item: 7 **HAC - Local Heritage Assistance Fund 2017/2018 - Minor Improvements/Conservation Works to Heritage Listed Residential Properties in the Windsor and Richmond Historic Townships - (80242, 124414)**

Previous Item: Item 5 - HAC 25 May 2017

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Mr Edds, seconded by Professor Jack

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

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Item: 8 **HAC - Opportunities for Office of Environment & Heritage - Heritage Near Me Funding - (124414, 80242)**

Previous Item: 7 HAC 23 February 2017
 3 HAC 25 May 2017
 3 HAC 3 August 2017

DISCUSSION:

Mr Edds declared a conflict of interest in this matter.

- An outline of the Project Plans for possible funding opportunities was outlined, including the Heritage Study, Cemeteries Management and works on individual properties that had applied for funding through the Office of Environment and Heritage.

The four main areas that need to be prioritised in the Project Plan were highlighted, being:

- Providing outcomes around gaining skills and knowledge by trades people and heritage item owners.
 - Creating sustainable strategies.
 - Creating collaboration and partnerships.
 - Identifying methods to gain community engagement in the projects.
- It was noted 20 applications had been lodged for the Heritage Near Me funding (staff had become aware of three further applications since writing the report).
 - Mr Cserhalmi made comment that Schedule 5 of Council's LEP was based on a 1980's heritage study and was in need of review. At present there are between 500 - 600 heritage items and that is likely to double once layers and themes are added. Barns have not been included in Schedule 5. Landscapes have not been focussed upon. Themes are important to protect items, as is indigenous archaeology.

5:54pm Mr Conroy arrived at the meeting.

- A more modern section (post WW2) needs to be added - all town planning layers should be incorporated including roads, bridges, milestones, farms, farms implements, interiors (Schedule 5 only relates to listing outside of buildings).

Mr Edwards declared a conflict of interest in this matter as he had submitted an application to the Heritage Near Me Team (OEH).

RECOMMENDATION TO COMMITTEE:

That the information be received.

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MOTION:

RESOLVED on the motion of Ms Hart, seconded by Ms Newland.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

SECTION 5 - General Business

Release for Comment of Greater Sydney Commission's Revised Draft Western City District Plan

Information received and noted.

Bowman Cottage and barn near Tebbutts Observatory

It was noted the verandah of the cottage was limewashed instead of oiled.

It was suggested staff involved in co-ordinating and / or undertaking works on Council's heritage buildings be provided with training opportunities to upskill.

Mr Cserhalmi advised he would attend the Cottage and the barn at the back of the Observatory on the next Heritage Advisory day.

Town Centres Master Plan Project Group

An email will be forwarded to the Committee advising of the meeting date of the combined meeting between the Heritage Advisory Committee, Town Centres Master Plan Project Group and Tourism Advisory Committee.

Singletons Reserve - State Listing the archaeological site of Singletons Mill, dam site and mill race

Mr Johnson provided an update on the progress of the proposed listing of the archaeological site of Singletons Mill, dam site and mill race.

Signposting in and Near Heritage Items in Kurrajong Heights

Signage at Kurrajong Heights is the subject of an ongoing investigation.

Jolly Frog - Status

- Two DA's approved since the fire in 2014. The first (DA0631/15) was for the partial demolition of the structure, being the 1930's/1940's additions that are not heritage listed - approved 2016. Condition required a roof to be put on to the heritage listed part of the building - DA0628/16 approved for the roof in January 2017.
- Construction approval issued in March 2017.
- After the fire the asbestos was stabilised but not removed (building too unsafe). A hygienist is on site for the demolition works and has identified existing areas and looked at other suspect areas for removal.
- WorkCover asking for more to be put in place so no demolition work or asbestos removal at the present time.
- Asbestos removal should commence tomorrow (24 November 2017).
- The site Foreman advised that the roof was to go on within 60 days from when they commence (ie 24 November 2017).

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- The area is a construction site which contains asbestos. It is dangerous and police will be called if trespassers caught.
- Residents will be notified when works are to commence.

Mr Edds declared a conflict of interest as he was the historian on the Conservation Management Plan.

Future HAC meetings

Ms Kozjak to send an email to members early in 2018 with future meeting dates with an aim for the first HAC meeting to occur in February 2018.

"Rutherglen" - March Street Richmond

A query was made in relation to works/scaffolding around "Rutherglen" - a two storey building in March Street Richmond (opposite Shaddick Lawyers). Staff to investigate if a development application has been received for those works.

Subsequent investigation by staff indicated the property is the subject of DA0485/16 - Demolition of existing pool and construction of new pool.

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TABLED CORRESPONDENCE

Proposal for the implementation of a Heritage Awards Program at Hawkesbury City Council

Proposal for the implementation of a Heritage Awards Program at Hawkesbury City Council

*Heritage Awards Working Group
(Abigail Ball, Michael Edwards, Janice Hart, Prof. Ian Jack and Helen Mackay)
Hawkesbury City Council Heritage Advisory Committee*

Background

The Hawkesbury LGA contains a wealth of nationally significant built heritage. The importance of Hawkesbury's heritage to the community is consistently recorded in community consultations. However, heritage can be viewed negatively due to perceived restrictions to development, high costs of repair and maintenance, reduced insurance options, and the perception that by protecting and celebrating our built heritage we are limiting our opportunities.

As a way of celebrating heritage in their communities, many NSW councils have introduced local heritage award programmes; some having been run successfully for a number of years with increasing popularity during this time. These awards take on varying forms, but many councils use them as a tool to promote heritage within their communities and to thank those members of the community who have made a positive contribution to their local heritage. Many awards are organised so that their prize-giving ceremonies coincide with other flagship heritage events.

"The awards also seek to recognise the considerable effort that property owners undertake in maintaining and caring for older buildings. It is also hoped that the awards will foster greater community interest and concern for the conservation of all heritage items within the Council area." Orange City Council

"The annual Heritage Awards recognise projects that maintain and promote the restoration, preservation and sympathetic additions/alterations to heritage buildings within the Local Government Area." Queanbeyan-Palerang Regional Council

"[The Marrickville Medal for Conservation] celebrates built conservation works that contribute to the understanding and preservation of the Inner West's rich cultural and architectural heritage." Inner West Council

"They provide an opportunity to say thank you to the many dedicated owners, businesses, groups and individuals who work tirelessly to conserve Ballarat's significant heritage." City of Ballarat

Hawkesbury City Council currently runs or sponsors several community awards programmes for varying sectors of the community; the annual garden competition maintains a similar format to many of the heritage awards run in other LGAs and aspects of this may be carried over to any heritage awards.

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In implementing heritage awards within the Hawkesbury City Council LGA, consideration needs to be given to benefits to the local community, community engagement and costs to Council.

Objectives

The introduction of annual heritage awards aims to:

- Recognise positive contributions to Hawkesbury's built heritage by members of the public.
- Raise the profile of the cultural heritage within the local community, and encourage community engagement and participation in heritage events.
- To make heritage, and the celebration of heritage, more accessible to the local community.

Proposed format for Hawkesbury City Council's Heritage Awards

It is proposed that the heritage awards are run annually. They will be timed to lead into the National Trust's Australian Heritage Festival which begins in mid-April each year, and that an awards prize-giving event will be hosted during the festival.

Funding

In general, it is proposed that funding for a heritage awards programme would come from Hawkesbury City Council and would be a council-branded initiative, although there may be some scope for business sponsorship of individual categories. Similar schemes, such as the garden competition, currently cost council approximately \$5000 per annum, plus administrative staff time.

The likely costs to consider in running local heritage awards on an annual basis, include advertising (local newspaper, mail out to heritage property owners, social media), staff administration, photography and judging, awards event, and prizes. Once the structure is in place, the awards can continue to run from year to year with little additional input from council staff.

It is thought that costs could be reduced by utilising council's own venues, encouraging business sponsorship and the use of volunteers where possible. Promoting the event through features such as the Mayor's column in the Hawkesbury Gazette, would be a way to advertise at no additional cost.

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Award categories

Whilst the primary aim of the awards is to reward positive contributions to the Hawkesbury's heritage, they also offer an opportunity for members of the community to get involved in celebrating their local heritage. Categories need to be broad, to capture the maximum number of entries, and accessible to those with limited heritage involvement.

Proposed categories:

• **Best restoration or adaptive reuse**

To be considered in this category, works must have obtained all necessary exemptions or approvals, demonstrate sound conservation practice as per Burra Charter guidelines, and show creativity with a new use that is complementary to the significance of the heritage item. Works must have been completed within the past five years (to be revised to two years should the awards continue beyond the first year). Items do not need to have a local or state heritage listing, but the original building must have been built prior to 1950.

• **Best addition to a heritage building or best new build in a heritage area**

To be considered in this category, works must have obtained all necessary heritage exemptions or approvals, demonstrate sound conservation practice as per the Burra Charter, and demonstrate an appropriate relationship to heritage in terms of scale, form, materiality and overall visual relationship. Works must have been completed within the past five years (to be revised to two years should the awards continue beyond the first year). Items do not need to have a local or state heritage listing, but the original building must have been built prior to 1950.

• **Outstanding contribution to heritage**

To be awarded to an individual (or organisation) who has made an outstanding contribution to the promotion, enhancement or protection of items or places of cultural heritage significance within the Hawkesbury, or made an outstanding contribution to the advancement of Hawkesbury's local history.

• **Special heritage skills**

To be awarded to an individual (or organisation) for their use of specialist skills or traditional methods and craftsmanship, and demonstration of best practice in heritage conservation in the Hawkesbury.

• **Best presented heritage building**

This category is designed to encourage civic pride and to allow maximum participation in the heritage awards programme. It is open to all residents and commercial businesses in the Hawkesbury LGA who own or occupy a building built prior to 1950. Presentation and street appeal is an important component, with consideration given to heritage features and authenticity.

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Judging

Judging is to be undertaken by the Heritage Advisory Committee, a smaller panel comprised of HAC members, or other industry professionals or community members.

A shortlist of finalists will need to be prepared several weeks prior to the prize-giving to allow sufficient time to run the People's Choice component.

Prize giving and category winners

Participants and their families should be invited to a prize-giving event, where winners in each category can be awarded their prizes. Howe House and the Museum would be an ideal location for a heritage event, giving Hawkesbury City Council an opportunity to display and celebrate its own heritage building. However, this would likely depend on availability, capacity and space to display photographic entries.

A small brass plaque with award category, year, and HCC branding (Appendix A) to be affixed to the winning building in public view would serve to both recognise individual contribution, and promote heritage and the heritage awards within the community. Guidelines for fixing such a plaque to a heritage building will be required.

For the Special Heritage Skills and Photography categories a trophy instead of a plaque would be more suitable.

It would also be desirable for a monetary prize to be presented along with the winner's plaque or trophy. This is an ideal opportunity to encourage the involvement of local businesses to become involved as potential category sponsors.

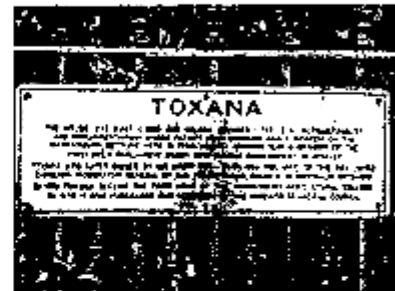
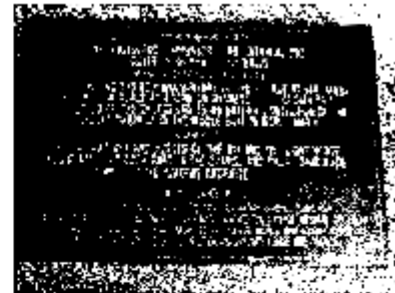
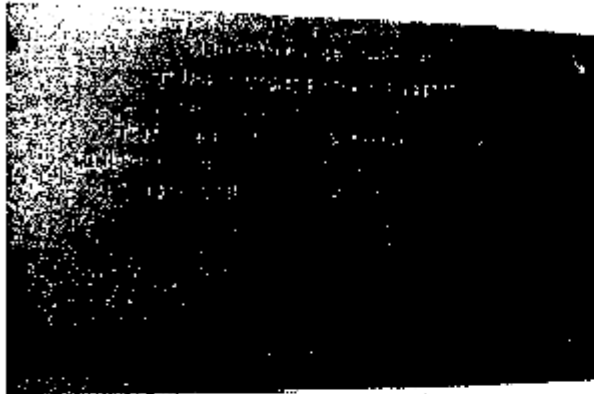
Approximate timeline

February 2018	Announce HCC Heritage Awards for 2018 (feature in Hawkesbury Gazette inviting people to get involved) (Category guidelines and entry forms available both online and at council chambers, library and museum.)
late March 2018	Entries close
early April 2018	Judging
mid April 2018	Start of the Australian Heritage Festival Announce shortlist of finalists for People's Choice (feature in Hawkesbury Gazette, display and voting forms in Library, etc., website live.)
mid May 2018	Heritage Awards prize-giving event at Howe House (winners to feature in Hawkesbury Gazette and online.)

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Appendix A. Plaques

Examples of plain brass plaques in the Hawkesbury Local Government Area.



Example of potential Heritage Awards plaque: modest size, simple design and brief text to reduce costs.



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Appendix B. Sample entry form

Hawkesbury City Council Heritage Awards 2017 Entry Form

Your details: Name

Organisation

Address

Phone

Email

Are you nominating yourself ☐ or someone else ☐?

If you are nominating someone else, please provide their details:

Name

Organisation

Address

Phone

Email

Select ONE of the following categories:

1. Best restoration or adaptive reuse ☐
2. Best addition to a heritage building or best new build in a heritage area ☐
3. Outstanding contribution to Hawkesbury's heritage ☐
4. Special heritage skills ☐
5. Best presented heritage item ☐

* Entries for heritage photography require a separate form

Please provide a brief description of the entry and provide any supporting photographs.

Signature

Date

Further information and conditions for entry can be found at hawkesbury.nsw.gov.au

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Publication - Miles Milestones Tolls & Turnpikes - (DMR)

Provided by Graham Edds - (post meeting)

GRAHAM EDDS & ASSOCIATES
44 Cedar Ridge Road
KURRAJONG 2758 N.S.W.

MILES



MILESTONES

TOLLS &

TURNPIKES

Miles and Milestones

Lachlan Macquarie's systematic erection of numerous permanent public works during his term as Governor of New South Wales (1810-1821) was the public avowal of his private belief that the colony was the beginning of a new corner of Empire. To him is usually attributed the credit for the erection of the first milestones in New South Wales.

The word "milestone," with its essential association with roads and travel, seems to exude an aura of old-world romanticism. In early times, when foot, horse-back and horse-drawn carriage were the modes of travel, the milestone was an eagerly awaited record and friendly guide to the traveller. To-day, route maps, adequate signposts, and the speedometer have rendered the traveller by motor vehicle more or less independent of milestones in their original role. However, the need for maintaining and improving the roads has given milestones a new and important part to play. Though they still serve the traveller, they also provide clearly defined reference points along the roads, and are used to indicate readily the precise position and extent of any work that is to be done on the roads.

THE MILE.

"Mile," a terrestrial measure of length, is derived from the Latin "mille," meaning a thousand, and the Roman mile consisted of one thousand paces, each of

five Roman feet. The pace was the distance covered in marching from the point where one foot was lifted from the ground till the same foot came down again. 11.65 to 11.62 inches constituted the Roman foot, so that the Roman mile was less than the English mile by from 142-144 yards.

The English mile was borrowed with some latitude from the Romans. Before the time of Elizabeth, scientific writers made use of a mile of 5,000 English feet, i.e., 12 inches to the foot, from the notion that this was the Roman mile, forgetting the difference in value between the English and Roman foot. However, there was no regularity and it was quite common for an individual district to have its own local mile.

During the reign of Elizabeth, the growth of London proceeded with such rapidity that an Act was passed to prohibit building within three miles of the city; this law necessitated the definition of a legal mile. The perch, the oldest English linear measure, had been defined by statute as $5\frac{1}{2}$ yards. In defining the mile it was enacted that 40 perches constituted a "furrow-long" or furlong, and 8 furlongs were a mile. The Act to prohibit building within three miles of the city was not generally applied, but the Post Office adopted the 8-furlong mile in the reign of James I (1603-1625).

The introduction of the measured mile was due to John Ogilby, Cosmographer to Charles II. The instrument, "wheel-meter," he used for measuring was a tape ten miles long mounted on a wheel, which was pushed forward by one man while another read the distances.

The eight-furlong mile was not legalised until the general Act for the Establishing of Uniform Weights and Measures in 1824.

ROMAN MILESTONE.

The custom of placing milestones on the roads in Europe was begun by Caius Gracchus (154-120 B.C.). Plutarch tells us "he divided all the road into miles of near eight furlongs each, and set up pillars of stone to mark the divisions. He likewise erected other stones, at proper distances on each side of the way, to assist travellers who rode without servants, to mount their horses."

A typical Roman milestone was of cylindrical form, standing above the ground 6 or 7 feet, and having a diameter of nearly two feet. It was generally inscribed with the name of the Emperor in whose reign it was erected, and the mileage. The Romans called milestones "milliarii lapides." The initials "M.P." (mille passus) placed on the posts stood for "mile."

On page 128 is a reproduction of a Roman milestone now standing on the Capitol in Rome, but which originally stood on one of the highways radiating from the city to mark the first mile. The rest of the inscription refers to the Emperors Vespasian and Nerva by whom it was successively restored.



LACHLAN MACQUARIE.
Governor of New South Wales, 1810-1821.

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Roads in general received little attention after Caius Gracchus until Augustus Caesar (63 B.C.—14 A.D.) undertook a thorough repair of the road system. He paid from his own purse the cost of reconstructing the

Via Flaminia, the great North Road from Rome to Ariminum (modern Rimini) on the Adriatic Sea. Great roads—"viae Augustae"—were laid everywhere.

To ensure more timely repairs in future, Augustus in 20 B.C. created a permanent board of "curatores viarum," who were made responsible for the maintenance of the main highways. He commemorated his formal appointment as head commissioner of all roads by placing a pillar covered with gilded bronze in the Forum near the temple of Saturn, with the distances of all the chief places along the great roads measured from the thirty-seven city gates from which these roads branch out.

Milestones were erected in nearly every province of the Roman Empire. There are not many extant in England, as in later times they were often broken up to fill pot holes in the road. Central pillars, in imitation of the "milliarium aureum" in the Forum at Rome, were often set up in the large provincial cities.

The oldest Roman milestone known in England was found on the Foss Way two miles from Leicester in 1771. It was of cylindrical form resting on a quadrangular base. Still decipherable on the stone was the fact that it was erected in A.D. 120 in the reign of Hadrian.

A milestone found near Aber, in North Wales, was 6 feet 7 inches high and 19 inches in diameter. On it was inscribed: "The Emperor Caesar Trajanus Hadrianus Augustus, high priest, possessed of the tribunitian power, father of his country, consul for the third time. From Kanovium eight thousand paces."

The practice of placing milestones died out in Britain after the Romans. Although signposts were erected in the Middle Ages, for they were recorded in 1598, and as being especially good in Lancashire in 1695, milestones were only re-introduced about 1720. They were later made compulsory by various turnpike Acts, including those of 1744, 1766 and 1773. Milestones and the penalties imposed upon persons injuring them are mentioned in the reign of George III (1760-1820).

MILESTONES IN NEW SOUTH WALES.

The exact date of the erection of the first milestones in New South Wales is not available in the early records of the colony, but the indications point to a date between 1814 and 1816.

The first milestone at the south-east corner of George and Liverpool Streets is inscribed on the northern side "Parramatta XIV miles" and on the southern side "1 Mile from Macquarie Place." At one time the stone was much larger, but time and misadventure reduced its size and destroyed its original shape. In 1903 the stone was removed and recut, in the process of which it was made much smaller. This stone stands as a reminder of the days when the town of Sydney clustered chiefly near the water's edge; when Liverpool Street was the cross road leading to and from Surry Hills.

The credit for the making of the first milestones in the colony belongs to Edward Cureton. In the Police Fund Quarterly Account, ending 30th September, 1814, stands the entry, "Edward Cureton for Fifty-four milestones. £40 10s. 0d."



Roman milestone which marked the first mile from Rome.

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By 1816 milestones had been laid along the Parramatta, Liverpool and South Head Roads. These dignified monuments, however, were not proof against local vandals whose mischievous behaviour in altering the Roman numerals became so serious as to occasion a public notice that "several of the milestones which were some time since erected by the Government for the public use and accommodation along the New Roads leading from Sydney to the Interior . . . having been of late wantonly and mischievously defaced and injured, it is hereby publicly notified that any Person who shall hereafter break, deface or injure any of the Milestones on the said Roads will be prosecuted according to the Law and on Conviction severely and exemplarily punished." (*Sydney Gazette*, 26th October, 1816.)

On the Great Western Road beyond Penrith mile marking was simultaneous with construction. Cox's journal, written at the time of building the road, reveals the system of mile-marking he used. His entry for 27th July, 1814, reads, "measured the ground from the ford in the river to the creek leading from Emu Plains to the mountain, three miles, marked the trees at the

end of each mile at the left side of the road." Wooden mileposts were later erected on this road west of Penrith.

In 1818, to acknowledge that New South Wales had ceased to be a settlement and was beginning to be a country, Governor Macquarie set aside "an allotment of ground in the centre of the town, named Macquarie Place, enclosed with a dwarf wall and wooden railing; planted with shrubbery and having a stone obelisk erected in the centre of it, to measure the distances in miles to all the different settlements in the interior of the country." ("Report on the Colony of New South Wales in July, 1822"—L. Macquarie.) This obelisk, which is illustrated on the front cover, still stands in Macquarie Place.

On 20th October Edward Cureton was paid an advance sum to erect the obelisk which was to cost "eighty-five pounds sterling" and "to be completed within six months from this date, according to the plan and elevation delivered to the Contractor" (Macquarie's Journal, 19th September, 1816.)

Francis Howard Greenway, architect of many of the first public buildings in the colony, designed this, the first decorative column in the country.



TYPICAL OLD MILESTONES.

1. On south-eastern corner of George and Liverpool streets, Sydney.
2. On Hume Highway between Liverpool and Crossroads.
3. At intersection of Elizabeth and George streets, Liverpool.

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FRANCIS HOWARD GREENWAY.
Designer of obelisk in Macquarie-place, Sydney.

On one side of this "very handsome stone obelisk" (Macquarie's Journal) is inscribed:—

This Obelisk
was erected in
Macquarie Place
A.D. 1818.
To Record that all the
Public Roads
Leading to the Interior
of the Colony
are Measured from it
L. Macquarie Esq.
Governor

On the other side:—

Principal Roads.

Distance from Sydney to Bathurst 137 Miles.
From Sydney—

To Windsor 35 $\frac{1}{2}$ Miles.
To Parramatta 15 $\frac{1}{2}$ Miles.
To Liverpool 20 Miles.
To Macquarie Tower at the South Head 7 Miles.
To the North Head of Botany Bay 14 Miles.

Ultimately milestones, many of which are still extant, were erected on the Great Western Road as far as Penrith, on the Windsor Road from Parramatta to Windsor, on the South Head Road, on the Southern



Historic monument outside Liverpool Railway Station serves
as memorial to Captain Cook and as a milestone.

Road (now the Hume Highway) to Liverpool and on the Liverpool-Campbelltown Road.

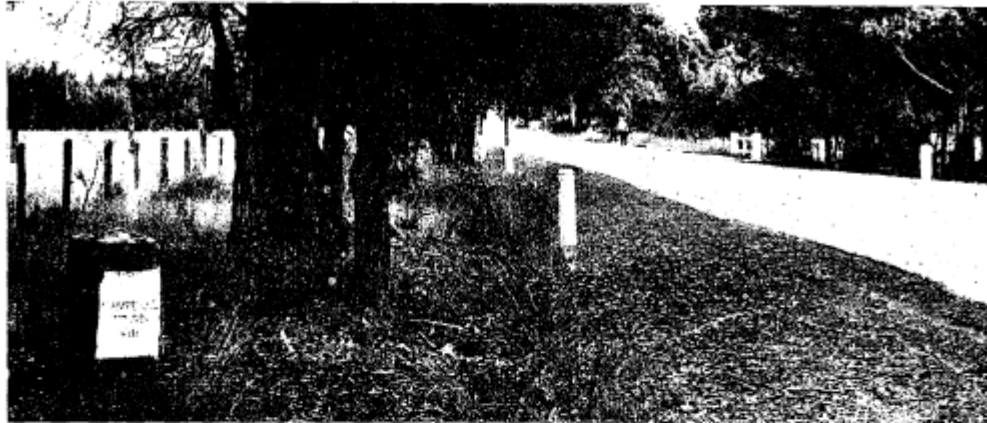
By 1846 the milestones on Parramatta and Liverpool Roads had apparently fallen into complete disrepair for in the *Sydney Gazette* of September, of that year, tenders were called "for such number of milestones as may be required for erection on the Parramatta and Liverpool Roads." The contract was to include the "lettering and placing in such positions on the Parramatta and Liverpool Roads as may be pointed out by

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Typical milestone on the roadside 8 miles from Campbelltown towards Crossroads.

the Surveyor in charge of roads." The tender of Michael McCormack was accepted and the work executed.

The proposed erection of new milestones in 1846 reawakened a question which had first been raised in 1839 by James Raymond, Postmaster-General at the General Post Office, who had suggested to the Surveyor-General that the Penrith and Windsor Roads should be shortened by having them measured from the General Post Office as a commencing point instead of the Obelisk, which was not a central point. There is no record of definite action from this proposal, but in 1846 the Deputy Surveyor-General, S. A. Perry, again raised the matter as a result of which the change from the Obelisk to the General Post Office was approved by the Governor. That the change was effected is evident from the fact that the second and succeeding old milestones on the Parramatta Road are 2,000 feet west of their correct positions in relation to the Obelisk.

The erection of milestones on the Liverpool-Campbelltown Road in 1854 had a special significance which is noted in the *Sydney Morning Herald*, 4th November, 1854: "The Commissioners of the Road Trust are using every means in their power to speedily repair the roads under their charge, and as they proceed are placing milestones between Liverpool and Campbelltown . . . making the starting place an obelisk of about 12 feet high and similar to the one in Macquarie Place in the city of Sydney." The Commissioners consented and the work was carried out. On the square part of the obelisk is engraved the distance between Campbelltown and Liverpool and on the top:—

"To the Memory of Captain James Cook, R.N., the discoverer of New South Wales, born at Marton, Yorkshire, 27th October, 1728, and killed at the Sandwich Island, 14th February, A.D. 1779."

The obelisk, which originally stood at the corner of George and Moore Streets, now stands outside the Liverpool Railway Station.

The disposition of the old milestone was reviewed by the Department of Main Roads, when instituting its

own system in 1934. It was at first proposed that these historic stones, monuments of mason's work in the early days of the colony, be incorporated in the new system of mileposting. Upon investigation it was found that the existing milestones were incomplete and inconsistent. In most cases the information on the stones, due to alterations and deviations of the roads, was found to be inaccurate and the stones seemed too old to stand up to alterations of position and lettering. In addition some of the old milestones were being used by the Department of Lands as survey marks and could not be removed to new locations. Consequently none of the old milestones except the first one at the corner of George and Liverpool Streets was incorporated in the new system.

In the case of Sydney it was intended that the starting point should be the historic Obelisk in Macquarie Place. It was subsequently decided that it would be preferable to have the point of origin on the direct route used by traffic proceeding in a north-south direction through the city, and, consequently, a distance of one mile was measured back from the old 1-mile stone situated at the corner of Liverpool Street and George Street along George Street and Grosvenor Street to a point opposite St. Patrick's Roman Catholic Church in Grosvenor Street. Thus, while the figures on the new mileposts along the Hume and Great Western Highways leading out of the city represent the distance from the point in Grosvenor Street and also from the Obelisk, those across the Sydney Harbour Bridge refer to the point in Grosvenor Street only.

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—J.M.E.

Turnpikes in Early New South Wales

The first turnpike in New South Wales had been erected in 1802, at a time when the turnpike system of road finance was widely used in Great Britain, and it was the British precedent that led to the institution of the turnpike system in early New South Wales.

The word "turnpike" was originally applied in England to an upright post surmounted by a horizontally revolving wooden cross, the ends of which were kept sharpened. It was studded with spikes or pikes—hence "turnpike." In time, the pikes were omitted, leaving only the wooden cross. This device had been commonly used to prevent horses from entering narrow streets in English medieval towns. Nowadays, we should probably call it a "turnstile." A character in a Ben Jonson play uses the words—"I move upon my axle like a turnpike".

By the seventeenth century, the name "turnpike" was being applied to the pivoted or hinged bar or pole used to close a road until toll had been paid. The word "turnpike" was frequently used in early Acts and statutes—e.g., "turnpike or otherwise", "turnpike or gate", and so the turnpike gave its name to a system of highway finance by means of tolls, even though the word later disappeared from British Acts in favour of "gate or bar".

The Beginning of the Turnpike System in Britain.—The turnpike system was introduced in England during the seventeenth century, and developed rapidly during the eighteenth and early nineteenth centuries, until the coming of railways diverted most long-distance traffic from the roads.

About the middle of the seventeenth century, the number of coaches increased rapidly, and thus attention was drawn to the bad state of the roads, coaches had to cease running in autumn and winter, and to the need for some systematic attempt at improvement. To finance the road improvement required to meet the new traffic conditions, it was then proposed that those who used the roads should pay for them. In 1663, by the first English Turnpike Act, the first toll gates on a main rural road were established. The tolls were:—one penny for a horse, sixpence for a coach, eightpence a cart, a shilling a waggon, a score of sheep or lambs a halfpenny, cattle fivepence, and pigs twopence.

From 1663 to 1710, only a few isolated attempts were made to improve roads by means of tolls levied on travellers, but between 1710 and 1750 one hundred and fifty turnpike Acts were passed. Turnpike trusts erected toll houses and turnpike gates on the roads, and all who passed had to pay a toll. Each turnpike had a "Pikeman" in charge of it, and it was his duty to collect the "tolls" from travellers. The money so collected was to be used by the trust for the upkeep of the road for a specified distance, and the remainder was to go to the pikeman.

By 1750, extension of the toll system was seen as the only solution to the problem of meeting the cost

of roads, and the yearly average of new turnpike trusts rose from three to twenty. During the second half of the eighteenth century, the number of turnpike trusts established by parliament increased steadily, until early in the nineteenth century they numbered eleven hundred, controlled twenty-three thousand miles of road and, in 1837, had a toll revenue of one and a half million pounds per annum.

Opposition to the turnpike system often resulted in riots in which toll barriers and the toll houses were pulled down, and toll keepers assaulted. In 1734, parliament passed a law imposing the death penalty for destruction of a turnpike.

The railway era commenced with the opening of the Stockton and Darlington railway line in 1825 and the Liverpool and Manchester line in 1830. As a result, travel by road coach ceased on routes served by the railways, and the turnpike system was largely deprived of its revenue. Whereas each stage coach had been paying about seven pounds per mile per annum in tolls, now tolls brought in practically no revenue at all. Turnpike trusts went out of existence, and road maintenance again became a local responsibility. The last turnpike trust was abolished in 1895.

Turnpikes in New South Wales.—It was in 1802 that permission was granted to Andrew Thompson, an early settler and constable, to collect tolls for fourteen years, and on this surety he constructed the first bridge over South Creek at Windsor. It was a pontoon bridge, and it was Andrew Thompson's duty to keep it in constant repair, accidents by flood or fire excepted. The rates of tolls were: for a foot passenger, fourpence, or ten shillings per annum; for a horse, two shillings, or two pounds ten shillings per annum; for a cart or carriage, one shilling and sixpence, or one pound ten shillings per annum. No person other than Andrew Thompson was allowed to convey people, horses or carts across the South Creek, on pain of a five pounds fine for each offence.

In 1813, a log bridge was erected by the trustees of Thompson's estate, in place of the pontoon bridge. This bridge was destroyed and was rebuilt about 1830. In 1848, it, in its turn, was replaced by another wooden bridge, and this was later superseded by an iron bridge in 1879-80. Tolls were collected on all these bridges until 1887.

In 1810, the *Sydney Gazette* of March 24th published the following: "It having been represented to His Excellency the Governor (Macquarie) that the Settlers at the Hawkesbury and Parramatta suffer considerable difficulties from the want of sufficient roads to convey their various produce to market at Sydney, and that they are anxious that Toll Bars should be erected at convenient distances between these places in order to raise a fund for the putting said roads into good repair and for their being regularly kept in good Order: This is therefore to give notice that His Excellency is disposed to approve of the erecting Toll

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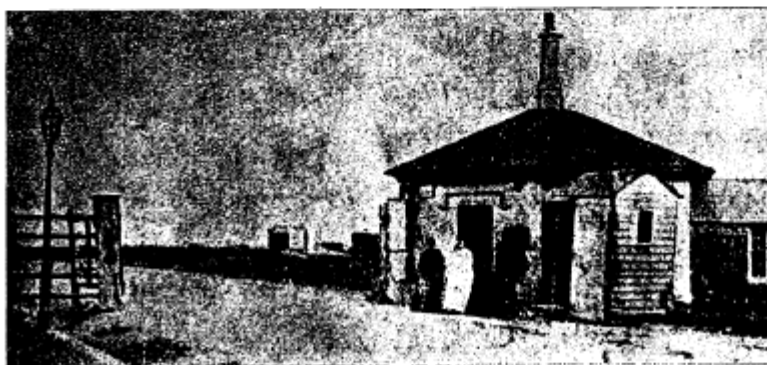
George Street Toll Gate erected in 1819 on site now known as Central Square.

Gates and to establish certain rates thereon, for this beneficial object. All persons wishing to contract for said Toll Bars and repairs, are required to give in to the Secretary's office on or before 31st instant, in writing, the Terms on which they are disposed to undertake this Service. The Tenders must express the extent of road that will be made good, each month until the whole is completed, and specify such securities for faithful performance of the Terms of the Contract as may be deemed adequate by His Excellency—a Lease of said Tolls will be given for Seven Years (soon afterwards it was decided that tolls would be let for ten years), to whomsoever may offer the most eligible Terms of Contract."

From 1810 onwards, the *Sydney Gazette* had frequent notices announcing forthcoming auctions of tolls, which were held in the Sydney Market Place. In the issue for 15th December, 1810, for example, there appeared the notice: "The Public Road between Sydney and Parramatta being nearly completed, His Excellency the Governor has directed us to give notice that two Toll Bars will be erected thereon, viz. one at Sydney and the other at Parramatta, and that the Tolls arising therefrom will be let on Monday, 24th instant at a Public Auction, by Mr. Gaudry to the highest bidder for one year from the first day of January next, on his giving adequate Security for the Payment."

On 10th April, 1811, the reconstructed Parramatta Road was opened and two toll bars were erected: one near the site of Christ Church St. Laurence near the Central Railway Station, the other at A'Beckett's Creek, Parramatta. The cost of the road was met in the first instance out of the Police Fund, which was raised mainly on a duty of three shillings per gallon on spirits. The advance was repaid from the tolls since "all Persons riding, leading or driving any Horses, Mares, Geldings, Cattle, Sheep, Swine, Mules or Asses on the said Road, or using any Carriage, Gig, Chaise, Cart or Waggon on the said Road, or through the Turnpike Gates now established on the said Road, or either of them, shall pay to the Gatekeeper, thereof, or his Assistant, for the same" (*Sydney Gazette*, 30th March, 1811).

Provision was also made for those who made detours rather than pay toll, and all those who avoided payment were liable to a fine. In connection with fines, the following extract from the *Sydney Gazette* of 31st March, 1813, may be quoted: "South Head Road has been much cut up and injured by the Cars, Carts and Waggons passing over it for the Purpose of conveying Fire-wood from the adjacent Lands to make Sale at Sydney; and it being clearly ascertained that this practice has not arisen out of any Superior Faculty in procuring Fire-Wood in this direction, but from the



Toll Gate at A'Beckett's Creek on the Parramatta Road near Parramatta. Erected in 1811.

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Another view of the
George Street
Toll Gate.



Sole motive of the Owners' avoiding the Toll to which they were subject when they brought the said Fire-Wood from the usual Grounds through the Turnpike, on the main road leading hence to Parramatta, His Excellency the Governor has deemed it expedient that all Cars, Carts . . . loaded with Firewood, Lime, or any other goods or Merchandise of whatever sort, which shall in future proceed along the said South Road from Botany Road, or elsewhere, to the Town of Sydney, shall, on and after 15th instant, pay the same Rate of Toll they would be liable to if they were to pass through the Turnpike Gate on the Road to Parramatta . . . His Excellency has lately caused a Toll-Gate to be erected on the said Road, leading from Sydney to the South Head, on the Boundary of Mr. Palmer's Lands at the south east extremity of Hyde Park, and this Toll-Gate being now completed at the Expense of the Government, the same Toll Dues are in the future to be demanded and paid there on all Cars, Carts, and Waggon's passing through it, as at the Toll Gate on the Main Road to Parramatta."

In 1815 the revenue which accrued from tolls, after deducting the cost of collections, was four hundred and sixty-five pounds. In 1844, tolls at Lansdowne Bridge alone brought in nearly seven hundred pounds. Revenues went to form a fund used for the making and maintaining of public roads, bridges and ferries throughout the colony.

Growth of the Turnpike System.—Once the turnpike system was established it spread rapidly. On the 28th April, 1814, Governor Macquarie wrote: "The Road from Sydney to Windsor has Turnpikes on it in the Neighbourhood of the Towns of Sydney, Parramatta and Windsor (actually it was about 8 miles from Windsor, at Rouse Hill), and it is my intention to erect Turnpikes on that leading to Liverpool, and thence to Parramatta in the centre of the main street. The labourers are to continue at their work eight hours each working day."

In the district of Sydney, in addition to the toll bar at the site of Christ Church St. Laurence already mentioned, others were set up at Randwick, at the junction

of Oxford and College Streets, on the Newtown Road near the Deaf and Dumb Institution, on Parramatta Road near the University, and at Rushcutter's Bay. There were five toll bars on the Great Western Road between Parramatta and Mount Victoria.

Frequently proclamations would appear, e.g., in the *Government Gazette* of the 15th June, 1836, there appeared the following notice: "There shall be a Toll-Gate—

- (1) On the road from Sydney to Parramatta, at the top of the hill at Grose Farm (now University grounds) where a new Toll-Gate has been erected, instead of at the former Sydney Toll-gate near the Benevolent Asylum, which has been taken down and removed (in 1839, this toll gate was removed again to Annandale Bridge).
- (2) On the old Botany Road at or near its junction with the road from Sydney to Parramatta, near the Benevolent Asylum.
- (3) On the Cook's River Road, at or near its junction with the road from Sydney to Parramatta, near the Brisbane Distillery."

Authorisation for a turnpike in the Illawarra district is given in the following proclamation, which appeared in the *Government Gazette* on the 3rd January, 1845: "I, Sir George Gipps, Knight, Governor of the said Colony, for the time being, do hereby authorise the Trustees of the said Jamberoo and Kiama Parish Road to grant a lease or leases of the Tolls to be collected thereon; . . . and I do hereby further approve of the erection of a Toll Bar on the said Parish Road, at the distance of one mile or thereabout, from Kiama, and adjoining the land occupied by the members of the Scotch Church as a Burial Ground."

Each toll-keeper had to erect a notice giving the name of the toll bar and a list of toll charges; they had also to keep books in which were entered each day's receipts, the books being inspected weekly by the Commissioners of the Roads. The toll keepers were allowed 10 per cent. of the toll revenue.

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LACHLAN MACQUARIE.
 Governor of New South Wales, 1810-1821.

The road toll charges in 1832 were for a sheep, lamb, pig or goat, a farthing; for an ox or a head of cattle, a penny; a horse, mare, gelding, ass or mule, twopence; a cart, dray or two-wheeled vehicle drawn by one horse or by one other animal, threepence; if drawn by two horses, fourpence, by three, fivepence, by four, sixpence, and so on; for every waggon or carriage with four wheels drawn by two horses, or two of any other animal, the charge was eightpence; if drawn by

three horses, ninepence, by four horses, tenpence, and, for every horse above four, another twopence. Toll dues were double on Sundays; but, if a toll had been paid at one gate, no further toll could be demanded for 10 miles, and a gate could be repassed any number of times in the one day without further payment. At the ferry at Emu Ford, there was a special notice which said that "the young of every kind," if not yet weaned, were to be charged half price.

Certain exemptions from payment of tolls were granted to the army, to the governor and any person attending him and his family, to clergymen and "for or in respect of any horses, beast, carriage or other vehicle, conveying any clergyman in the discharge of his duty, or any other person or persons going to or returning from the proper church, chapel or other place of worship, of the person or persons riding or driving the same on Sundays, Christmas-day, or Good Friday; for or in respect of any horse, beast, carriage or other vehicle, attending funerals; for or in respect of any horse, beast, carriage or other vehicle, carrying the post-office mails; or for any carts, drays, or waggons, carrying manure; or for any horse, beast, carriage or other vehicle, which shall only cross any such turnpike-road, or shall not pass thereon above the distance of two hundred yards . . ." (*Government Gazette*, 21st March, 1832; par. VIII.)

One noticeable contrast of the Australian with the British turnpike system was that in Australia there was virtually no opposition as in Britain. As early as 1811 Governor Macquarie wrote: "The Rate of Toll established on the Parramatta Road has been on so moderate a scale that no Murmur or Complaint has ever been raised against it, the People feeling much pleased and happy with the Accommodation afforded them." (*Historical Records of Australia*, vol. VII, p. 386.)

Decline of the Turnpike System.—The decline of the turnpike system began with the passage of the Municipalities Act in 1858, which authorised the establishment of Municipalities, which were given the care of all public roads, bridges and ferries in their area, and



Toll Gate at A'Beckett's
 Creek on the
 Parramatta Road near
 Parramatta. Erected in
 1836.

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Old Toll House on the
Great Western Highway
at Mt. Victoria.



were empowered to levy rates. Under the Act, thirty-five municipalities were incorporated including such suburban municipalities as Paddington, Newtown and Hunter's Hill and country areas such as Albury, Bathurst and Grafton.

Outside the Municipalities, the Government accepted responsibility for roads, control having been transferred to the Public Works Department in 1858. In this latter year the Government passed a "Main Roads Management Act" which set out a list of main roads and transferred the responsibility for them to the Government. The funds for their upkeep were to be provided from consolidated revenue, aided by receipts from tolls. At that time there were ten toll bars in existence on the main roads (yielding a nett revenue of £8,957 in 1857) comprising:—

Five on the Western Road, and a ferry at Penrith.
 Two on the Southern Road, and a ferry at Gundagai.
 Three on the Northern Road.

This number had been increased to thirty-four in 1865 (yielding a nett revenue of £22,000 per annum), comprising:—

Thirteen on the Western Road and ferries at Penrith and Wellington.

Eleven on the Southern Road and a ferry at Gundagai.

Ten on the Northern Road and ferries at Singleton and Aberdeen.

With the expansion of local government (eighty-seven municipalities had been incorporated by 1880), and increasing public opposition to the turnpike system, the Government in 1877 abolished all tolls on roads throughout the State.

ACKNOWLEDGMENTS.

Material for this article has been obtained from:—

The Public Library, New South Wales.
 The Mitchell Library, New South Wales.
 The Royal Australian Historical Society, Sydney.
 —P.F.O.

SYDNEY HARBOUR BRIDGE ACCOUNT.

Income and Expenditure for Period 1st July, 1950, to 31st March, 1951.

<i>Income.</i>		<i>Expenditure.</i>	
	£		£
Road Tolls	388,830	Cost of collecting Road Tolls.....	31,267
Contributions—		Maintenance and minor improvements	44,786
Railway Passengers	98,541	Alterations to archways	346
Tramway Passengers	10,154	Construction of new Toll Barrier and Office	3,737
Omnibus Passengers	9,736	Administrative Expenses	2,390
Rent from Properties	10,183	Loan Charges—	
Miscellaneous	297	Interest	174,750
		Exchange	18,450
		Sinking Fund	50,623
		Management Expenses	1,500
			245,325
		Miscellaneous	425
	£517,750		£328,176

The meeting closed at 7:46pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 30 January 2018

Item: 014 **ROC - Sustainability Advisory Committee - 27 November 2017 - (124414, 126363)**

Directorate: City Planning

PURPOSE OF THE REPORT:

The purpose of this report is to present the Minutes of the Sustainability Advisory Committee, held on 27 November 2017.

RECOMMENDATION SUMMARY:

The matters contained within the attached minutes of the Sustainability Advisory Committee have policy or financial implications to Council, and as such require special consideration by Council.

REPORT:

Discussion

The Committee considered staff reports on a range of matters as shown in the attached minutes (Attachment 1). The following items are of particular note to Council:

Item: 1 SAC - Energy Sustainability

The Committee considered a report on Energy Sustainability, and following consideration of the matter resolved:

"That:

- 1. The Committee 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. Council officers:*
 - i) review budgets and project options and identify projects that will satisfy the Australian Government's "Building Better Regions Grants Program";*
 - ii) circulate potential projects to the members of the Sustainability Advisory Committee prior to their submission.*
- 4. A further report be brought to Council via the Sustainability Advisory Committee detailing a Sustainable Energy Strategy for Council.*
- 5. Staff investigate what data was available, if any, regarding the uptake of PV and explore options to make it publicly available. "*

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 30 January 2018

Following the Sustainability Advisory Committee Meeting on 27 November 2017, Council considered a report on a Sustainable Energy Strategy at its Meeting on 12 December 2017 where the input from the Sustainability Advisory Committee was also considered. Following consideration of the matter, Council resolved as follows:

"That:

- 1. Council note the information and actions underway in relation to sustainable energy.*
- 2. A Sustainable Energy Strategy for Council be developed in close consultation with the Energy Working Group that reports to the Sustainability Advisory Committee.*
- 3. A Table of Contents for the Sustainable Energy Strategy be developed early in the new year, reviewed by the Energy Working Group and reported to Council at its Ordinary meeting of 27 February 2018. "*

As such this matter requires further discussion with the Sustainability Advisory Committee and the Sustainable Energy Working Group which has been scheduled.

Item: 2 SAC - Review of Delegations of Authority under Section 377 of the Local Government Act 1993 in relation to the Sustainability Advisory Committee of Council and Objectives of the Committee

Discussion on the Objectives of the Committee has occurred at numerous meetings, and following further discussion on the matter it was resolved to recommend to Council a change in the Constitution of the Committee with respect to its objectives. During the course of discussion on the matter, the name of the Committee was discussed, and the Committee resolved:

"That:

- 1. The report on the Delegations of Authority, and review of the Sustainability Advisory Committee Objectives be received and noted.*
- 2. A report be prepared for consideration by Council of the amended Sustainability Advisory Committee Objectives being:*

To support, advise and assist Council and the Hawkesbury community in the achievement of the key environmental goals contained in the Hawkesbury Community Strategic Plan 2017-2036. Specifically, these include:

The natural environment is protected and enhanced

- Encourage effective management and protection of our rivers, waterways, riparian land, surface and ground waters, and natural eco-systems through local action and regional partnerships.*
- Act to protect and improve the natural environment including working with key agency partners.*
- Minimise our community's impacts on habitat and biodiversity and protect areas of conservation value.*
- Use a range of compliance measures to protect the natural environment.*

To live sustainably and reduce our ecological footprint

- Help our community to be informed and act to reduce our ecological footprint.*
- Ensure that alternative forms of energy are embraced throughout the Hawkesbury.*
- Become a carbon neutral Local Government Area*

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 30 January 2018

We reduce, reuse and recycle

- *Develop and maintain active partnerships that will result in the innovative management of our community's waste, with an emphasis on resource recovery and waste minimisation in conjunction with the Waste Management Advisory Committee.*
- *Undertake community education on best practice environmental sustainability and climate change issues.*

Community partnerships continue to evolve

- *Encourage and facilitate community partnerships.*
- *Support and expand active volunteering.*
- *Advocate and facilitate construction and productive partnerships with residents, community groups and institutions.*

The sustainability of our environment is improved

- *Work with businesses and tourism operators to promote good practice and sustainability principles.*
 - *Development is functional, attractive and sympathetic with the environment, and avoids unnecessary use of energy, water or other resources.*
3. *The Committee agreed to propose an amendment to the name of the Sustainability Advisory Committee to the Environmental Sustainability Advisory Committee."*

As previously highlighted, consideration of the Objectives of the Committee has occurred at numerous meetings, and the proposed changes are supported, and recommended accordingly. In terms of the Committee resolution to propose a name change to the Environmental Sustainability Advisory Committee this is also supported as it is considered that in conjunction with the change to the Objectives, it provides a better focus for the work of the Committee.

RECOMMENDATION:

That:

1. The Minutes of the Sustainability Advisory Committee, held on 27 November 2017 be received and noted.
2. The Constitution of the Sustainability Advisory Committee be amended by replacing the current Objectives of the Committee with:

To support, advise and assist Council and the Hawkesbury community in the achievement of the key environmental goals contained in the Hawkesbury Community Strategic Plan 2017-2036. Specifically, these include:

The natural environment is protected and enhanced

- *Encourage effective management and protection of our rivers, waterways, riparian land, surface and ground waters, and natural eco-systems through local action and regional partnerships.*
- *Act to protect and improve the natural environment including working with key agency partners.*
- *Minimise our community's impacts on habitat and biodiversity and protect areas of conservation value.*
- *Use a range of compliance measures to protect the natural environment.*

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 30 January 2018

To live sustainably and reduce our ecological footprint

- Help our community to be informed and act to reduce our ecological footprint.
- Ensure that alternative forms of energy are embraced throughout the Hawkesbury.
- Become a carbon neutral Local Government Area

We reduce, reuse and recycle

- Develop and maintain active partnerships that will result in the innovative management of our community's waste, with an emphasis on resource recovery and waste minimisation in conjunction with the Waste Management Advisory Committee.
- Undertake community education on best practice environmental sustainability and climate change issues.

Community partnerships continue to evolve

- Encourage and facilitate community partnerships.
- Support and expand active volunteering.
- Advocate and facilitate construction and productive partnerships with residents, community groups and institutions.

The sustainability of our environment is improved

- Work with businesses and tourism operators to promote good practice and sustainability principles.
- Development is functional, attractive and sympathetic with the environment, and avoids unnecessary use of energy, water or other resources.

3. The name of the Sustainability Advisory Committee be amended to the Environmental Sustainability Advisory Committee.

ATTACHMENTS:

AT - 1 Minutes of the Sustainability Advisory Committee, held on 27 November 2017

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 30 January 2018

AT - 1 Minutes of the Sustainability Advisory Committee

held on 27 November 2017

The meeting commenced at 5:11pm.

Present:	Councillor Amanda Kotlash, Deputy Chairperson Councillor Danielle Wheeler, Hawkesbury City Council Mr David Gregory, Community Representative Ms Jennifer Moses, Community Representative
Apologies:	Ms Olivia Leal-Walker, Chairperson Ms Jane DeGabriel, Office of Environment & Heritage Mr Justin Hechinger, Community Representative
In Attendance:	Mr Andrew Kearns, Hawkesbury City Council Mr Matthew Owens, Hawkesbury City Council Mr Peter Conroy, Hawkesbury City Council Mr Lachlan McClure, Hawkesbury City Council Ms Robyn Kozjak - Minute Secretary, Hawkesbury City Council

REPORT:

RESOLVED on the motion of Ms Moses and seconded by Mr Gregory that the apologies be accepted.

CONFIRMATION OF MINUTES

Mr Gregory referred to page 7 of the business paper (previous minutes) relating to the Committee's priorities to source funding and advised he did not suggest Council should be spending more money for additional water quality monitoring, but rather pulling together available information and data as opposed to sourcing new data.

RESOLVED on the motion of Mr Gregory and seconded by Councillor Wheeler that the Minutes of the Sustainability Advisory Committee held on 4 September 2017, be confirmed.

CHANGE TO ORDER OF BUSINESS

The Committee moved to bring Item 2 (Review of Delegations of Authority under Section 377 of the *Local Government Act 1993* in relation to the Sustainability Advisory Committee of Council and Objectives of the Committee) forward for discussion

5:21pm - Mr Owens and Mr McClure arrived at the meeting.

5:25pm - Mr Conroy arrived at the meeting.

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 30 January 2018

Attendance Register of Sustainability Advisory Committee

Member	27/11/17			
Councillor Amanda Kotlash	✓			
Councillor Danielle Wheeler	✓			
Ms Olivia Leal-Walker	A			
Mr David Gregory	✓			
Mr Justin Hechinger	A			
Ms Jennifer Moses	✓			
Dr Jane DeGabriel	A			

Key: A = Formal Apology ✓ = Present X = Absent - no apology

SECTION 3 - Reports for Determination

Item: 1 SAC - Energy Sustainability - (126363)

Previous Item: 2, SAC (4 September 2017)

DISCUSSION:

- Councillor Kotlash asked if the Committee could be provided with a copy of the presentation previously given by Ironbark Sustainability.

It was suggested there may be commercial in confidence issues (relating to costs etc).

Mr McClure advised he had spoken previously with Ironbark Sustainability about redacting or removing slides from the presentation and that had been agreed upon by Ironbark.

- Councillor Kotlash referred to the "Building Better Regions Grant Program" and advised Council would now be eligible to apply for that grant (it was not eligible in the last round). It was suggested a consultant be engaged to assist with the development of a Sustainable Energy Strategy for Council.

Councillor Kotlash provided Mr McClure with the grant form and it was advised staff would review current budgets and explore potential projects which would satisfy the criteria for the grant.

- Mr Gregory asked if data could be obtained in relation to PV (photovoltaic) uptake and suggested a desktop review be made of what data was available and for this to be made available to the public.

Mr McClure advised data could be obtained (for commercial users) from the "Sunny Portal" PV Monitoring system which shows the amount of energy usage.

- Ms Moses advised she would send through the results of the community Emissions Inventory.
- Councillor Kotlash asked for an update on the Deerubbin Centre Co-generation Plant (Co-gen).

Mr Conroy advised a briefing on the Co-gen would be given to Councillors and the Committee in the future.

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 30 January 2018

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Ms Moses, seconded by Mr Gregory.

Refer to RESOLUTION

COMMITTEE RECOMMENDATION:

That:

1. The Committee 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. Council officers:
 - i) review budgets and project options and identify projects that will satisfy the Australian Government's "Building Better Regions Grants Program";
 - ii) circulate potential projects to the members of the Sustainability Advisory Committee prior to their submission.
4. A further report be brought to Council via the Sustainability Advisory Committee detailing a Sustainable Energy Strategy for Council.
5. Staff investigate what data was available, if any, regarding the uptake of PV and explore options to make it publicly available.

Item: 2 SAC - Review of Delegations of Authority under Section 377 of the Local Government Act 1993 in relation to the Sustainability Advisory Committee of Council and Objectives of the Committee - (126363)

DISCUSSION:

- The Committee agreed to propose some minor amendments to the Committee's objectives which are as underlined in the Committee Recommendation.

RECOMMENDATION TO COMMITTEE:

That:

1. The report on the Delegations of Authority, and review of the Sustainability Advisory Committee Objectives be received and noted.
2. A report be prepared for consideration by Council of the amended Sustainability Advisory Committee Objectives being:

To advise and assist Council and the Hawkesbury community in the achievement of the key environmental goals contained in the Hawkesbury Community Strategic Plan 2017-2036. Specifically, these include:

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 30 January 2018

The natural environment is protected and enhanced

- Encourage effective management and protection of our rivers, waterways, riparian land, surface and ground waters, and natural eco-systems through local action and regional partnerships.
- Act to protect and improve the natural environment including working with key agency partners.
- Minimise our community's impacts on habitat and biodiversity and protect areas of conservation value.
- Use a range of compliance measures to protect the natural environment.

To live sustainably and reduce our ecological footprint

- Help our community to be informed and act to reduce our ecological footprint.
- Ensure that alternative forms of energy are embraced throughout the Hawkesbury.
- Become a carbon neutral Local Government Area

We reduce, reuse and recycle

- Develop and maintain active partnerships that will result in the innovative management of our community's waste, with an emphasis on resource recovery and waste minimisation.
- Undertake community education on best practice environmental sustainability and climate change issues.

The sustainability of our environment is improved

- Work with businesses and tourism operators to promote good practice and sustainability principles.
 - Development is functional, attractive and sympathetic with the environment, and avoids unnecessary use of energy, water or other resources.
3. The Committee consider the proposal to amend the name of the Sustainability Advisory Committee to the Natural Resources Advisory Committee.

COMMITTEE RECOMMENDATION:

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

Refer to COMMITTEE RECOMMENDATION

That:

1. The report on the Delegations of Authority, and review of the Sustainability Advisory Committee Objectives be received and noted.
2. A report be prepared for consideration by Council of the amended Sustainability Advisory Committee Objectives being:

To support, advise and assist Council and the Hawkesbury community in the achievement of the key environmental goals contained in the Hawkesbury Community Strategic Plan 2017-2036. Specifically, these include:

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 30 January 2018

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- Undertake community education on best practice environmental sustainability and climate change issues.

Community partnerships continue to evolve

- Encourage and facilitate community partnerships.
- Support and expand active volunteering.
- Advocate and facilitate construction and productive partnerships with residents, community groups and institutions.

The sustainability of our environment is improved

- Work with businesses and tourism operators to promote good practice and sustainability principles.
 - Development is functional, attractive and sympathetic with the environment, and avoids unnecessary use of energy, water or other resources.
3. The Committee agreed to propose an amendment to the name of the Sustainability Advisory Committee to the Environmental Sustainability Advisory Committee.

SECTION 5 - General Business

Release for Comment of Greater Sydney Commission's Revised Draft Western City District Plan

- Committee members were invited to forward comments for inclusion in Council's submission by 30 November 2017, or lodge individual submissions directly with the Greater Sydney Commission by the closing date of 15 December 2017.

The meeting closed at 7pm.

oooO END OF REPORT Oooo

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 30 January 2018

Item: 015 **ROC - Floodplain Risk Management Advisory Committee - 7 December 2017 - (124414, 86589)**

Directorate: City Planning

PURPOSE OF THE REPORT:

The purpose of this report is to present the Minutes of the Floodplain Risk Management Advisory Committee, held on 7 December 2017.

RECOMMENDATION SUMMARY:

The matters contained within the attached minutes of the Floodplain Risk Management Advisory Committee have policy or financial implications to Council, and as such require special consideration by Council.

REPORT:

Discussion

The Committee considered staff reports on a range of matters as shown in the attached minutes (Attachment 1). The following items are of particular note to Council:

Item: 2 FRMAC - Formation of the Hawkesbury-Nepean Valley Flood Risk Management Strategy - Local Government Advisory Group

An outline was provided to the Committee in terms of the role and makeup of the Local Government Advisory Group. Discussion highlighted the importance of regular updates to the Committee and Council in terms of the work of the Local Government Advisory Group, and in that respect a representative from Infrastructure NSW will attend Committee Meetings to provide updates and answer questions that arise from those updates.

Item: 3 FRMAC - Discussion on the effects of Hurricane Harvey and the resultant flooding in Houston U.S.A

The Committee discussed a series of articles that had been prepared in the aftermath of the recent flood events in Houston USA as a result of Hurricane Harvey in August 2017. Discussion on the matter is highlighted in the minutes, but the Committee also resolved:

"That staff from Lismore Council be invited to attend a future Floodplain Risk Management Advisory Committee, either in person or via teleconference."

The Committee has already received a presentation from the State Emergency Service (SES) in regard to the experiences and lessons learnt from the flood event in Lismore as a consequence of ex Cyclone Debbie in 2017. Having had the SES presentation on this matter it is considered that hearing and discussing directly with representatives of the Local Government Area (Lismore) impacted by the flood event has considerable merit in terms of the experiences and lessons learnt. As such it is recommended that arrangements be made for this to occur at a future Floodplain Risk Management Advisory Committee Meeting.

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 30 January 2018

GENERAL BUSINESS: Discussion on the feasibility of a 1:100 elevated flood evacuation road from Chapel Street Richmond to Hanna Match Nth Richmond

During General Business as outlined in the Minutes, a Committee member advised that they had recently been involved in discussions with Dominic Perrottet MP, Treasurer and Minister for Industrial Relations, and Maree Abood INSW regarding the construction of a high level flood-free crossing between Richmond and North Richmond. The construction of the crossing would allow access for services such as ambulance, fire and medical evacuation, as well as release and unlock land on the western side of the river. Following discussion on the matter, the Committee resolved:

"That:

- 1. Council investigate the feasibility of constructing a 1:100 elevated flood evacuation route from Richmond to North Richmond to allow access for services such as ambulance, fire and medical evacuation.*
- 2. The matter be referred to Council's (newly formed) Infrastructure Committee."*

Based on the Committee's recommendation, it is recommended that Council refer this matter to the Infrastructure Committee for consideration.

GENERAL BUSINESS: Update on Consideration of Part 4 Town Planning of Hawkesbury Floodplain Risk Management Study and Plan

An update was provided to the Committee in terms of consideration of Part 4 (Town Planning) of Hawkesbury Floodplain Risk Management Study and Plan. It was outlined at the Committee Meeting that consideration of this matter would have to be undertaken in parallel with the work of the Hawkesbury-Nepean Valley Flood Risk Management Strategy - Local Government Advisory Group and that further updates would be provided to the Committee and Council in this respect.

RECOMMENDATION:

That:

1. The Minutes of the Floodplain Risk Management Advisory Committee, held on 7 December 2017 be received and noted.
2. In relation to Item 3 of the Minutes, arrangements be made for relevant staff from Lismore Council to be invited to attend a future Floodplain Risk Management Advisory Committee, either in person or via teleconference to outline experiences and lessons learnt from the flood event associated with ex Tropical Cyclone Debbie in 2017.
3. In relation to the General Business Item in the Minutes regarding discussion on the feasibility of a 1:100 elevated flood evacuation road from Chapel Street Richmond to Hanna Match Nth Richmond, that the matter be referred to Council's (newly formed) Infrastructure Committee to investigate the feasibility of constructing a 1:100 elevated flood evacuation route from Richmond to North Richmond to allow access for services such as ambulance, fire and medical evacuation.

ATTACHMENTS:

AT - 1 Minutes of the Floodplain Risk Management Advisory Committee held on 7 December 2017

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 30 January 2018

AT - 1 Minutes of the Floodplain Risk Management Advisory Committee
held on 7 December 2017

The meeting commenced at 4:05pm.

Present: Councillor Mary Lyons-Buckett, Chairperson
 Councillor Amanda Kotlash, Hawkesbury City Council
 Councillor Peter Reynolds, Hawkesbury City Council
 Councillor Danielle Wheeler, Hawkesbury City Council
 Ms Carol Edds, Community Representative
 Mr Kim Ford, Community Representative
 Ms Margaret Mackisack, Community Representative
 Mr Maurice Smith, Community Representative
 Mr Harry Panagopoulos, Office of Environment and Heritage

Apologies: Councillor Paul Rasmussen, Deputy Chairperson
 Mr Peter Cinque (OAM), SES
 Snr Inspector, Robert Bowman, Department Primary Industries
 Mr Kevin Jones, SES
 Mr Harry Terry, Community Representative
 Mr Matthew Owens, Hawkesbury City Council

In Attendance: Mr Andrew Kearns, Hawkesbury City Council
 Mr Chris Amit, Hawkesbury City Council
 Ms Sue Ribbons, INSW
 Ms Robyn Kozjak - Minute Secretary, Hawkesbury City Council

REPORT:

RESOLVED on the motion of Ms Mackisack and seconded by Ms Edds that the apologies be accepted.

CONFIRMATION OF MINUTES

RESOLVED on the motion of Ms Mackisack and seconded by Councillor Kotlash that the Minutes of the Floodplain Risk Management Advisory Committee held on the 7 December 2017, be confirmed.

Attendance Register of Floodplain Risk Management Advisory Committee

Member	7/12/17				
Councillor Mary Lyons-Buckett	✓				
Councillor Amanda Kotlash	✓				
Councillor Paul Rasmussen	A				
Councillor Danielle Wheeler	✓				
Councillor Peter Reynolds	✓				
Ms Carol Edds	✓				
Mr Harry Terry	A				
Ms Margaret Mackisack	✓				
Mr Kim Ford	✓				
Mr Maurice Smith	✓				
Snr Inspector Robert Bowman - (Dept. Primary Industries)	A				
Mr Kevin Jones - (SES Headquarters)	A				
Mr Peter Cinque OAM - (SES Sydney Western Division)	A				
Mr Harry Panagopoulos - (Office of Environment & Heritage)	✓				

Key: A = Formal Apology

✓ = Present

X = Absent - no apology

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 30 January 2018

SECTION 3 - Reports for Determination

Item: 1 **FRMAC - Declarations of Interest - (86589)**

RECOMMENDATION TO COMMITTEE:

That:

1. General disclosures of interest listed in this report be received.
2. Other specific disclosures of interest be declared if deemed appropriate.

MOTION:

RESOLVED on the motion of Mr Ford, seconded by Ms Edds.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That:

1. General disclosures of interest listed in this report be received.
2. Other specific disclosures of interest be declared if deemed appropriate.

SECTION 4 - Reports for Information

Item: 2 **FRMAC - Formation of the Hawkesbury-Nepean Valley Flood Risk Management Strategy - Local Government Advisory Group - (86589)**

DISCUSSION:

- Mr Kearns provided an outline of the role and makeup of the Local Government Advisory Group (LGAG) and reported that the LGAG had its first meeting two weeks ago and will meet quarterly or on a more frequent basis if needed.
- Ms Ribbons reported that in addition to relevant State agencies, nine councils between Bents Basin near Wallacia and Brooklyn Bridge form the LGAG.

RECOMMENDATION TO COMMITTEE:

That the information be received.

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 30 January 2018

MOTION:

RESOLVED on the motion of Councillor Reynolds, seconded by Ms Edds.

Refer to COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION:

That the information be received.

Item: 3 **FRMAC - Discussion on the effects of Hurricane Harvey and the resultant flooding in Houston U.S.A - (86589)**

Previous Item: GB, FRMAC (19 October 2017)

DISCUSSION:

- Ms Mackisack raised this item on the agenda as she believed there was potential for the catastrophic flood event in Houston to be re-enacted in the Hawkesbury, particularly associated with evacuations and the capacity of local roads.
- Discussion arose regarding the importance of flood warnings and messages and Ms Ribbons reported different messages and flood warning products were used for different areas. The products were under review and information on some existing products was available on the SES website.

Mr Smith made comment that the presentation from the SES on the flooding event in the State's north (caused by ex-tropical Cyclone Debbie) did not provide a sample of what flood warning products were used in the Hawkesbury and suggested the Committee should be made aware of those products and given the opportunity to comment on them.

Ms Ribbons advised that the Local Government Advisory Group (LGAG) would be running workshops where there would be some discussion surrounding communication and suggested they start coming to FRMAC meetings.

- In regard to flood warning products, Ms Edds noted there were many people in the Hawkesbury area who do not get mobile reception and there may be too much reliance on technology.
- Mr Panagopoulos suggested a recommendation to Council at a more regional level in relation to the communication issue.
- Other suggested ways to educate residents in relation to flooding include:
 - a (software) tool which integrates with flood maps, where address of property is entered and results show the flood level of the land.
 - Flood awareness be included in rates notices.
 - SES visit schools.
- Mr Ford made comment that the work done on Richmond Road would increase runoff (runoff used to flow through the area where the M7 is constructed). Now the flow will come towards the Hawkesbury.

ORDINARY MEETING
SECTION 4 – Reports of Committees
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- Ms Ribbons advised INSW holds topographical information for the whole of the Flood Study and advised the new information is included in two dimensional flood modelling software. This flood modelling tool will be brought to a future FRMAC meeting.
- Councillor Wheeler advised she had liaised with the Mayor and staff from Lismore Council at the ICTC Conference last month and had asked if they would be willing to come and talk to the Committee about the Lismore flood event (at a council level).

RECOMMENDATION TO COMMITTEE:

That the information be received.

MOTION:

RESOLVED on the motion of Councillor Wheeler, seconded by Ms Mackisack.

Refer to COMMITTEE RECOMMENDATION

That staff from Lismore Council be invited to attend a future Floodplain Risk Management Advisory Committee, either in person or via teleconference.

SECTION 5 - General Business

Discussion on the feasibility of a 1:100 elevated flood evacuation road from Chapel Street Richmond to Hanna Match Nth Richmond - Maurie Smith

- Mr Smith advised he had recently been involved in discussions with Dominic Perrottet MP, Treasurer and Minister for Industrial Relations, and Maree Abood INSW regarding the construction of a high level flood-free crossing between Richmond and North Richmond. The construction of the crossing would allow access for services such as ambulance, fire and medical evacuation, as well as release and unlock land on the western side of the river. Mr Smith had been advised there are funds available from the State Government.

MOTION:

RESOLVED on the motion of Mr Smith, seconded by Ms Edds.

That:

1. Council investigate the feasibility of constructing a 1:100 elevated flood evacuation route from Richmond to North Richmond to allow access for services such as ambulance, fire and medical evacuation.
2. The matter be referred to Council's (newly formed) Infrastructure Committee.

Update on Consideration of Part 4 Town Planning of Hawkesbury Floodplain Risk Management Study and Plan

- Discussion arose regarding exceptional circumstances and it was suggested if a case was presented to the Office of Environment & Heritage and the Department of Planning, in terms of hydraulics, there would very likely be a case for exceptional circumstances. Such an application would also have to demonstrate community support.

ORDINARY MEETING
SECTION 4 – Reports of Committees
Meeting Date: 30 January 2018

- A suggestion was also made to invite the Local Emergency Management Officer to future meetings.
- The Chair thanked Committee members for their input throughout the year and noted Ms Ribbons' attendance at the meeting to be very beneficial.

The meeting closed at 5:27pm.

oooO END OF REPORT Oooo

ORDINARY MEETING

SECTION 4 – Reports of Committees

Meeting Date: 30 January 2018

ordinary

section 5

notices of motion

ORDINARY MEETING
SECTION 5 – Notices of Motion
Meeting Date: 30 January 2018

ORDINARY MEETING
SECTION 5 – Notices of Motion
Meeting Date: 30 January 2018

SECTION 5 – Notices of Motion

Item: 016 **NM1 - Cost Shifting Notification on the 2018/2019 Rates Notice - (79351, 105109, 138880)**

Submitted by: Councillor Reynolds

NOTICE OF MOTION:

That a report be prepared for Council outlining wording to be included on the rates notice for the financial year 2018/2019, including instalment notices, reflecting how Council has been financially affected by the NSW Government's practice of 'cost shifting' onto Council expenses that must be paid by all rate payers.

BACKGROUND:

Council was informed cost shifting by the NSW Government is a regular practice. The average cost to Council was \$4.5 million for the years 2012 to 2019. However, the cost to Council for the financial year 2015/2016 was \$6.9 million. This information was emailed to all Councillors by staff.

Cost shifting is a practice rate payers are largely unaware of, yet it is the rate payers who have to pay for it.

There is a precedent for printing this sort of information on rates notices, the former Hawkesbury City Council resolved to print the cost of the "Carbon Tax" as follows:

Resolution of 5 February 2013

"That:

A report be prepared for Council outlining wording to be included on the rates notice for the financial year 2013/2014, including instalment notices, reflecting how Council has been financially affected by the introduction of the Federal Governments carbon tax that must be paid by all rate payers."

The recommendation in the report to Council was the suggested wording:

"The cost of the Carbon Tax to Council in 2013/2014 is estimated to be approximately \$450,000."

This Notice of Motion seeks nothing more than to do the same, with the knowledge the cost to rate payers of cost shifting far greater.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING
SECTION 5 – Notices of Motion
Meeting Date: 30 January 2018

Item: 017 **NM2 - Enhancement of the Arts in the Hawkesbury - (79351, 105109, 138880)**

Submitted by: Councillor Reynolds

NOTICE OF MOTION:

That a report be prepared with a view to encouraging and facilitating enhancement of the arts in the Hawkesbury, review its policies, requirements, fees and charges, as well as Council and State regulatory frameworks for public and indoor spaces, for the following:

- presentation of cultural activities
- arts and performances
- installations
- busking.

BACKGROUND:

For some time, community groups have expressed frustration with the procedures required to use our public spaces for community events. This motion seeks to garner the relevant information concerning these procedures with a view to developing a simple, streamlined process which will facilitate and encourage the use of our public and indoor spaces to benefit community groups and therefore the wider community itself.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING
SECTION 5 – Notices of Motion
Meeting Date: 30 January 2018

Item: 018 **NM3 - Development Control Plan - (79351, 105109, 138882)**

Submitted by: Councillor Wheeler

NOTICE OF MOTION:

That Council:

1. Receive a report by the Council Meeting 6 of March 2018 which details a timeframe, methodology and potential financial sources for rewriting the Development Control Plan (DCP).
2. In its upcoming budget deliberations, include a provision for updating the DCP, supported and informed by consultation with local stakeholders regarding the current DCP and difficulties experienced with its interpretation and implementation.

Background

Council is being forced to comply with IHAP legislation in March 2018. The current DCP does not provide adequate guidelines for the protection of heritage, farmland or the environment. Council urgently needs to update its planning documents and implement a proactive planning agenda. Further to the current contents, the revised DCP should provide guidelines for tourism accommodation, affordable housing, heritage and eco precincts, shedding, shared accommodation, public domain, public art, water sensitive design and urban heat mitigation.

The Urban / Rural Strategy is due back to Council mid-year. This will inform the process to update both the LEP and DCP, but IHAP legislation makes updating the DCP a matter of urgency.

FINANCIAL CONSIDERATIONS:

This Notice of Motion calls for a report which details financial implications and potential sources of funding.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING
SECTION 5 – Notices of Motion
Meeting Date: 30 January 2018

Item: 019 **NM4 - Unapproved Dwellings - (79351, 105109, 138882)**

Submitted by: Councillor Wheeler

NOTICE OF MOTION:

That Council receive a report outlining a policy to better deal with unapproved dwellings. The policy should detail means to identify unapproved dwellings in the LGA and facilitate their approval where possible, or further actions where the dwellings or their siting is dangerous to the occupant due to flood, fire or the like. Such actions should include an amnesty period.

FINANCIAL CONSIDERATIONS:

This Notice of Motion calls for a report which details financial implications.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF NOTICE OF MOTION Oooo

ORDINARY MEETING
Questions for Next Meeting
Meeting Date: 30 January 2018

QUESTIONS FOR NEXT MEETING

Item: 020 **Councillor Questions from Previous Meeting and Responses - (79351)**

REPORT:

Questions - 12 December 2017

#	Councillor	Question	Response
1	Zamprogno	Enquired if any progress has been made on the road remarking of the turning lane from Pitt Town Road into Saunders Road, Pitt Town and if representations have been made to the RMS.	The Director Infrastructure Services advised that representations have been made previously to RMS and RMS have advised that a study is currently underway into the upgrade of Pitt Town Road including this intersection. It should be noted that changes to linemarking controls will require substantial pavement widening to permit changes to the (currently) left turn only arrangement to Pitt Town Bottoms Road.
2	Zamprogno	Enquired if investigations for grading could be made into the corrugations on Packer Road, Blaxlands Ridge between Putty Road and West Portland Road.	The Director Infrastructure Services advised that grading to Packer Road, Blaxlands Ridge was carried out prior to Christmas.

ORDINARY MEETING**Questions for Next Meeting****Meeting Date:** 30 January 2018

#	Councillor	Question	Response
3	Wheeler	Enquired if directions for Councillors to be provided on the structure and suitability of Questions For Next Meeting.	<p>The Director Support Services advised that Clause 3.3.10 of Council's Code of Meeting Practice (the Code) permits Councillors to ask questions for the next Council meeting as long as those questions do not concern items on the business paper of the Meeting where the question is raised. Under this Clause, no discussion on the matter is permitted at the meeting where the question is raised and if a response cannot be provided at the next meeting, an explanation be given as to the reasons for delay and the anticipated time of final response. These provisions in the Code were established after advice from both the Office of Local Government and Council's solicitors.</p> <p>Whilst the Code doesn't define the structure and suitability of the questions, it is suggested that for urgent works and queries on operational matters, Councillors utilise the existing protocols of submitting a request through the Councillor Request Portal or contact the General Manager or relevant Director for a direct response. All other questions should be put succinctly at the meeting to enable Council staff to investigate the matter and provide an appropriate response.</p>

ORDINARY MEETING

Questions for Next Meeting

Meeting Date: 30 January 2018

#	Councillor	Question	Response
4	Reynolds	Enquired how the development application for a motel at Vineyard has been allowed to change its use and how this related to the nature of the original development application.	<p>The Director City Planning advised that it is assumed that the site is 217 Windsor Road, Vineyard which has the following approvals; <u>DA0298/12 – Motel and Restaurant</u> Publically exhibited 9-23 July 2012 with no submissions received. Approval issued 31 July 2014. <u>DA0633/13 – Change of Use to include Place of Public Worship in approved Motel</u> Publically exhibited 25 November to 9 December 2013 (Including Site sign) with no submissions received. Approval issued 16 April 2014. As detailed above the site has received two separate development consents, DA0298/12 for the Motel and Restaurant and DA0633/13 for the addition of a Place of Public Worship within the approved Motel. DA0298/12 integrates the Place of Public Worship into the approved Motel by redesigning the internal layout and some external elevation changes whilst retaining the modified approved Motel and Restaurant use.</p>
5	Reynolds	Enquired if vehicle access arrangements were made part of the conditions of consent for the development at 24 Bridge Street, Windsor.	<p>The Director City Planning advised that the location of the access driveway was existing from previous development. However, the assessment report for the application (DA0008/14) did consider this matter and requires the driveway to be upgraded. The report also states; <i>An adequate vehicle turning area has been incorporated in the design to allow for vehicles to enter and exit in a forward direction.</i>” Consent condition No.32 requires this work to be completed.</p>

ORDINARY MEETING**Questions for Next Meeting****Meeting Date:** 30 January 2018

#	Councillor	Question	Response
6	Reynolds	Enquired as to why there was no consideration as to the extant Barrack wall at 24 Bridge Street, Windsor during the development application review process.	The Director City Planning advised that the assessment of the development application did consider the heritage requirements as required in the Act and LEP. The application was also referred to Council's Heritage Advisor on 15 January 2014. The response, following a site inspection with staff on 28 February 2014, was received from the Heritage Advisor on 28 February 2014. The response identified the surrounding and adjoining heritage listed items and stated; <i>"No objections are raised to the scale; form; siting; and style of the proposed buildings and front fence on the site, on heritage grounds."</i>
7	Ross	Enquired if the natural drainage element between 474 and 480 Greggs Road, Kurrajong could be investigated to determine if it has been affected by recent works.	The Director Infrastructure Services advised that the drainage system had been inspected and was operating effectively with no significant issues identified.
8	Garrow	Enquired if the building on the corner of Baker Street and George Street, Windsor could be reviewed from a compliance perspective as the roof guttering is blocked and overflows.	The Director City Planning advised that staff are contacting the owner of the property to have any work required to ensure public safety is undertaken.
9	Garrow	Enquired if the concrete drain cover on the footpath near Baker Street and George Street, Windsor could be investigated and replaced with a suitable covering as it has been damaged.	The Director Infrastructure Services advised that the Telstra pit lid had been repaired by Telstra, and options to prevent further vehicular damage will be considered and implemented if practical. The stormwater pit lintel will also need to be upgraded.

oooO END OF REPORT Oooo

ORDINARY MEETING
Confidential Reports
Meeting Date: 30 January 2018

CONFIDENTIAL REPORTS

Item: 021 **IS - Tender T00061 - Operation of the Lower Portland Ferry Service - (95495, 79344)**

Directorate: Infrastructure Services

REASON FOR CONFIDENTIALITY

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993 and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(d) of the Act as it relates to the Operation of the Lower Portland Ferry Service and the information is regarded as being commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the Council, or reveal a trade secret and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

In accordance with the provisions of Section 11(2) & (3) of the Local Government Act 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.

ORDINARY MEETING

Confidential Reports

Meeting Date: 30 January 2018

Item: 022 SS - Licence Agreements and Appointment of Managing Agent - 1 Dight Street, Windsor - (126231, 138919, 136331, 133248, 136756, 136338, 95496, 112106)

Directorate: Support Services

REASON FOR CONFIDENTIALITY

*This report is **CONFIDENTIAL** in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993 and the matters dealt with in this report are to be considered while the meeting is closed to the press and the public.*

Specifically, the matter is to be dealt with pursuant to Section 10A(2)(c) of the Act as it relates to details concerning the leasing of a Council property and it is considered that the release of the information would, if disclosed, confer a commercial advantage on a person or organisation with whom the Council is conducting (or proposes to conduct) business and, therefore, if considered in an open meeting would, on balance, be contrary to the public interest.

In accordance with the provisions of Section 11(2) & (3) of the Local Government Act 1993, the reports, correspondence and other relevant documentation relating to this matter are to be withheld from the press and public.



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meeting

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