



Hawkesbury City Council

ordinary  
meeting  
business  
paper

date of meeting: 10 July 2018

location: council chambers

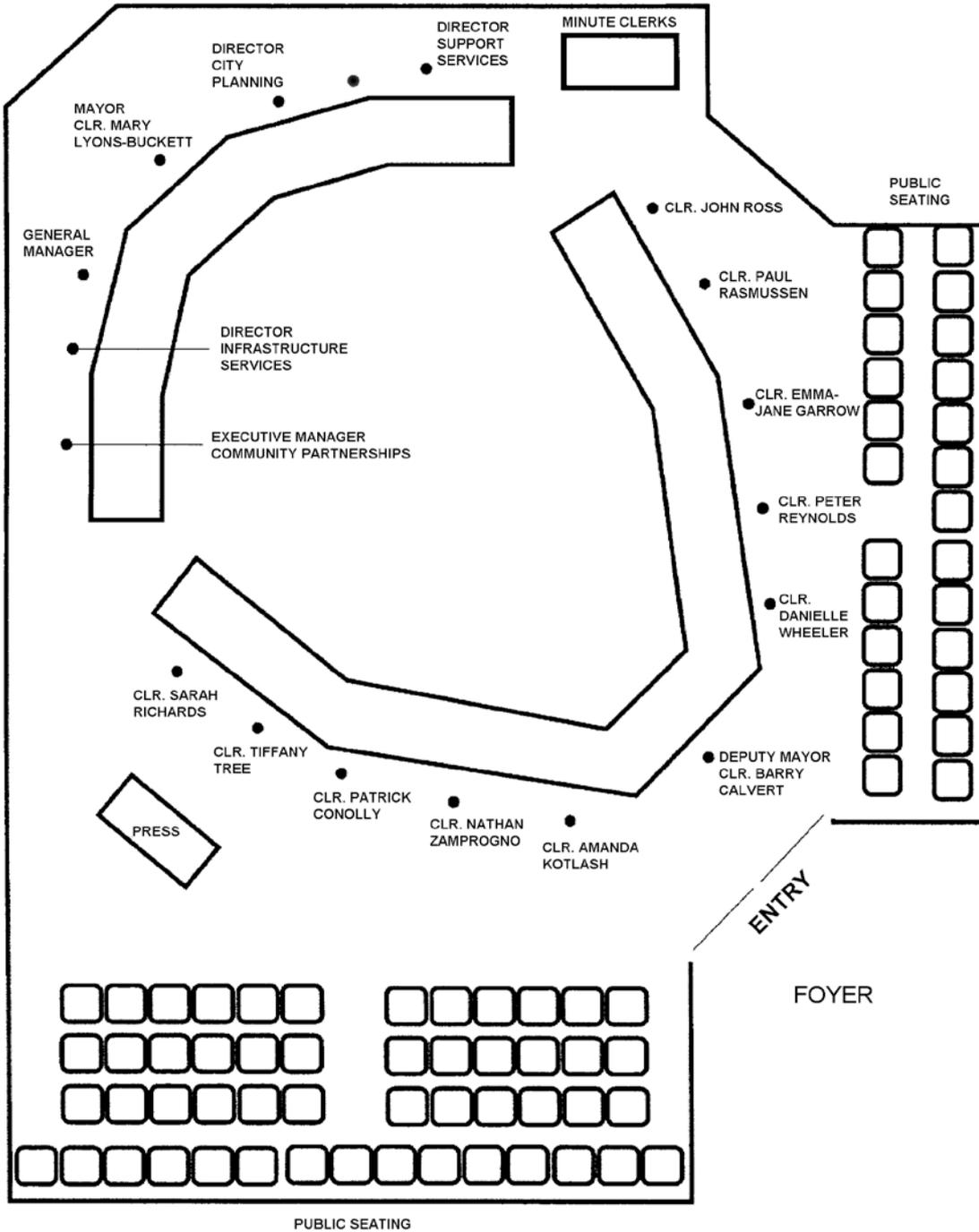
time: 6:30 p.m.



# mission statement

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

# Hawkesbury City Council





**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 10 July 2018

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
	<b>PROCEDURAL MATTERS</b>	<b>3</b>
	<b>SECTION 1 - Confirmation of Minutes</b>	<b>6</b>
	<b>SECTION 2 – Mayoral Minutes</b>	<b>8</b>
	<b>SECTION 3 – Reports for Determination</b>	<b>11</b>
	<b>PLANNING DECISIONS</b>	<b>11</b>
Item: 159	CP - Proposed Modification of Existing Covenant - Building Height Restriction Lot 14, DP 1157035 - 109 Hibberts Lane, Freemans Reach - (95498)	11
	<b>GENERAL MANAGER</b>	<b>36</b>
Item: 160	GM - Events Strategy - (79351, 79356)	36
	<b>INFRASTRUCTURE SERVICES</b>	<b>40</b>
Item: 161	IS - Suburb Boundary Redefinition Lot 12 DP 816720 - (95495, 79346)	40
	<b>SUPPORT SERVICES</b>	<b>45</b>
Item: 162	SS - Pecuniary Interest Return - Designated Person - (95496, 96333)	45
Item: 163	SS - Draft Borrowings Policy - (95496, 96332)	48
	<b>SECTION 4 – Reports of Committees</b>	<b>67</b>
Item: 164	ROC - Local Traffic Committee - 18 June 2018 - (80245)	67
	<b>SECTION 5 – Notices of Motion</b>	<b>91</b>
Item: 165	RM - Cost Shifting Notification on the 2018/2019 Rates Notice - (79351, 138880)	91
Item: 166	NM - Library Funding - (79351, 138880)	94
	<b>QUESTIONS FOR NEXT MEETING</b>	<b>96</b>
Item: 167	Councillor Questions from Previous Meetings and Responses - 8 May 2018 - (79351)	96
Item: 168	Councillor Questions from Previous Meetings and Responses - 29 May 2018 - (79351)	98
Item: 169	Councillor Questions from Previous Meetings and Responses - 26 June 2018 - (79351)	99

**ORDINARY MEETING**

**Table of Contents**

**Meeting Date:** 10 July 2018

<b>CONFIDENTIAL REPORTS</b>	<b>104</b>
Item: 170    SS - Lease to Stakks Pty Ltd - Shop 12, Wilberforce Shopping Centre - (99221, 95496, 112106)	104
Item: 171    SS - Lease to Y Ghet Cang - Shop 2, McGraths Hill Shopping Centre - (111656, 95496, 112106)	105

**ORDINARY MEETING**  
**Procedural Matters**  
**Meeting Date: 10 July 2018**

**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.

**ORDINARY MEETING**

**Procedural Matters**

**Meeting Date:** 10 July 2018

ordinary

section 1

confirmation of minutes

**ORDINARY MEETING**

**SECTION 1 - Confirmation of Minutes**

**Meeting Date:** 10 July 2018

**SECTION 1 - Confirmation of Minutes**

ordinary

section 2

mayoral minutes

**ORDINARY MEETING**  
**SECTION 2 – Mayoral Minute**  
**Meeting Date: 10 July 2018**

**SECTION 2 – Mayoral Minutes**

No Mayoral Minutes.

ordinary

section 3

reports  
for determination

**ORDINARY MEETING**

**SECTION 3 – Reports for Determination**

**Meeting Date: 10 July 2018**

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

**SECTION 3 – Reports for Determination**

**PLANNING DECISIONS**

**Item: 159**                      **CP - Proposed Modification of Existing Covenant - Building Height Restriction Lot 14, DP 1157035 - 109 Hibberts Lane, Freemans Reach - (95498)**

**Directorate:**                City Planning

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**PURPOSE OF THE REPORT:**

The purpose of the report is to seek Council's endorsement to modify an existing covenant that relates to a building height restriction on Lot 14 in DP 1157035 at 109 Hibberts Lane, Freemans Reach from 40 metres Australia Height Datum (AHD) to a maximum roof height of 47 metres AHD.

**EXECUTIVE SUMMARY:**

Council has received a request from 3D Environment to modify a restrictive covenant on the title of Lot 14 in DP 1157035 at 109 Hibberts Lane Freemans Reach which requires buildings on Lot 14 to be erected below 40 metres AHD. The covenant was registered over the lot because of a condition of consent imposed under development application MA1191/01 for a proposed subdivision, to protect views and outlook from properties located north of the subject site.

The modification sought by 3D Environment would modify the restrictive covenant to restrict the roof height of dwellings or buildings on Lot 14 so as not to exceed 47 metres above AHD, in lieu of the current restriction of 40 metres above AHD. The modification is sought to facilitate consideration of (undetermined) DA0520/17 for construction of a dwelling on Lot 14 at a roof height of 46.9 metres AHD.

The proposed modification to the restrictive covenant is supported by documentation and plans that argue the modification would still preserve views from adjoining lots while addressing the site constraints.

The applicant's justification is considered worthy of support and therefore for the reasons outlined in this report, Council officers support the modification to the covenant.

**RECOMMENDATION SUMMARY:**

That:

1. Council agree to vary the height covenant over Lot 14 in DP 1157035 at 109 Hibberts Lane, Freemans Reach to restrict the maximum roof height of any building or dwelling on the lot so as not to exceed 47 metres AHD.
2. The wording of the modified covenant to effect this resolution be determined by the General Manager in consultation with Council's Legal Advisors as is necessary, to ensure compliance with the technical, administrative, and legal requirements of NSW Land Registry Services.
3. Authority be given for the Section 88E 'Variation or Modification of Restriction on the Use of Land' to be executed by an authorised officer of Council.
4. All costs associated with the preparation and drafting of necessary documentation and plans and any registration and lodgement fees be borne by the owner of Lot 14 in DP 1157035.

ORDINARY MEETING

SECTION 3 – Reports for Determination

Meeting Date: 10 July 2018

**REPORT:**

**Detailed History, including previous Council decisions**

Development Application MA1191/01 for a three lot subdivision resulted in the creation of properties known as 562 Freemans Reach Road, as well as 105 and 109 Hibberts Lane in Freemans Reach. The subdivision was approved by Council and resulted in two of the lots having building envelopes that were outside the 1 in 100 year flood level.

During the assessment of MA1191/01 submissions were received raising concerns about the height of the indicative building envelopes and potential adverse impact upon the views enjoyed by the adjoining properties located to the north on higher ground.

The adjoining properties to the north have views of the lowlands and Hawkesbury River. In this regard an objector proposed that a restriction be placed on the lots so that that all buildings/structures would be located below the 40 metre contour line to protect views. Therefore, Condition 14 was imposed on MA1191/01 as follows:

*"The creation of a restriction on the use of the land under Section 88b of the Conveyancing Act requiring:*

- a) *No building to be erected on land lying above 40m Australian Height Datum (AHD) contour.*
- b) *Lot 3 to be used for agricultural purposes only and no dwelling entitlement.*
- c) *Any on site effluent disposal system installed on the lots is to be designed, installed, certified and maintained in accordance with the report prepared by Toby Fiander and Associates titles "Feasibility of On-site Disposal of Wastewater, proposed subdivision, 562 Freemans Reach Road, Freemans Reach (book 3725 No 222) NSW", dated 20 February 2002."*

To implement the requirements of this condition, a covenant was created over a part of Lots 101 and 102 (DP1102439) on 11 October 2010 restricting the height of any building to a maximum of 40 metres AHD as follows:

*"Buildings are to be erected in the area shown on the plan mark (C). Buildings on the lots are to be erected below 40 metres Australian Height Datum (AHD). Any on site disposal system installed on the lots is to be designed, installed, certified and maintained in accordance with the report prepared by Toby Fiander and Associates titled "Feasibility of On- Site Disposal of Wastewater, Proposed Subdivision ,562 Freemans Reach Road Freemans Reach (Book 3725 No 222) NSW dated 20<sup>th</sup> February 2002."*

A subsequent Plan of Acquisition (DP1157035) effecting the original lots 101 and 102 was registered on 18 November 2010. New lots 11 and 12 were acquired by Sydney Water and the residue lots (previously 101 and 102) were numbered 13 and 14 respectively. The original covenant as stated above, which has both restrictive (relating to height) and positive (relating to any on site disposal system) components was carried forwarded to run with the land as subdivided. Hawkesbury City Council is the authority empowered to release, vary, or modify the relevant covenant.

A copy of the Section 88B Instrument, Deposited Plans and covenants is provided in Attachment 5 and Attachment 6. It should be noted that there are several covenants that apply, however it is the "positive" covenant fourthly referred to in the S88B instrument that is relevant.

Whilst there is no doubt that the restrictive covenant was imposed to protect views, interpretation of the height restriction wording has resulted in ambiguity over which part of the buildings are to be erected below 40 metres AHD.

## ORDINARY MEETING

### SECTION 3 – Reports for Determination

Meeting Date: 10 July 2018

This issue needs resolution to progress a current (undetermined) development application (DA0520/17), which seeks consent for a new dwelling house at a maximum roof height of RL 46.9 metres.

#### **Policy considerations**

There are no Council policies that are relevant to this matter.

#### **Consultation**

The issues raised in this report concern matters which do not specifically require community consultation under Council's Community Engagement Policy. However, the proposed modification to the covenant on lot 14 was notified to adjoining lots at 41 and 105 Hibberts Lane, Freemans Reach, given the history of the previous subdivision determination and the fact that the existing height restriction was a response to specific concerns about potential view loss from these properties.

The applicant has submitted signed letters from both property owners supporting the proposal and no objection has been raised through Council's own notification process (Attachment 4). Lot 12 is owned by Sydney Water and is well below metres AHD and as such it was not notified as part of this process.

#### **Conformance to the Hawkesbury Community Strategic Plan 2017-2036**

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

#### Our Future

##### 5.3 Shaping our Growth

5.3.2 The diverse housing needs of our community will be met through research, active partnerships and planned development.

#### **Discussion**

##### ***Planning Justification***

The request to modify the height restriction covenant on the title of Lot 14 in DP 1157035 at 109 Hibberts Lane Freemans is supported by a statement of justification (Attachment 1) and modelling (Attachment 2). The modelling relates to the subject property and adjoining properties in order to demonstrate that the views enjoyed by the properties to the north would be preserved and therefore maintain the intent and purpose of Condition 14 imposed under MA1191/01. The submitted modelling is based on maximum roof height of 46.9 metres AHD for a proposed new dwelling on Lot 14, and demonstrates that the views of the Hawkesbury River and lowlands are preserved for the relevant lots to the north.

As part of the site analysis for a new dwelling house at 109 Hibberts Lane, Freemans Reach as proposed under DA0520/17 (which is undetermined), 3D Environment have considered potential options to locate a dwelling on the site. Under the terms of the "fourthly referred to" covenant, all buildings must be erected in the area identified as (C) on the deposited plan 1157035 and as such restricts buildings to the northern half of the subject lot. Furthermore, the deposited plan indicates a 10 metre boundary setback from the western boundary in addition to buildings to be erected below 40 metres AHD.

The options for building areas on the northern half of the subject lot are further restricted by environmental constraints. A constraint arises from vegetation to the east which results in the need for an eastern setback of 39 metres to reach a Bushfire Attack Level (BAL) 29 rating, in accordance with recommendations of the bushfire consultant's report submitted with DA0520/17. This setback from the east is required to reduce bushfire risk to the dwelling and would limit the building envelope to approximately 50% of area (C) on the western side.

## ORDINARY MEETING

### SECTION 3 – Reports for Determination

Meeting Date: 10 July 2018

Another environmental constraint is related to the terrain within the building envelope area (C) identified by a steep southward fall in the contours and gully where the land's natural water runoff flows through. The contours are primarily steep below the 39 metres AHD and a large amount of vegetation exists along the natural drainage line below 39 metres AHD. The proposed dwelling is positioned with foundations at 39.9 metres AHD and roof height of 46.9 metres AHD which reduces the impact on the site's terrain and water runoff. The proposed foundations and roof height would retain the majority of vegetation along the natural drainage line, prevent excessive cut and fill and prevent adverse impacts of earthworks to the sites natural drainage flow.

The applicant has also reviewed options to reduce the overall height of the dwelling including the roof. Due to the restrictions on the building envelope and environmental constraints outlined above, the applicant proposes a dwelling which maximises the available space through inclusion of an attic within the roof profile.

A gable roof form is proposed with the highest gable being 46.9 metres AHD that is orientated in a north-south direction to have minimal width viewed from the River and northern neighbour. As such the majority of the visual impact consists of the lower gable at 45.5m AHD orientated in an east-west direction. A flat roof form is not preferred as it is inconsistent with the surrounding architecture and character in the locality which consists of gabled and hipped roof forms.

#### **Other Matters**

The wording of the current covenant has apparently resulted in ambiguity over whether the foundations alone are to be erected below 40 metres AHD or whether the roof heights of buildings are to be below 40 metres AHD. A single dwelling was approved under a complying development certificate (CDCPC1273/15) by a private certifier on the adjoining lot at 105 Hibberts Lane, Freemans Reach, which is subject to the same restrictive covenant.

It is understood that due to the alleged ambiguity of the wording of the height covenant, the private certifier for CDCPC1273/15 interpreted the covenant to mean that only the foundations were restricted to below 40 metres AHD and as such approved a dwelling roof height above the 40m AHD contour. Although unrelated to the merits of allowing any additional height on the site under consideration in this report, the exercise of modifying the wording of the covenant provides an opportunity to provide clarity and remove uncertainty.

The applicant's legal advisor Paine Ross and Co has made a submission that highlights that the existing "fourthly referred to" covenant wording as well as being open to interpretation, does not facilitate current administrative requirements of NSW Land and Registry Services to register and/or amend restrictive and positive covenants and will likely require separation of the height and on site disposal components (Attachment 3).

These comments are noted however it is considered appropriate that the final wording and structure of the modified covenant be determined by Council to ensure compliance with all relevant administrative, technical, and legislative requirements.

#### **Financial Implications**

There are no financial implications for Council relating to this request as all costs will be borne by the owner of Lot 14.

#### **Fit For The Future Strategy Considerations**

The proposal is aligned with Council's long term plan to improve and maintain organisation sustainability and achieve Fit for the Future financial benchmarks. The proposal has no resourcing implications, outside of Councils adopted 2018/2019 Operational Plan, which will adversely impact on Councils financial sustainability.

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**

**Meeting Date:** 10 July 2018

**Conclusion**

The proposed modified restriction whilst allowing an increase from 40 metres AHD to a maximum roof height of 47 metres AHD, would preserve views, clarify the wording to remove ambiguity and provide for a building envelope that addresses the environmental constraints of the subject site. Such modification is not contrary to the intent of Condition 14 of Development Consent No. MA1191/01 and for the reasons outlined in this report endorsement of the modified covenant is recommended.

**Planning Decision**

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

**RECOMMENDATION:**

That:

1. Council agree to vary the height covenant over Lot 14 in DP 1157035 at 109 Hibberts Lane, Freemans Reach to restrict the maximum roof height of any building or dwelling on the lot so as not to exceed 47 metres Australian Height Datum.
2. The wording of the modified covenant to effect this resolution be determined by the General Manager in consultation with Council's Legal Advisors as is necessary, to ensure compliance with the technical, administrative, and legal requirements of NSW Land Registry Services.
3. Authority be given for the Section 88E 'Variation or Modification of Restriction on the Use of Land' to be executed by an authorised officer of Council.
4. All costs associated with the preparation and drafting of necessary documentation and plans and any registration and lodgement fees be borne by the owner of Lot 14 in DP 1157035.

**ATTACHMENTS:**

- AT - 1** Statement of Justification
- AT - 2** Modelling
- AT - 3** Request for Release of Positive Covenant
- AT - 4** Letters of Consent
- AT - 5** Deposited Plan (DP1157035)
- AT - 6** Terms of Positive Covenant (DP1102439)

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

**AT - 1 Statement of Justification**



**Justification for Proposed Location of Residence**  
*(addendum To Statement of Environmental Effects 28/08/17)*

**Proposed New Residence**  
**109 Hibberts Lane, Freemans Reach DP 1157035 NSW 2756**

*for*

**P. & D. PRICE**  
*May 21 2018*

Following a meeting with Judy Clark, Cristie Evenhuis, Nicholas Powers, Darren Price and Helen Lloyd-Martin on May 16 at Council, Council has requested the following:

- i. Justification for the modification of the positive covenant is to be provided to Council. In particular, justification for the height of the proposed dwelling design and proposed location should be provided. In addition, information shall be provided to detail what consideration was given to other options for the dwelling design or location to allow the building to satisfy the 40m RL building height restriction. If other options were considered then justification is required for why they were not suitable and that a roof height of 47m RL is the best option for the site.*
- ii. Evidence of any agreements to the modified positive covenant from owners burdened by the covenant is to be provided to Council. This includes 105 Hibberts Lane (Lot 13 DP 1157035)*

**Site**

The site is a roughly rectangular shaped block of approximately 4.335 hectares, accessed from Hibberts Lane via a Right of Carriageway 9m wide to the western side at the mid-point of the block. The site is a narrow-shaped rectangle with splayed north and southern boundaries approximately 85m wide, and the west and eastern boundaries between 290 and 360m long.

The site consists of 2 main areas, the lower portion being relatively level land currently being used for horse paddocks and shelter, and the upper portion rising steeply to the north, which is currently vacant. The lower portion of land is subject to flooding from the Hawkesbury River, with the Flood Level being determined at RL17.3. The upper portion of the site slopes from west down to east in addition to a steep slope from north down to the south. It offers panoramic views to the south, over the Hawkesbury Lowlands.

There are adjoining neighbours, on rural properties of similar size, located some distance from the proposed new dwelling and sheds. This proposal will be in keeping with the surrounding residences and will have no adverse impact on immediate neighbours, in terms of privacy, overshadowing, bulk and scale etc, nor to the surrounding area.

**Development Proposal**

The proposed residence is located within the allowable building envelope. The residence will be accessed via a meandering driveway traversing the property – refer to site plan and engineering plans.

The overall design is a contemporary Australian aesthetic, and will be low key in nature, blending into the landscape, with no adverse visual impact within the site, or beyond. As the site is visible from the lowlands below, its appearance and profile has been carefully considered to minimise any visual intrusion on the

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00971 page 1 of 4 Price Justification Council 180321.doc

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

landscape, and enhance the overall ambience of the area with a quality residence incorporating high-end construction, finishes and materials.

This is a site-responsive design which we ask to be considered on its merits and added value to the Hawkesbury community.

**Reasons for Selection of Site, and Proposed Levels:**

**Proposed Levels**

The proposed ground floor level of the upper floor is RL 39.9, with maximum RL 46.9, and secondary Roof height RL 45.5. This is above the RL40.0 stated in the 88B Instrument.

As outlined in previous submissions, we have requested variation to the Positive Covenant via PAINE ROSS Solicitors – refer letter 15 March 2018, and letter of 6 March from 3D Environment.

It is our understanding that the intent of the covenant is to preserve views to the Hawkesbury River and lowlands from neighbouring properties by limiting the height of buildings above ground level. We have provided modelling and a photomontage to council showing that there will no impact on views to the River, lowlands and landscape beyond from any neighbouring property.

**Bushfire Setback**

The Bushfire Consultant has determined that the setback required to achieve BAL29 is 39m from the east boundary. This BAL rating is critical for the purposes of reducing risk to the future occupants and buildings and minimising construction costs. Accordingly, it is proposed to locate the residence behind the 39m setback, limiting the site available by approximately 50%.

**Boundary Setback**

A 10m boundary setback is required to the western boundary, further limiting the building area.

**Stormwater**

The contours of the site are such that during wet weather, the natural course of water run-off from the site runs in a north-south direction through the middle of the site. The design aims to retain much of the existing vegetation, locating the building clear of this zone, in accordance with Hawkesbury DCP Part C - *"Drainage - Existing vegetation should be retained along natural drainage lines and supplementary planting should be considered, to reduce moisture levels and lower stormwater velocities, thus reducing the possibility of erosion of top soil"*.

In addition, the landscape design specifically addresses stormwater to divert it away from the residence. Accordingly, it is proposed to locate the residence clear of the gully running north south through the site.

**Contours and Earthworks**

The contours of the site are such that they run in a north-south direction in the area located below our proposed building site (at RL 33.0). This contour was considered during the design stages as this would have accommodated the building height under RL 40.0. However, this was rejected due to the direction of the contours, and steepness of slope, which would have required an excessive degree of cut and fill to locate a building oriented in the east-west direction. Higher up the site (at RL39.9), the contours run more in an east-west direction, which creates better opportunities for passive solar design and minimises the requirements for cut and fill.

**Energy Efficiency and Sustainability**

The residence has been specifically commissioned as an energy efficient, ecologically sustainable residence designed by 3D Environment, an award winning and experienced local Design Practice in the Hawkesbury. As such, the design has been carefully considered to maximise passive solar principles to minimise energy consumption, and create a comfortable and healthy home environment with minimal ecological impact.

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890 Pitts SEE page 2 of 4

## ORDINARY MEETING

### SECTION 3 – Reports for Determination

Meeting Date: 10 July 2018

Passive solar design principles require planning which orients living areas towards the north, requiring a building typology which maximises north facing elevations, and minimises east and west exposure. (In accordance with objectives of Hawkesbury DCP Part C) – *“Energy Efficiency-to improve the quality and energy efficiency of dwellings; and contribute positively to an overall reduction in greenhouse gas emissions; create homes that are comfortable and economical to live in;... Building Orientation - To maximise winter solar access and minimise summer heat gains:*

*- face the long axis of your building up to 30° east and 20° west of true north.*

*- face living spaces to the north, sleeping areas to the east or south and utility areas to the west or south”.*

The nature of this site increases the complexity of a passive solar response as the contours do not run in the east-west direction, rather, in the north-south direction at the lower levels (at RL33.0), and more in an east-west direction at the upper levels (at RL39.9). In selecting the upper portion of the site, rather than the lower levels, the opportunity to achieve a north orientation in a staggered building plan (along the contours, rather than across), is possible, without the need for excessive amounts of cut and fill.

The orientation in combination with appropriate levels of shading, glazing, thermal mass, insulation and cross ventilation and zoning will address passive solar design requirements.

#### Views from and to the site

This is a unique site in the Hawkesbury Basin. It offers sweeping views of the Hawkesbury River to the south, and is visible from the lowlands below. The owners understandably wish to maximise the advantages of this location, and the views are of course best at a higher level. This requirement to maximise views must of course be balanced with the need to minimise impact on the environment, and the design has addressed this as follows:

- The location of the building at a similar levels to adjacent neighbour (Lot 13 - Floor level of RL39.9, Roof height of RL46.9).
- The colours and appearance of the building are designed to ‘recede’ into the landscape with darker colours, materials.
- The building is articulated rather than monolithic on the hillside. The building ‘hugs’ the hillside, stepping along contours to minimise its bulk and scale.
- As demonstrated in the modelling and photomontage previously submitted to Council, the building has no adverse impact on views from neighbouring properties.
- If we had located the building at RL33.0, it would have been more prominent within the views available to the neighbours, particularly Lot 13. It would also have been more prominent and visible from the lowlands, pushed forward towards the River, whereas its current location allows it to hug the hillside, receding away from the viewer below.

#### Alternate Roof Options

The overall height of the building is determined by the roof configuration, which is proposed as a gable form. The configuration of the roof is two connected gables. The highest gable (RL 46.9) is oriented in a north-south direction, and therefore has minimal width presentation towards the River, and to neighbours to the rear. The lower gable (RL 45.5) is oriented in an east-west direction to maximise passive solar opportunities to living areas. The bulk of the height taken up by a gable is in fact a narrow triangular section of roof, which is not visually bulky.

The gable roof is a very familiar form in the local area, with many homes designed in this configuration. It is an appropriate design response, providing contemporary quality architectural design integrity in a traditional roof form, with the ability to rake the ceilings underneath to maximise the sense of volume and space. It also provides the opportunity to create an attic storage space within the roof profile and appear from the outside to be a two storey building. Due to the nature of this site, any building will have inherent higher costs and the design brief was to maximise the space available within a restrictive building envelope. Attic space provides this opportunity.

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00973 Price Justification Council 180521.doc  
page 3 of 4

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

A flat roof form was not considered appropriate due to the visibility of the site from below. A flat roof form would not be in keeping with the architectural character of the Hawkesbury area, which is typically gabled or hipped roof forms.

Building Height

The building has been specifically designed to comply with the 10m height limit. Due to the complex nature of the available building site, this has been challenging to achieve in combination with all the other design elements considered. This would have been exacerbated at the lower level of RL33.0, due to the steeper slope.

Position of Residence Relative to Neighbour on Lot 13.

The building has been located to as to minimise its visual impact on the neighbour to Lot 13 (west). By locating the building alongside the neighbour's residence, it will not intrude on their views, nor will the neighbours intrude on the views offered to this residence. In addition, the positioning ensures that solar gain is available throughout the winter months, an important factor on a south facing exposed slope.

In locating the residence at this level, we considered the levels of the neighbour's property. The same covenant is applicable to the neighbouring property to the west (lot 13), which has a recently constructed shed/dwelling at floor level RL 40.45. The ridge height is RL 46.92. These levels are very comparable to the levels we propose for this building. Our proposal will therefore be in keeping with the neighbour, and have no adverse effects on the neighbour.

Neighbour Consent

The neighbouring properties have been kept informed of our proposal and have no objections to the proposal. A signed letter from the property owner at Lot 13 has been obtained and forms part of this submission.

ENDS









**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

 <p style="text-align: center;">View 2 - From Neighbour's Outdoor Entertaining Patio - Lot 455</p>	 <p style="text-align: center;">View 3 - From Neighbour's Outdoor Entertaining Patio - Lot 455 (with fence)</p> <p style="color: red; font-size: small;">Approx. height of 1500mm fence</p>	 <p style="text-align: center;">View 1 - From Fenceline Between Lot 14 and Lot 455</p>					
<p>Photomontage - Note Artist Impression only.                  For the purposes of illustration to Council re impact of proposal on neighbour's views</p>							
Date 10/07/2017	Project Proposed New Residence Address 109 Hibberds Lane Freemans Reach	Drawing Title Photomontage Images	Drawing No. 000771-23	Date 20/07/2018	Scale 1:100 @ A3	Issue C 5.0	
Client Paula and Damien PRICE		Project No. 000967		Issue C 5.0		3D Environment Ecological Design Studio 41 Coach House Place Burpengary Heights QLD 4208 ABN: 20 347 203 009	
Scope Development Application		Client Paula and Damien PRICE		Date 20/07/2018		Scale 1:100 @ A3	
Date 10/07/2017		Project Proposed New Residence Address 109 Hibberds Lane Freemans Reach		Drawing Title Photomontage Images		Drawing No. 000771-23	
Client Paula and Damien PRICE		Project No. 000967		Issue C 5.0		3D Environment Ecological Design Studio 41 Coach House Place Burpengary Heights QLD 4208 ABN: 20 347 203 009	

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

**AT - 3 Request for Release of Positive Covenant**

**PAINE ROSS & CO**

LAWYERS SINCE 1828

Our ref: PRICE 5024 EAP

**Elizabeth Paine**  
Solicitor

21 March 2018

**David Ireland**  
Solicitor

Hawkesbury City Council  
DX 8601

Cnr, George & Kable Streets  
Windsor NSW 2756

PO Box 25  
Windsor NSW 2756

DX 8604 Windsor

**By email:** council@hawkesbury.nsw.gov.au

Tel 02 4577 2214  
Fax 02 4577 5210

www.paineross.com.au

Dear Colleagues,

**REQUEST FOR RELEASE OF POSITIVE COVENANT  
LOT 14, 109 HIBBERTS LANE FREEMANS REACH**

We act for Darren Price who sought our advice in relation to the 'positive covenant' fourthly referred to in the s88B instrument being registered No. 1102439 and the requirements of Hawkesbury City Council in relation to that covenant.

Mr Price has instructed us to write to Hawkesbury City Council (**the Council**) with our recommendation as to how to modify that positive covenant to satisfy the Council's requirements so that Mr Prices DA can be progressed.

By way of background, the positive covenant places obligations on the owner of the land in relation two matters:

1. The first is to ensure buildings on the property are constructed in a defined area shown as 'C' on the plan as well as requiring those buildings to have a height above ground level *below 40 metres Australian Height Datum (AHD)*.
2. The second relates to the installation of an onsite disposal system and the requirements in relation to those aspects. This aspect is not relevant to our client's application. However, because it is included in the same covenant as the first part above it is affected by the proposal to amend the covenant.

Although the two 'obligations' are grouped together and referred to as a 'positive covenant' and have been accepted as one positive covenant when the 88B was registered, the first part is a restriction on the use of land and the second part is a positive covenant. The distinction is relevant because Land Registry Services has a separate form for a restriction on use and a positive covenant and we are recommending utilising these LRS forms to deal with the amendment to the terms of the positive covenant.

We understand that Hawkesbury City Council has advised Mr Price that due to the height of the proposed new residence under DA 0520/17 there may be a breach of the first part of the Positive Covenant depending on how the wording is interpreted.

{00163538.DOCX;1}

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

PAINE ROSS & CO

Accordingly, we recommend that the first part of the Positive Covenant be varied to the extent that it restricts the height of buildings on the land. To achieve this the Council needs to:

1. Release the Positive Covenant on the Subject Property, being lot 14, as well as lots 12 and 13, pursuant to s88E(7) of the Conveyancing Act 1919;
2. Simultaneously with the release, Council enter into and register a restriction on use and a Positive Covenant pursuant to s88E (2) and (3) of the Conveyancing Act on lots 13 and 14 only. The second part of the positive covenant would remain unchanged and the first part would be amended and would become the restriction on use of land, wording below; and
3. Lot 12 is owned by Sydney Water and we assume that there is no reason the positive covenant should remain on that Lot, though if necessary, it could be.

**Restriction on Building Height:** The proposed wording of the restriction on use to be registered on Lots 13 and 14 (to be included as an Annexure to Form 13RPA) would be:

*No dwelling or building shall be constructed on the lot burdened unless:*

1. *it is constructed within the area shown on Deposited Plan 1102439 and marked "C" and*
2. *the roof height of the dwelling or building does not exceed a height of 47 metres Australian Height Datum (AHD).*

**Existing onsite disposal system covenant:** The positive covenant to be lodged separately on Lots 13 and 14 would have the same wording as the original positive covenant registered with DP 1102439 (to be included as an Annexure to Form 13PC):

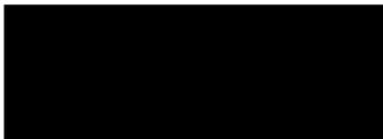
*Any onsite disposal system installed on the Lots is to be designed, installed, certified and maintained in accordance with the report prepared by Toby Fiander & Associates entitled "Feasibility of Onsite Disposal of Wastewater, Proposed Subdivision, 562 Freemans Reach Road, Freemans Reach (Book 3725 No. 222) NSW" dated 20 February 2002. A copy of this report is held by Hawkesbury City Council on file MA1191/01.*

My client has the cooperation and agreement of the owners of Lot 13 in relation to the proposal.

In terms of Sydney Water who own Lot 12, we assume it would be unnecessary for them to have the new Restriction on Use and Positive Covenant registered on the land given its use.

Accordingly, once the documents are ready Mr Price would arrange for Sydney Water to consent to the registration of the release of the positive covenant and produce the title for that purpose (if necessary).

Yours faithfully,  
**PAINE ROSS & CO.**



Elizabeth Paine  
Solicitor Director  
e: [epaine@paineross.com.au](mailto:epaine@paineross.com.au)

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

PAINÉ ROSS & CO

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(00163538.DOCX.1)  
Legal Practitioners employed by Paine Ross Pty Limited are members of the scheme

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

May 16<sup>th</sup> 2018

Hawkesbury City Council  
DX 8601

To Whom It May Concern

Dear Sir / Madam

**RE: DA0520/17 LOT 14 109 HIBBERTS LANE FREEMANS REACH**

Please note that we are the owners of the neighbouring property (Lot 13) to the above property.

We have no objection to the above development application or the proposed changes to the 888 instrument as outlined within the letter from Paine Ross & Co.

Should you require additional information, please contact us on [REDACTED]

Yours Faithfully,

[REDACTED]

[REDACTED]

[REDACTED]

105 Hibberts Lane  
Freemans Reach NSW 2756

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

May 16<sup>th</sup> 2018

Hawkesbury City Council

To Whom It May Concern

Dear Sir / Madam

**RE: DA0520/17 LOT 14 109 HIBBERTS LANE FREEMANS REACH**

Please note that I am the owner of the neighbouring property (41 Burgess Rd Freemans Reach) located directly behind the above property.

I have no objection to the above development application or the proposed changes to the 88B instrument as outlined within the letter from Paine Ross & Co.

Should you require additional information, please contact me on [REDACTED]

Yours Faithfully,

[REDACTED]

.....  
41 Hibberts Lane (Formerly 455 Burgess Rd)  
Freemans Reach NSW 2756



**ORDINARY MEETING**

**SECTION 3 – Reports for Determination**

**Meeting Date: 10 July 2018**

Box:e-DeK /Doc:DP 1157035 P /Rev:18-Nov-2010 /Sta:SC.OK /Pct:19-Nov-2010 01:36 /Pgs:ALL /Seq:2 of 2  
 WARNING : Electronic Document Supplied by LPI NSW For Your Internal Use Only. **Printing will lead to rejection**

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 1 sheet
<p>SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.</p> <p>LOTS 11 &amp; 12 HEREON ARE INTENDED TO BE ACQUIRED BY THE SYDNEY WATER CORPORATION</p>	<p style="font-size: 24pt; font-weight: bold;">DP1157035</p>	
	<p>Registered:  18-11-2010</p> <p>Title System: <b>TORRENS</b></p> <p>Purpose: <b>ACQUISITION</b></p>	
	<p>PLAN OF ACQUISITION AFFECTING OF LOTS 101 &amp; 102 IN D.P.1102439, PROPOSED RIGHT OF CARRIAGEWAY VARIABLE WIDTH AND PROPOSED EASEMENT FOR OVERHEAD POWERLINES 9 WIDE &amp; VARIABLE WIDTH</p>	
	<p>LGA: HAWKESBURY</p> <p>Locality: FREEMANS REACH</p> <p>Parish: WILBERFORCE</p> <p>County: COOK</p>	
<p>Use PLAN FORM 6A for additional certificates, signatures, seals and statements</p>	<p align="center">Surveying Regulation, 2006</p> <p>I, MATTHEW WILLIAM CLEARY of HARD &amp; FORESTER PTY LTD 23-25 FREDERICK STREET, ROCKDALE NSW 2216 a surveyor registered under the Surveying Act, 2002, certify that the survey represented in this plan is accurate, has been made in accordance with the Surveying Regulation, 2006 and was completed on 2<sup>ND</sup> AUGUST 2010</p> <p>The survey relates to LOTS 11 &amp; 12 AND CONNECTIONS</p> <p>specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)</p>	
<p align="center"><b>Crown Lands NSW/Western Lands Office Approval</b></p> <p>..... in approving this plan certify (Authorised Officer) that all necessary approvals in regard to the allocation of the land shown herein have been given</p> <p>Signature:..... Date:..... File Number:..... Office:.....</p>	<p>Signature ..... Dated: 24/8/2010 Surveyor registered under the Surveying Act, 2002</p> <p>Datum Line ..... BM44130 - BM45522 Type: Urban/Rural</p>	
<p align="center"><b>Subdivision Certificate</b></p> <p>I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:</p> <p>the proposed..... set out herein (insert 'subdivision' or 'new road')</p> <p align="center">* Authorised Person/General Manager/Accredited Certifier</p> <p>Consent Authority:..... Date of Endorsement:..... Accreditation no:..... Subdivision Certificate no:..... File no:.....</p> <p>* Delete whichever is inapplicable.</p>	<p>Plans used in the preparation of survey/compilation DP1106487 DP1102439</p>	
	<p align="right">SURVEYOR'S REFERENCE: 114507500_01</p>	

\* OFFICE USE ONLY

ORDINARY MEETING

SECTION 3 – Reports for Determination

Meeting Date: 10 July 2018

**AT - 6 Terms of Positive Covenant (DP1102439)**

INSTRUMENT SETTING OUT TERMS OF EASEMENTS POSITIVE COVENANTS AND RESTRICTIONS ON THE USE OF LAND INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919

(Lengths are in metres)

(Sheet 1 of 4 sheets)

PLAN

**DP1102439**

*LOTS 95-97 & part Lot 94*  
Subdivision of ~~Part of Lot 94 D.P. 751665 and~~ *part of*  
~~Part of Lot 96 D.P. 751665 being land~~ *in*  
~~comprised in Conveyance Book 3725 No.222~~ *DP1106487*  
Covered by Council Subdivision Certificate  
No. 05062 Dated: *3/11/2005.*

FULL NAME AND ADDRESS OF PROPRIETOR OF THE LAND

Peter Zorbas  
23 Duke Street  
KENSINGTON NSW 2033

PART 1

1. IDENTITY OF EASEMENT FIRSTLY REFERRED TO IN THE ABOVEMENTIONED PLAN

Right of Carriage way 9 wide

SCHEDULE OF LOTS ETC.AFFECTED

Lots burdened	Lots, name of road or Authority benefited
102	101

2. IDENTITY OF EASEMENT SECONDLY REFERRED TO IN THE ABOVEMENTIONED PLAN

Easement for Services 9 wide

SCHEDULE OF LOTS ETC.AFFECTED

Lots burdened	Lots, name of road or Authority benefited
102	101

3. IDENTITY OF RESTRICTION THIRDLY REFERRED TO IN THE ABOVEMENTIONED PLAN

Restriction on the Use of Land

SCHEDULE OF LOTS ETC.AFFECTED

Lots burdened	Lots, name of road or Authority benefited
103	Hawkesbury City Council



ORDINARY MEETING

SECTION 3 – Reports for Determination

Meeting Date: 10 July 2018

INSTRUMENT SETTING OUT TERMS OF EASEMENTS POSITIVE COVENANTS AND RESTRICTIONS ON THE USE OF LAND INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919

(Lengths are in metres)

(Sheet 2 of 4 sheets)

*Lots 95-97 & part 94 in DP1106487*

PLAN

Subdivision of ~~Part of Lot 94 D.P. 751665 and~~ *part of*  
~~Part of Lot 96 D.P. 751665 being land~~  
~~comprised in Conveyance Book 3725 No. 222~~  
Covered by Council Subdivision Certificate  
No. *05062* Dated: *3/11/2005*.

DP1102439

PART 1

4. IDENTITY OF POSITIVE COVENANT FOURTHLY REFERRED TO IN THE ABOVEMENTIONED PLAN

Positive Covenant

SCHEDULE OF LOTS ETC.AFFECTED

Lots burdened	Lots, name of road or Authority benefited
101	Hawkesbury City Council
102	Hawkesbury City Council

5. IDENTITY OF EASEMENT FIFTHLY REFERRED TO IN THE ABOVEMENTIONED PLAN

Easement for overhead power lines 9 wide

SCHEDULE OF LOTS ETC.AFFECTED

Lots burdened	Lots, name of road or Authority benefited
101	Integral Energy Australia
102	Integral Energy Australia

6. IDENTITY OF EASEMENT SIXTHLY REFERRED TO IN THE ABOVEMENTIONED PLAN

Easement to Drain Water 4 wide

SCHEDULE OF LOTS ETC.AFFECTED

Lots burdened	Lots, name of road or Authority benefited
101	Hawkesbury City Council
102	Hawkesbury City Council

PART 2

TERMS OF RESTRICTION THIRDLY REFERRED TO IN THE ABOVEMENTIONED PLAN

The lot herein burdened shall not be used for any use other than agricultural purposes only and no dwelling is allowed to be erected on the lot.



ORDINARY MEETING

SECTION 3 – Reports for Determination

Meeting Date: 10 July 2018

INSTRUMENT SETTING OUT TERMS OF EASEMENTS POSITIVE COVENANTS AND RESTRICTIONS ON THE USE OF LAND INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919

(Lengths are in metres)

(Sheet 3 of 4 sheets) *LOTS 95-97 & part 94  
IN DP 1106487.*  
Subdivision of ~~Part of Lot 94 D.P. 731665 and~~  
~~Part of Lot 96 D.P. 731665 being land~~ *part of*  
~~comprised in Conveyance Book 3725 No. 222~~  
Covered by Council Subdivision Certificate  
No. 05062 Dated: *3/11/2005.*

PLAN

DP1102439

PART 2

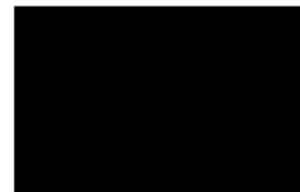
TERMS OF POSITIVE COVENANT FOURTHLY REFERRED TO IN THE ABOVEMENTIONED PLAN

Buildings are to be erected in the area shown on the plan mark (C). Buildings on the lots are to be erected below 40 metres Australian Height Datum (AHD). Any on site disposal system installed on the lots is to be designed, installed, certified and maintained in accordance with the report prepared by Toby Fiander and Associated titled "Feasibility of On-Site Disposal of Wastewater, Proposed Subdivision, 562 Freemans Reach Road Freemans Reach (Book 3725 No. 222) NSW" dated 20 February 2002. A copy of this report is held by Hawkesbury City Council on file MA1191/01.

TERMS OF EASEMENT FIFTHLY REFERRED TO IN THE ABOVEMENTIONED PLAN

1. The authority benefited may:
  - 1.1 install electrical equipment within the easement site,
  - 1.2 excavate the easement site to install the electrical equipment,
  - 1.3 use the electrical equipment for the transmission of electricity,
  - 1.4 enter the lot burdened using the most practical route (with or without vehicles, machinery or materials) at all reasonable times (and at any time in the event of an emergency) and remain there for any reasonable time,
  - 1.5 install its own access gates and locks
  - 1.6 trim or remove vegetation from the lot burdened that interferes with or prevents reasonable access to the easement site or the electrical equipment,
  - 1.7 remove any encroachments from the easement site and recover the costs of carrying out the removal work and repairing any damage done to the electrical equipment by the encroachment.
2. In exercising its rights under this easement the authority benefited will take reasonable precautions to minimise disturbance to the lot burdened and will restore that lot as nearly as practicable to its original condition.
3. The owner agrees that it will not:
  - 3.1 install or permit to be installed any services or structure within the easement site, or
  - 3.2 alter the surface level of the easement site, or
  - 3.3 do or permit anything to be done anything that restricts access to the easement site by the authority benefited

without the written permission of the authority benefited and in accordance with such conditions as the authority benefited may reasonably impose.



ORDINARY MEETING

SECTION 3 – Reports for Determination

Meeting Date: 10 July 2018

INSTRUMENT SETTING OUT TERMS OF EASEMENTS POSITIVE COVENANTS AND RESTRICTIONS ON THE USE OF LAND INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919

(Lengths are in metres)

(Sheet 4 of 4 sheets)

PLAN

DP1102439

*LOTS 95-97 & part 94 in DP 1106487*  
Subdivision of ~~Part of Lot 94 D.P. 751665 and Part of Lot 96 D.P. 751665 being land comprised in Conveyance Book 3725 No 222~~  
Covered by Council Subdivision Certificate No. 05062 Dated: *3/11/2005.*

PART 2

TERMS OF EASEMENT FIFTHLY REFERRED TO IN THE ABOVEMENTIONED PLAN (cont).

- 4. The authority benefited will not be responsible if the electrical equipment causes magnetic interference to computer equipment or electronic equipment operated within the lot burdened.
- 5. 5.1 **authority benefited** means Integral Energy Australia and its successors (who may exercise its rights by any persons authorised by it.
- 5.2 **easement site** means that part of the lot burdened that is affected by this easement.
- 5.3 **electrical equipment** includes pole, tower, overhead electrical cable, underground earthing system and ancillary equipment
- 5.4 **install** includes construct, repair, replace, maintain, modify, use, and remove.
- 5.5 **owner** means the registered proprietor of the lot burdened and its successors (including those claiming under or through the registered proprietor).
- 5.6 **services** includes overhead and underground gas, telephone, communications, water, sewage, and drainage services.
- 5.7 **structure** includes building, wall, retaining wall, carport, and swimming pool; but excludes garden furniture and garden ornament.

The terms implied by S 88A(2A) and Schedule 4A Part 8 of the Conveyancing Act 1919 are excluded.

Endorsed by Hawkesbury City Council

[Redacted Signature]

Authorised Person

SIGNED in my presence by  
PETER ZORBAS  
who is personally known to me:

[Redacted Signature]

Signature

witness signature

Mortgagee under Mortgage No. *837 Bk. 3732*  
Signed at Sydney this *6th* day of  
*November* 2007 for National  
Australia Bank Limited ABN 12 004 044 937  
by LYNETTE IRENE DARBY  
its duly appointed Attorney under Power of  
Attorney No. 39, Book 4512

Manager

[Redacted Signature]

Witness name and address

Witness/Bank Officer GERALDINE MIGUEL  
255 George Street, Sydney NSW

REGISTERED  *4/11/10/2010*

oooO END OF REPORT Oooo

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

**GENERAL MANAGER**

**Item: 160**                      **GM - Events Strategy - (79351, 79356)**

**Previous Item:**            125, Ordinary (29 May 2018)

**Directorate:**                General Manager

---

**PURPOSE OF THE REPORT:**

The purpose of this report is to seek Council's endorsement of the Hawkesbury City Council Events Strategy, July 2018 and to publically exhibit the Strategy.

**EXECUTIVE SUMMARY:**

Council is committed to developing a program of events for the Hawkesbury. Council invests resources annually to fund, approve, produce, promote and support events. The Events Strategy, July 2018 (attached as Attachment 1 to this report) has been prepared to guide Council in funding, approving, producing, promoting and supporting events. The Strategy will be implemented over the next five years and has been directed by the Hawkesbury Community Strategic Plan 2017-2036.

**RECOMMENDATION SUMMARY:**

It is recommended that Council endorse the Events Strategy, July 2018 and publically exhibit the Strategy.

---

**REPORT:**

**Context and Background**

At the Council meeting on 29 May 2018 Council gave consideration to a report regarding the Events Strategy and resolved that consideration of the Events Strategy be deferred and be considered by the Hawkesbury Tourism Advisory Committee and the Town Centre Master Plan Project Group. The Events Strategy was presented to the Hawkesbury Advisory Committee on 30 May 2018 and the Town Centre Master Plan Project Group on 28 June 2018. The discussions and comments from both groups were positive and supportive of the Events Strategy and its purpose.

Council is committed to developing a program of events for the Hawkesbury.

Events create the opportunity to build:

- Community – involvement and participation
- Capacity – the ability to self organise and develop resilience in the community
- Connections – social cohesion across communities and local businesses

Council invests substantial resources annually to fund, approve, produce, promote and support events. The Events Strategy identifies how Council will attract, partner, access, fund, produce, promote and approve events. The Strategy aims to ensure that the funds and resources invested by Council create new opportunities to build community, capacity and connections. An Event Calendar for events over the next five years has also been developed. The Calendar will be updated and refined based on the success of the events held in the local government area.

The Strategy also delivers a transparent framework for Council to determine funding and other assistance for events, based on a clear set of objectives and criteria. It includes a five year action plan with clear deliverables and timing.

A series of Event Application and Event Sponsorship Forms are being developed to support the Events Strategy. The preparation of the new forms follows a review of similar forms from other councils.

#### **Detailed History, including previous Council decisions**

At the Council meeting on 29 May 2018 Council gave consideration to a report regarding the Events Strategy and resolved:

*"That Council:*

- 1. Note the work carried out by staff in establishing events such as the 1867 Flood Commemoration and Australia Day on the Hawkesbury.*
- 2. Note that content of the Draft Events Strategy and its focus on encouraging community involvement in events, the capacity of the community and social interactions within the community.*
- 3. Defer further consideration of the Draft Event Strategy to enable the document to be considered by the Hawkesbury Tourism Advisory Committee and Town Centre Master Plan Project Group."*

#### **Policy considerations**

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

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

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

This Policy will be used when Council provides financial or in kind sponsorship of an event. Council has a Sustainable Events Management Policy that event organisers are required to consider when holding an event.

#### **Consultation**

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy. However, it is proposed to place the Events Strategy on public exhibition.

#### **Conformance to the Hawkesbury Community Strategic Plan 2017-2036**

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

#### Our Future

5.4 Celebrating our Rivers - Protect, enhance and celebrate our rivers

5.4.1 Celebrate and use our rivers for a range of recreation, leisure, tourism and event activities.

## ORDINARY MEETING

### SECTION 3 – Reports for Determination

Meeting Date: 10 July 2018

- 5.5 Reinforcing our dynamic places - Support the revitalisation of our town centres and growth of our business community
  - 5.5.1 Revitalise and enhance our two significant town centres of Windsor and Richmond, to create thriving centres each with its own character that attracts residents, visitors and businesses.
  - 5.5.2 Create active partnerships to develop a network of vibrant centres, creating opportunities for business growth and community connection.
  - 5.5.3 Assist our town and village centres to become vibrant local hubs
- 5.6 Instigating Place Making Programs - Celebrate our creativity and cultural expression
  - 5.6.1 Foster and promote an annual program of events, festivals, sporting and cultural activities that allows our communities to connect and celebrate with one another.
- 5.7 Tourism and Economic Development - Promote our community as the place to visit, work and invest
  - 5.7.1 Working in partnership we will actively market our City and our capabilities to existing and potential businesses, visitors and investors.
  - 5.7.2 Develop Hawkesbury Tourism to enhance and strengthen opportunities within our tourism sector.

#### Financial Implications

The matters raised in this report have direct financial implications. The expenditure applicable is provided for in the 2018/2019 Adopted Operational Plan.

#### Fit For The Future Strategy Considerations

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal will enable Council to continue to provide and maintain service levels to meet established community expectations as budgeted for in the Long-Term Financial Plan.

#### Conclusion

The Events Strategy is submitted to Council for endorsement. The adoption of the Events Strategy, in accordance with the Hawkesbury Community Strategic Plan, will provide a coordinated approach and additional opportunities to develop a program of events for the Hawkesbury.

#### RECOMMENDATION:

That:

1. Council endorse the Events Strategy, July 2018, attached as Attachment 1 to the report.
2. Council proceed to publicly exhibit the Events Strategy, July 2018, for a period of 28 days.
3. At the expiration of the public exhibition period outlined in Part 2 above, the following action be taken:
  - (a) Should any submissions be received regarding the Events Strategy, July 2018 a further report be submitted to Council, or
  - (b) Should no submissions be received, Council approve the Events Strategy, July 2018.

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

**ATTACHMENTS:**

**AT - 1** Events Strategy, July 2018 (*distributed under separate cover*)

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

**INFRASTRUCTURE SERVICES**

**Item: 161**                    **IS - Suburb Boundary Redefinition Lot 12 DP 816720 - (95495, 79346)**

**Directorate:**            Infrastructure Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to advise Council of a suburb redefinition proposal for Lot 12 DP 816720 to the suburb of Vineyard that is currently with the New South Wales Geographical Names Board.

**EXECUTIVE SUMMARY:**

Blacktown City Council has been reviewing suburb boundaries within their area with an aim of redefining and creating new suburbs. As part of this they have submitted a proposal to the New South Wales Geographical Names Board (GNB) seeking their approval for the new suburbs.

The suburb of Riverstone currently crosses both the Hawkesbury and Blacktown Local Government Areas (LGA) with the majority located within the Blacktown LGA and one property within the Hawkesbury LGA. It is proposed that this lot be incorporated into the existing suburb of Vineyard which adjoins this property.

The GNB is to commence public consultation on Blacktown Council's proposal before proceeding to adoption of the proposal. They have notified Hawkesbury City Council of this intent and are seeking support on the proposal for Lot 12 DP 816720 to be incorporated into the suburb of Vineyard.

**RECOMMENDATION SUMMARY:**

That Council support the suburb redefinition of Lot 12 DP 816720 from Riverstone to Vineyard.

---

**REPORT:**

**Context and Background**

Blacktown City Council is currently working through a process of redefining and creating new suburbs for their precincts within the North West Priority Growth Area. As part of this process they have submitted a proposal to the GNB.

The GNB is the delegated authority under the NSW Geographical Names Act 1966 for the naming and creation of suburb/localities.

The proposal submitted by Blacktown is requesting to create and name eight new suburb areas and reconfigure the boundaries of the existing seven suburbs in the North West Growth Area within their LGA.

The GNB is currently assessing this request under the NSW Geographical Names Act, The NSW Addressing Policy and the NSW Addressing User Manual. Council has received notification from the GNB about a proposal that is to affect the existing suburb of Riverstone.

The notification has been received as the suburb of Riverstone is located across both Blacktown and Hawkesbury LGA's, with the majority of properties within the Blacktown LGA. The Hawkesbury LGA contains only one property within the suburb of Riverstone. The reason for the one property being

## ORDINARY MEETING

### SECTION 3 – Reports for Determination

Meeting Date: 10 July 2018

contained within the Hawkesbury LGA is a result of this parcel of land crossing both LGA boundaries. The parcel of land is Lot 12 DP 816720. The LGA boundaries in the vicinity of this property instead of following the natural features of the surrounding creeks, cuts across this property.

The suburb boundary of Riverstone is to be reconfigured and split into the creation of a number of new suburbs. The existing extent of the suburb of Riverstone is to be reduced to only include the existing township within the Blacktown LGA. The outlying areas are to become new suburbs. As a result, Lot 12 DP 816720 can no longer remain within the suburb boundary of Riverstone.

Lot 12 DP 816720 is accessed from Bandon Road and adjoins properties within the suburb of Vineyard. In future this property will be surrounded by new suburbs within the Blacktown LGA and the existing suburb of Vineyard, which is currently located within both LGA's.

It is proposed that Lot 12 DP 816720 be incorporated into the existing suburb of Vineyard as the suburb boundary already crosses both the LGA's. This also takes into account that this parcel of land crosses both LGAs, with the Blacktown section of the land adjoining properties within the suburb of Vineyard currently contained in the Blacktown LGA. It should be pointed out that a parcel of land cannot be split into two suburb names or have a new suburb created for one land parcel.

The attached plans outline the current and proposed suburb boundaries and highlight the change of suburb (for Lot 12) from being in Riverstone to being in Vineyard.

The GNB is to commence public consultation as the authority under the Act and is seeking Councils support on the proposal to incorporate Lot 12 DP 816720 into the suburb of Vineyard. The GNB are to commence public consultation on the whole proposal, the date for this is currently unknown. At the conclusion they will submit a proposal to a Board meeting for approval.

#### **Detailed History, including previous Council decisions**

No previous Council decisions are applicable to this report.

#### **Policy considerations**

The following apply to the suburb boundary redefinition of Lot 12 DP 816720 from Riverstone to Vineyard:

- New South Wales Geographical Names Act 1966 No. 13
- New South Wales Addressing Policy No.2
- New South Wales Addressing User Manual

#### **Consultation**

Formal consultation is to be undertaken by the GNB in accordance with their statutory process.

Council has also undertaken direct correspondence with the single affected owner however no response has been received. Consultation has also been sought by Blacktown City Council prior to submitting their proposal to the GNB.

#### **Conformance to the Hawkesbury Community Strategic Plan 2017-2036**

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

#### Our Future

##### 5.3 Shaping our Growth

- 5.3.1 Growth and change in the Hawkesbury will be identified, planned for and valued by the community.

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

**Discussion**

That the proposed incorporation of Lot 12 DP 816720 into the suburb of Vineyard is a logical action as it aligns the lot into a suburb adjacent to it.

**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**

This report recommends that Lot 12 DP 816720 which is currently within the suburb of Riverstone be redefined within the suburb of Vineyard. The property owner of Lot 12 DP 816720 and GNB be advised accordingly.

**RECOMMENDATION:**

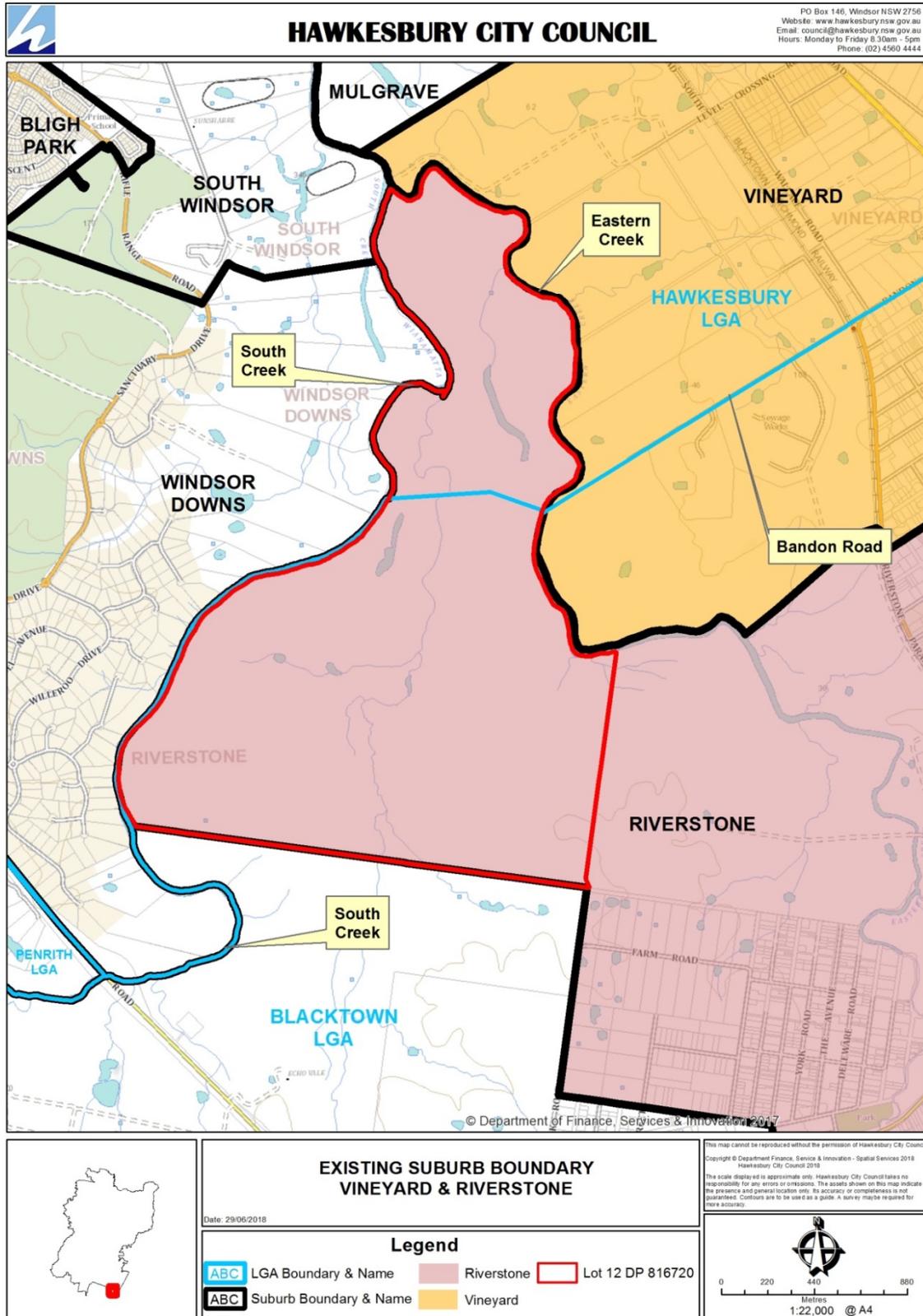
That Council notify the owner of Lot 12 DP 816720, Blacktown City Council and the NSW Geographical Names Board of its support for the proposal to incorporate Lot 12 DP 816720 into the existing suburb of Vineyard.

**ATTACHMENTS:**

- AT - 1** Current Plan of Lot 12 DP 816720
- AT - 2** Proposed Plan of Lot 12 DP 816720 Incorporated into Existing Suburb of Vineyard

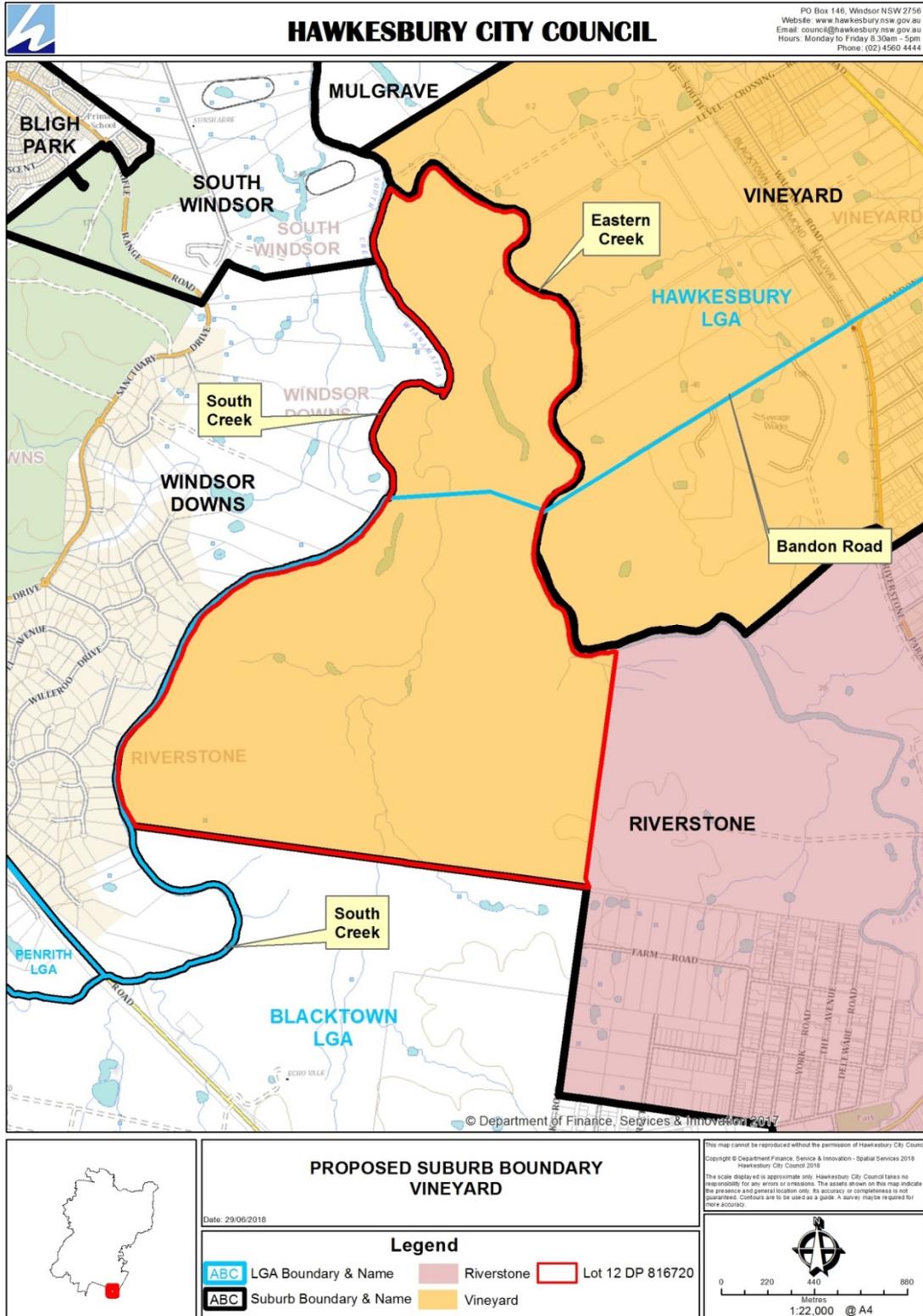
**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
 Meeting Date: 10 July 2018

**AT - 1 Current Plan of Lot 12 DP 816720**



**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

**AT - 2 Proposed Plan of Lot 12 DP 816720 Incorporated into Existing Suburb of Vineyard**



oooO END OF REPORT Oooo

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

**SUPPORT SERVICES**

**Item: 162**                    **SS - Pecuniary Interest Return - Designated Person - (95496, 96333)**

**Directorate:**                Support Services

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**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.

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**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.*

**ORDINARY MEETING**

**SECTION 3 – Reports for Determination**

**Meeting Date:** 10 July 2018

2. Returns required to be lodged with the General Manager under section 449 must be tabled at a meeting of the council, being:
- (a) In the case of a return lodged in accordance with section 449 (1)—the first meeting held after the last day for lodgement under that subsection, or
  - (b) In the case of a return lodged in accordance with section 449 (3)—the first meeting held after the last day for lodgement under that subsection, or
  - (c) In the case of a return otherwise lodged with the general manager—the first meeting after lodgement."

With regard to Section 450A(1), a register of all Returns lodged by Councillors and Designated Persons, in accordance with Section 449 of the Act, is currently kept by Council as required by this part of the Act.

With regard to Section 450A(2), all Returns lodged by Councillors and Designated Persons, under Section 449 of the Act, must be tabled at a Council Meeting as outlined in subsections (a), (b) and (c).

**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 and Development Officer	9 April 2018	27 June 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**

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal has no resourcing implications, outside of Council's adopted 2018/2019 Operational Plan, which will adversely impact on Council's financial sustainability.

**Financial Implications**

There are no financial implications applicable to this report.

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

**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: 10 July 2018**

**Item: 163**                    **SS - Draft Borrowings Policy - (95496, 96332)**

**Directorate:**                Support Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to submit the Draft Borrowings Policy, attached as Attachment 1 to this report, for Council's consideration to place on public exhibition.

**EXECUTIVE SUMMARY:**

A Draft Borrowings Policy has been prepared to provide guidance and set out the requirements, for the prudent borrowing of funds. This Policy applies to all internal and external borrowing of funds including the use of an Overdraft facility.

The core objective of the Policy is to ensure the sound management of Council's debt within the context of Council's Long Term Financial Plan.

The Draft Borrowings Policy sets out the circumstances where it would be advantageous for Council to consider borrowing from its own internal funds rather than from an external lending institution. The Policy makes the distinction between borrowing from internally restricted funds and borrowing from externally restricted funds and stipulates the requirements under the respective scenarios.

The Policy is based on applicable legislative requirements and a set of principles that ensure Council's borrowings are aligned with Council's financial sustainability strategy, and risks associated with the borrowings of funds are managed.

**RECOMMENDATION SUMMARY:**

It is recommended that the Draft Borrowings Policy, attached as Attachment 1 to this report, is adopted for public exhibition purposes.

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**REPORT:**

**Context and Background**

In line with Council's Long-Term Financial Plan, Council will be undertaking a \$40 million program of borrowings over the next 10 years to support the delivery of an expanded works program. Further, the recent release of the Vineyard Precinct has brought forward the need for infrastructure critical to the development. This infrastructure will also need to be funded by borrowings of up to \$16.5 million.

In light of these significant planned borrowings, it is important for Council to have a consistent framework in which to make borrowing decisions.

A Draft Borrowings Policy has been prepared to provide guidance and set out the requirements, for the prudent borrowing of funds. This Policy applies to all internal and external borrowing of funds including the use of an Overdraft facility.

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

**Detailed History, including previous Council decisions**

Council does not currently have a Borrowings Policy. As the proposed Policy is a new Policy, there is no history associated with such a Policy.

**Policy considerations**

This report relates to the consideration of the Draft Borrowings Policy to be placed on public exhibition.

**Consultation**

The matter discussed in this report triggers the need for community consultation under Council's Community Engagement Policy. The Draft Borrowings Policy is a new Policy and it relates to a main strategy in Council's Long Term Financial Plan.

It is proposed to place the Draft Borrowings Policy on public exhibition for a period of 28 days.

**Conformance to the Hawkesbury Community Strategic Plan 2017-2036**

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

Our Leadership

1.3 Financial Sustainability - Build strong financial sustainability for now and future generations.

1.3.1 In all of Council's strategies, plans and decision making there will be a strong focus on financial sustainability.

**Discussion**

In line with Council's Long-Term Financial Plan, Council will be undertaking a \$40 million program of borrowings over the next 10 years to support the delivery of an expanded works program. Further, the recent release of the Vineyard Precinct has brought forward the need for infrastructure critical to the development. This infrastructure will also need to be funded by borrowings of up to \$16.5 million.

In light of these significant planned borrowings, it is important for Council to have a consistent framework in which to make borrowing decisions.

A Draft Borrowings Policy has been prepared to provide guidance and set out the requirements, for the prudent borrowing of funds. This Policy applies to all internal and external borrowing of funds including the use of an Overdraft facility.

**Legislative Requirements**

Council's Draft Borrowings Policy is in accordance with the following legislative requirements:

- Local Government Act 1993 – Part 12 – Loans – Sections 621-624; Section 377
- Local Government (General) Regulation 2005 NSW – Clauses 229 – 230
- Local Government Circular 09-21
- Minister's Borrowing Order (Revised)

**Policy Objectives**

The core objective of the Policy is to ensure the sound management of Council's debt within the context of Council's Long Term Financial Plan. The Policy is intended to ensure a structured and disciplined approach to the borrowing of funds, providing guidance as to the information that must be taken into consideration when Council is considering the use of debt.

## ORDINARY MEETING

### SECTION 3 – Reports for Determination

Meeting Date: 10 July 2018

The Policy is based on legislative requirements and is aimed at achieving intergenerational equity whilst ensuring that borrowings are sustainable in terms of Council's ability to meet future repayments and budgetary obligations.

#### ***Borrowings Principles***

The Policy requires all borrowings to be considered within the context of the strategic objectives of Council and its long term financial forecasts. Borrowings will only be considered after all alternative financing options have been investigated and proven less advantageous to Council.

The Policy states that borrowings will not be undertaken to fund operational expenditure. Borrowings will only be considered for new or enhanced assets, strategic assets or to improve current asset service levels.

The Policy provides a framework to manage risks associated with borrowings. It stipulates that borrowing levels must be within the parameters of a debt service ratio of less than 20% and subject to meeting repayment obligations. The Policy further states that the nature of borrowings (short vs long term) and the interest rate (fixed or variable) will take into account the purpose of the borrowings and seek to minimise interest rate exposure.

The Policy, in accordance with legislative provisions, requires that all borrowings are subject to Council approval.

#### ***Internal Borrowings***

The Draft Borrowings Policy sets out the circumstances where it would be advantageous for Council to consider borrowing from its own internal funds rather than from an external lending institution. The Policy makes the distinction between borrowing from internally restricted funds and borrowing from externally restricted funds and stipulates the requirements under the respective scenarios.

Council manages its cash with the primary objective to maintain adequate levels of funds to meet operational requirements and to deliver projects in accordance with the annual Operational Plan and the Long Term Financial Plan. Funds surplus to requirements at any point in time are invested to achieve a return. These surplus funds may be unrestricted or restricted by way of legislation or Council resolution. Restricted funds are held in Reserves to be used for a specific purpose.

When the requirement to borrow is identified, an assessment will be undertaken in regard to the cost of borrowing from a third party versus the cost of utilising Council's own funds if surplus to current requirements. Where the cost to borrow from a third party exceeds the cost for Council to borrow from its own funds, Council will borrow internally, provided there is no other impediment.

For example, if interest payable on a loan from a third party is 3% and the interest earned by Council on its invested funds is 2%, Council would be better off by 1% if it used its own funds rather than borrowing externally. Whilst it would not be able to earn 2% on the funds being utilised, it would not be paying 3% on borrowed funds.

When borrowing internally, if borrowing from funds restricted by legislation, a repayment plan will be generally be put in place, and applicable principal and interest repayments built in Council's Long Term Financial Plan.

#### ***Borrowing Term, Interest Rate and Debt Serviceability***

The Policy requires that the Term of Borrowing shall be set having due regard to the economic life of the asset being acquired or constructed.

The following parameters are set in the Policy in regard to Borrowing Term:

Less than \$500,000 – Term up to 1 to 5 years

**ORDINARY MEETING**

**SECTION 3 – Reports for Determination**

**Meeting Date:** 10 July 2018

\$500,000 - \$1,000,000 – Term up to 10 Years  
Greater than \$1,000,000 – Term up to 15 Years

Council will obtain professional advice in regard to determining the period for which the interest rate should be fixed. The factors that will be taken into account will include:

1. The level of the interest rate when compared to the long term average official interest rate
2. Recent movements on the official interest rate
3. The term of the loan

The Policy stipulates that Council is to maintain a Debt Service Ratio not exceeding 20%, in accordance with the industry benchmark. The Debt Service Ratio indicates the ability to service debt and the risk associated with debt and interest commitments.

***Selection of Lending Institution***

The Policy stipulates that once a borrowing has been approved by Council, a quotation process will be conducted with appropriate lending institutions.

The offer that offers the most financial benefit to Council will be selected.

The Policy states that the General Manager will have delegated authority to accept loan offers, subject to the borrowing amount being previously approved by Council and the requirements of the Policy being adhered to.

***Reporting***

The Policy states that Council is required to complete the Office of Local Government Borrowing Return detailing projects to be funded for any borrowings for the financial year, on an annual basis.

Further, the Policy states that a report providing details on borrowings held by Council will be submitted to Council on a quarterly basis in September, December, March and June each year.

Borrowing costs and borrowings will be treated in Financial Statements and all Financial Reporting in accordance with Australian Accounting Standards.

***Review of Policy***

The Draft Borrowings Policy being submitted for Council's consideration has been reviewed by Council's current Investment Advisor, Spectra Financial Services Pty Ltd. The proposed Policy was deemed to be appropriate to support Council's borrowing programs in implementing its various financial plans.

The Policy will be reviewed as required or in the event of legislative changes.

The Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this Policy.

Any amendment to the Policy will be by way of Council resolution.

***Financial Implications***

There are no financial implications applicable to this report.

**ORDINARY MEETING**

**SECTION 3 – Reports for Determination**

**Meeting Date:** 10 July 2018

**Fit For The Future Strategy Considerations**

The proposal is aligned with Council's long term plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal will enable Council to continue to provide and maintain service levels to meet established community expectations as budgeted for in the Long-Term Financial Plan.

**Conclusion**

Council will be undertaking significant borrowings over the next number of years. In order to ensure that Council undertakes borrowings in a prudent manner in line with its strategic and financial plans, a framework setting out the principles to be followed is critical.

The Draft Borrowings Policy provides a robust framework within which council can undertake its borrowing activities.

**RECOMMENDATION:**

That:

1. Council endorse the Draft Borrowings Policy, attached as Attachment 1 to the report.
2. Council proceed to publically exhibit the Draft Borrowings Policy for a period of 28 days
3. At the expiration of the public exhibition period outlined in Part 2 above, the following action be taken:
  - a) Should any submissions be received regarding the Draft Borrowings Policy a further report be submitted to Council, or
  - b) Should no submissions be received, Council approve the Draft Borrowings Policy.

**ATTACHMENTS:**

**AT - 1** Draft Borrowings Policy

AT - 1 Draft Borrowings Policy



Hawkesbury City Council  
Policy

**DRAFT**  
Borrowings Policy

Hawkesbury City Council

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

**Table of Contents**

<b>1.0 PURPOSE</b> .....	<b>4</b>
<b>2.0 SCOPE</b> .....	<b>4</b>
<b>3.0 OBJECTIVE</b> .....	<b>4</b>
<b>4.0 PRINCIPLES</b> .....	<b>4</b>
4.1 INTERNAL BORROWINGS.....	5
4.2 SECURITY FOR BORROWINGS.....	5
4.3 BORROWING TERM.....	5
4.4 INTEREST RATE PARAMETERS.....	6
4.5 BORROWING RATIO.....	6
4.6 SELECTION OF LENDING INSTITUTION.....	6
<b>5.0 OVERDRAFT</b> .....	<b>6</b>
<b>6.0 REPORTING</b> .....	<b>7</b>
<b>7.0 LEGISLATIVE REQUIREMENTS</b> .....	<b>7</b>
<b>8.0 ROLES AND RESPONSIBILITIES</b> .....	<b>7</b>
<b>9.0 DEFINITIONS</b> .....	<b>8</b>
<b>10.0 REVIEW</b> .....	<b>8</b>
<b>11.0 ATTACHMENTS</b> .....	<b>8</b>

## ORDINARY MEETING

### SECTION 3 – Reports for Determination

Meeting Date: 10 July 2018

#### 1.0 PURPOSE

The purpose of the Borrowings Policy is to provide guidance and set out the requirements, for the prudent borrowing of funds.

#### 2.0 SCOPE

This Policy applies to all internal and external borrowing of funds including the use of an Overdraft facility.

#### 3.0 OBJECTIVE

The core objective of the Borrowings Policy is to ensure the sound management of Council's debt within the context of Council's Long Term Financial Plan.

This core objective can be achieved with consideration to the following prudent measures:

- ensuring a structured and disciplined approach to borrowing of funds.
- providing guidance as to the information that must be taken into consideration when Council is considering the use of debt.
- ensuring the cost of any expenditure can be recovered at the time that the benefits of that expenditure accrue (intergenerational equity).
- ensuring that all borrowings are in accordance with relevant legislative provisions.
- ensuring the total of the loan borrowings is sustainable in terms of Council's ability to meet future repayments and budgetary obligations.
- minimising the risk and cost of borrowing via a structured procurement program.
- meeting industry best practice in respect to Council's Debt Service Ratio.

#### 4.0 PRINCIPLES

- All borrowings must be considered within the context of the strategic objectives of Council and its long term financial forecasts.
- Borrowings will only be considered after all alternative financing options have been investigated and proven less advantageous to Council. Council aims to finance capital works to the greatest extent possible from revenue, grants, subsidies or any specific reserves primarily established to fund capital works.
- All borrowings will be undertaken in accordance with legislative provisions.
- If necessary external advice may be sought in relation to borrowings and interest risk management.
- All borrowings are subject to Council approval. Any proposed borrowings must be included in Council's Operational Plan and Revenue Policy. In the event borrowings not identified in the Revenue Pricing Policy are required during the financial year, a separate Council approval is required.
- Borrowings may be used to ensure there is intergenerational equity, that is, that current and future ratepayers both contribute towards the assets they utilise now and in the future.
- Borrowing levels must be within the parameters of a debt service ratio of less than 20% and subject to meeting repayment obligations.
- The nature of borrowings (short vs. long term) and the interest rate (fixed or variable) will take into account the purpose of the borrowings and seek to minimise interest rate exposure.
- The term of the applicable loan will not exceed the expected economic life of the asset being funded.
- Council will NOT borrow money to fund operating expenditure. This type of expenditure should be funded through operating revenue streams.
- Council will NOT borrow to fund the acquisition, replacement or renewal of assets that is expected to occur on an annual basis or similar basis at approximately the same level each year (recurrent capital works), to maintain existing service levels. This type of expenditure should be funded through operating revenue streams.
- Council may borrow funds to increase service levels, including addressing a backlog of expenditure to bring assets to the desired standard.
- Council may borrow money to fund the acquisition of a new asset or an asset that replaces an existing asset with one that is significantly upgraded and has an economic life of greater than 10 years.

## ORDINARY MEETING

### SECTION 3 – Reports for Determination

Meeting Date: 10 July 2018

- Council may borrow money to fund the acquisition of assets for strategic land or property holding.
- Council may borrow money for a specific and significant one time asset renewal.
- The decision to repay borrowings shall be made based on the facts available at the time, giving due regard to minimising the overall cost to the organisation. Loans will only be paid out early if there is a significant financial benefit to council.

#### 4.1 INTERNAL BORROWINGS

When borrowing funds, Council will in the first instance, where appropriate and advantageous for Council, seek to use its own surplus cash funds.

##### ***Externally Restricted Funds***

Internal Loans from Externally Restricted Reserves must have Ministerial Approval before the Internal Loan can be drawn, in accordance with Section 410(3) of the Local Government Act 1993.

Funds can be borrowed internally within the Section 7.11 Reserves only for the purpose of other Section 7.11 works. These funds cannot be used to fund works that are not part of the Section 7.11 works schedule.

A repayments schedule to repay internal borrowings will be drafted to ensure repayments to Externally Restricted Reserves can be funded.

##### ***Internally Restricted Funds***

Funds can be used from Internally Restricted Reserves, as an internal loan, as a replacement for an external loan borrowing where the cost of using external funds acquired through borrowings is greater than the foregone earnings on funds that are surplus to current requirements.

The use of Internally Restricted Reserves for a purpose that is different from its original purpose requires Council approval.

A repayments schedule to repay internal borrowings will be drafted to ensure repayments to Internally Restricted Reserves can be funded.

Under no circumstances shall funds be borrowed from Trust Accounts.

#### 4.2 SECURITY FOR BORROWINGS

In accordance with Section 623 of the Local Government Act 1993, the only security that will be offered in return for borrowings shall be the general funds of Council.

#### 4.3 BORROWING TERM

The Term of Borrowing shall be set having due regard to the economic life of the asset being acquired or constructed.

Council will NOT generally borrow funds to acquire an asset that has an economic life of less than 10 years.

The following parameters will apply in regard to a Borrowing Term:

- Less than \$500,000 – Term Up to 1 to 5 years
- \$500,000 - \$1,000,000 – Term Up to 10 Years
- Greater than \$1,000,000 – Term Up to 15 Years

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

**4.4 INTEREST RATE PARAMETERS**

Council will obtain professional advice in regard to determining the period for which the interest rate should be fixed. The factors that will be taken into account shall include:

1. The level of the interest rate when compared to the long term average official interest rate
2. Recent movements in the official interest rate
3. The term of the loan
4. Council will not enter into any standalone derivative transactions in connection with its borrowings

**4.5 BORROWING RATIO**

Council will NOT borrow funds when such borrowing would result in the Debt Service Ratio exceeding 20%, in accordance with the industry benchmark. The Debt Service Ratio is the measure of the level of debt servicing costs as a percentage of total revenue from ordinary activities. The Debt Service Ratio indicates the ability to service debt and the risk associated with debt and interest commitments.

At all times, however, new borrowings will not be undertaken if the projected net cash flows from Council operations is insufficient to cover current and projected debt service obligations at least 2.0 times.

**4.6 SELECTION OF LENDING INSTITUTION**

Once a borrowing has been approved by Council, a quotation process will be conducted with appropriate lending institutions. Authorised Deposit Taking Institutions (including TCorp) will be invited to submit written quotations on Council's borrowing requirement.

Written quotations must include:

- Interest Rate – Fixed Rate or Floating Rate as advised
- Term of the Loan
- Repayment Intervals (monthly, quarterly etc.)
- Repayment instalment amount
- Any applicable fees
- Calculation for any loan break costs
- For fixed rate loans, procedures for recalculation of rates consequent on market movements between bid date and drawdown date.

Appropriate and acceptable documentation must be provided to Council by any prospective lender during the quotation process.

The offer that offers the most financial benefit to Council will be selected.

The General Manager has delegated authority to accept loan offers, subject to the borrowing amount being previously approved by Council and the requirements of this Policy being adhered to.

The Director Support Services in conjunction with the Chief Financial Officer will periodically review the debt portfolio to ascertain if any action is necessary to match evolving financial requirements and optimise debt cost. This may include: debt consolidation, change to lower cost providers, other changes to loan terms.

**5.0 OVERDRAFT**

Council has an overdraft facility established with the Commonwealth Bank.

The overdraft facility is only used for short term unavoidable and essential cash flow purposes.

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

The use of the overdraft facility will normally occur when the cost of surplus funds held in interest bearing deposits, for which the transfer to cash will incur, a significant penalty and is largely not cost effective.

The use of the overdraft facility will generally be avoided through careful cash management practices to ensure sufficient funds are available to fund daily expenditure requirements.

At no time is the overdraft facility to be used as an ongoing debt facility or to fund anything except short term cash flows.

**6.0 REPORTING**

Council is required to complete the Office of Local Government Borrowing Return detailing projects to be funded for any borrowings for the financial year, on an annual basis.

A report providing details on borrowings held by Council will be submitted to Council on a quarterly basis in March, June, September and December each year. The report will include:

- Level of debt outstanding
- Accrued interest cost for the period and cash interest payments
- Expected interest accrued
- Cost and cash payments for the remainder of the financial year
- Expected time of discharge

Borrowing costs and borrowings will be treated in Financial Statements and all Financial Reporting in accordance with Australian Accounting Standards.

**7.0 LEGISLATIVE REQUIREMENTS**

Local Government Act 1993 – Part 12 – Loans – Sections 621-624, Section 377 (Attachment 1)  
 Local Government (General) Regulation 2005 NSW – Clause 229 – 230 (Attachment 2)  
 Local Government Circular 09-21(Attachment 3)  
 Minister's Borrowing Order (Revised) (Attachment 3)

**8.0 ROLES AND RESPONSIBILITIES**

ROLE	RESPONSIBILITY
Council	Approve all Internal and External Borrowings in accordance with its strategic objectives and the Long Term Financial Plan.
General Manager	Complete the Office of Local Government Borrowing Return.  Document proposed Borrowings in the Annual Operational Plan – Revenue Pricing Policy.  Accept Loan offers providing Borrowing has been endorsed by Council and is in accordance with this Policy and legislative provisions.
Director Support Services	Periodically review the Debt portfolio.  Submit Quarterly Borrowings Report to Council.  Sign off borrowings operational transactions.

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

Chief Financial Officer	Periodically review the Debt portfolio. Submit Quarterly Borrowings Report to Council. Sign off borrowings operational transactions.
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**9.0 DEFINITIONS**

Term	Definition
Borrowing	Cash received from another party in exchange for future payment of the principal, interest and other finance charges.
Borrowing Facility	A loan that is not drawn down (borrowed against) completely when approved, but allows for a series of timed borrowings over a period of time, up to the maximum of the facility.
Borrowing Costs	Interest and other costs that an entity incurs in connection with the borrowing of funds.
Council	Hawkesbury City Council
Debt Service Ratio	$\frac{\text{Total Interest} + \text{Principal Repayments}}{\text{Operating Revenue} - \text{Restricted Grants}}$
Economic Life	The period from initial borrowing to a future point of time where the asset financed requires major refurbishment in order for it to continue delivering the service at its original standard.
External Borrowings	Includes raising and obtaining, in any way, money, credit and other financial accommodations from sources external to Council.
Internal Borrowings	Monies transferred within Council to cover identified projects, where the money is to be repaid to the restricted fund from a specified source.
Loan Break Costs	Costs associated with paying out a loan prior to the loan expiry date.
Operating Revenue Streams	Revenue streams such as rates, fees and charges and operating grant

**10.0 REVIEW**

This Policy will be reviewed as required and in the event of legislative changes.

The Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this Policy.

Any amendment to the Policy must be by way of Council resolution.

**11.0 ATTACHMENTS**

- ATT 1 - Local Government Act 1993 – Part 12 – Loans – Sections 621-624; Section 377; Section 410
- ATT 2 - Local Government (General) Regulation 2005 NSW – Clause 229 – 230
- ATT 3 – Office of Local Government Circular 09-21, including the Minister's Borrowing Order

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

**ATTACHMENT 1 - Local Government 1993 – Part 12 – Loans**

*Section 621 – When and for what may a council borrow?*

A council may borrow at any time for any purpose allowed under this Act

*Section 622 – What form may a council borrowing take?*

A council may borrow by way of overdraft or loan or by any other means approved by the Minister

*Section 623 – Security for borrowings*

1. A council may give security for any borrowings in such a manner as may be prescribed by the regulations
2. All such securities rank on equal footing, despite any other Act.

*Section 624 – Are there any restrictions on a council borrowing?*

The Minister may, from time to time, impose limitations on borrowings by a particular council or councils generally despite the other provisions of this Part

*Section 377 – General power of the council to delegate*

A council may not delegate the general manager or any other person or body (not including another employees of the council) the borrowing of money

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

**ATTACHMENT 2 - Local Government (General) Regulation 2005**

*Clause 229 – Loan to council to be charged on the council's income*

The repayment of money borrowed by a council (whether by way of overdraft or otherwise), and the payment of any interest on that money, is a charge on the income of the council.

*Clause 230 – General Manager to notify borrowings to Director-General*

1. Within seven (7) days after a Council borrows money under a loan contract, the General Manager must notify the Director – General of the borrowing
2. This clause extends to further advances made to a Council under an existing loan contract, but does not apply to a borrowing by a Council by way of overdraft.

**ORDINARY MEETING**  
**SECTION 3 – Reports for Determination**  
**Meeting Date: 10 July 2018**

**ATTACHMENT 3 - Office of Local Government Circular 09-21  
and Revised Minister's Borrowing Order (as per Section 624 of the Local Government Act 1993)**



Circular No. 09-21  
Date 29 May 2009  
Doc ID. A175989

Contact Finance Policy Section  
02 4428 4100

**REVISED BORROWING ORDER**

The Minister for Local Government has issued a revised Borrowing Order pursuant to section 624 of the *Local Government Act 1993*. The revised Order replaces the Order dated 27 September 1993.

The revised Order, which is attached to this circular, retains the limitation on councils to borrow only in Australia and in Australian currency. All other limitations or restrictions have been removed.

Nothing in this revised Order affects any borrowings made before the date of the new Order, which was made in compliance with the previous Ministerial Order dated 27 September 1993. Such borrowings are taken to be in compliance with this Order.

Councils are reminded that under their Charter they are to have regard to the long term and cumulative effects of their decisions. Accordingly, councils must exercise reasonable care and diligence that a prudent person would exercise when borrowing funds. The borrowing of money is not a function that council can delegate. It is expected that councillors would have a full understanding of the terms and conditions of borrowing arrangements before entering into any contract.

**Ross Woodward**  
Acting Director General

Department of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) W [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) ABN 99 567 863 195

ORDINARY MEETING

SECTION 3 – Reports for Determination

Meeting Date: 10 July 2018

**Local Government Act 1993 – Borrowing Order**  
(Related to borrowings by Council)

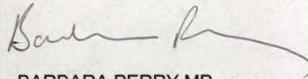
I, BARBARA PERRY MP, Minister for Local Government, in pursuance of section 624 of the Local Government Act 1993, hereby impose restrictions on borrowings by a council as follows:

A council shall not borrow from any source outside the Commonwealth of Australia nor in any other currency other than Australian currency.

Transitional Arrangements

Nothing in this Order affects any borrowings made before the date of this Order, which was made in compliance with the previous Ministerial Order dated 27 September 1993, and such borrowings are taken to be in compliance with this Order.

Dated this 13<sup>th</sup> day of May 2009



BARBARA PERRY MP  
Minister for Local Government

oooO END OF REPORT Oooo

**ORDINARY MEETING**

**SECTION 3 – Reports for Determination**

**Meeting Date: 10 July 2018**

ordinary

section 4

reports  
of committees

**ORDINARY MEETING**

**SECTION 4 – Reports of Committees**

**Meeting Date:** 10 July 2018

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**  
**Meeting Date: 10 July 2018**

**SECTION 4 – Reports of Committees**

**Item: 164**                      **ROC - Local Traffic Committee - 18 June 2018 - (80245)**

**Directorate:**                      Infrastructure Services

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**PURPOSE OF THE REPORT:**

The purpose of this report is to present the Minutes of the Local Traffic Committee, held on 18 June 2018. The Local Traffic Committee is not a Committee of Council but a Statutory Committee.

**RECOMMENDATION SUMMARY:**

The matters contained within the attached minutes of the Local Traffic Committee have no policy or financial implications to Council. The recommendations contained in the attached minutes be adopted by Council.

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**REPORT:**

**Discussion**

The Local Traffic Committee met on 18 June 2018 and discussed the following items:

- Special Event Traffic - Bridge to Bridge Water Ski Classic 2018 - November 2018
- Special Event Traffic - St Albans Training Ride Weekend 2018 - October 2018
- Traffic Matter - Proposed Linemarking Changes - Mulgrave Road, Mulgrave

**RECOMMENDATION:**

That the minutes of the Local Traffic Committee held on 18 June 2018 be received and the recommendations therein be adopted and noted.

**ATTACHMENTS:**

**AT - 1**    Minutes - Local Traffic Committee - 18 June 2018

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**

**Meeting Date: 10 July 2018**

**AT - 1 Minutes - Local Traffic Committee - 18 June 2018**

Minutes of the Meeting of the Local Traffic Committee held in the Small Committee Room, Windsor, on Monday, 18 June 2018, commencing at 3pm.

**ATTENDANCE**

**Present:** Mr Christopher Amit, Hawkesbury City Council (Chairman)  
Councillor Peter Reynolds, Hawkesbury City Council  
Inspector Peter Jenkins, NSW Police Force  
Ms Tina Kaur, Roads and Maritime Services  
Mr Steve Grady, Busways

**Apologies:** Sergeant Jason Cook, NSW Police Force

**In Attendance:** Ms Judy Wong, Hawkesbury City Council  
Ms Kaysie Cordi, Hawkesbury City Council  
Ms Cathy Mills - Minutes Secretary, Hawkesbury City Council

Mr Christopher Amit advised the Committee that the position of Chair is to be undertaken in accordance with RMS (formerly RTA) Guidelines "Delegation to Councils for Regulation of Traffic" Section 5.3 which states that the meeting is to be convened by a Council Representative, either voting or non-voting. On this basis Mr Amit is to take up the position of the Chair for this meeting as agreed to with Councillor Reynolds.

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Ms Tina Kaur that the apologies be accepted.

**SECTION 1 - Minutes**

**Item 1.1 Confirmation of Minutes**

The Committee resolved on the motion of Councillor Peter Reynolds, seconded by Ms Tina Kaur that the minutes from the previous meeting held on Monday, 14 May 2018 be confirmed.

**Item 1.2 Business Arising**

There were no Business Arising from the previous minutes.

**SECTION 2 - Reports for Determination**

**Item: 2.1 LTC - Bridge to Bridge Water Ski Classic 2018 - (Hawkesbury) - (80245, 74204)**

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**REPORT:**

**Introduction**

An application has been received from the NSW Water Ski Federation Ltd, seeking approval (in traffic management terms) to conduct the Bridge to Bridge Water Ski Classic on Saturday, 24 and Sunday, 25 November 2018.

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**

**Meeting Date: 10 July 2018**

The event organiser has advised;

- The Bridge to Bridge Water Ski Classic is an annual water ski racing event along the Hawkesbury River extending from Dangar Island, Brooklyn to Governor Phillip Park, Windsor.
- This annual event has been held for over 50 years and is a regular feature of the local community calendar in the Hawkesbury area.
- Event Schedule:
  - Saturday, 24 November 2018: 7am – 5pm.
  - Starting at Sackville Ski Gardens and finishing at Governor Phillip Park, Windsor.
  - Sunday, 25 November 2018: 7am – 5pm.
  - Starting at Danger Island Brooklyn and finishing at Governor Phillip Park, Windsor.
- The suspension of ferry services, controlled by the Roads and Maritime Services - RMS (formerly RTA) and Council, is required on Sunday, 25 November 2018:
  - Wisemans Ferry (RMS): 8:30am to 11am and 12noon to 1:30pm
  - Webbs Creek Ferry (RMS): 8:30am to 11am and 12noon to 1:30pm
  - Lower Portland Ferry (HCC): 8:30am to 3pm
  - Sackville Ferry (RMS): 8:30am to 3pm
- The suspension of the ferry services is required for safety reasons. Emergency vehicles will be allowed access at all times. The ferries will operate in the event of an emergency and competitors will be stopped to ensure the safety of all.
- The number of participants expected is approximately 500 for the event, which includes 150 to 200 boats as in previous years.
- There will be approximately 2,000 spectators for the event at the finish venue in Windsor.
- Parking will be at Governor Phillip Park with additional parking available off street utilising vacant land adjacent to Governor Phillip Park.
- There will be an increase to traffic flow on roads surrounding Governor Phillip Park; however the effect on traffic is not expected to be significant.
- It is expected that the event will impact only marginally on traffic using Windsor Road, Bridge Street, Macquarie Street and Wilberforce Road, but historically there have been no issues with traffic in these areas.
- Road closures are not required other than the closure of the approach roads to the four ferries along the Hawkesbury River.
- Advance warning with VMS will be located at;
  - Windsor Road, north of McGraths Road,
  - Macquarie Street between Christie Street and Suffolk Street,
  - Wilberforce Road at Freemans Reach Road.

### **Discussion**

The event organiser is seeking Council and Roads and Maritime Services - RMS (formerly RTA) approval for the suspension of the following Ferry Services on Sunday, 25 November 2018:

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**

**Meeting Date: 10 July 2018**

- Wisemans Ferry (RMS): 8:30am to 11am and 12noon to 1:30pm
- Webbs Creek Ferry (RMS): 8:30am to 11am and 12noon to 1:30pm
- Lower Portland Ferry (HCC): 8:30am to 3pm
- Sackville Ferry (RMS): 8:30am to 3pm

The total suspension of the ferries will enable a free flow of competitors across the ferry crossings. The four ferries will be suspended generally between 8:30am to 1:30pm with the exception of Wisemans Ferry and Webbs Creek Ferry. Due to the close proximity of these two ferries to each other and their position along the reach of the River, they can be managed in a manner that will allow for their operation between 11am and 12noon.

Ferry operations are not affected on Saturday, 24 November 2018, as Wiseman Ferry, Webbs Creek Ferry, Sackville Ferry and Lower Portland Ferry are all located downstream of the Sackville Ski Gardens.

Emergency vehicles will be allowed access onto the ferries. Safety vessels with crew will be placed downstream from each ferry with suitable equipment to indicate to competitors that a ferry may be operating and with communication between the boat and the ferry vessel.

Lower Portland Ferry Service is under the care and control of Hawkesbury City Council. The Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry services are the under the care and control of the Roads and Maritime Services - RMS (formerly RTA).

The event will be held principally along the Hawkesbury River with the event organiser requesting exclusive use of the River from the Roads and Maritime Services - RMS (formerly NSW Maritime). The spectators travelling to the event, and in particular to Governor Phillip Park, may impact heavily on the state road network along Windsor Road, Macquarie Street, Wilberforce Road and Bridge Street as well as the local roads such as George Street and Court Street. Furthermore the suspension of the Ferry services and subsequent road closures leading to the ferries (three RMS Ferries and one HCC Ferry) will have an impact on the adjacent road network in the vicinity of the ferries. The suspension of the RMS ferries is affectively closing three State roads. It would be appropriate to classify the event as a "Class 1" special event under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).

As the event is classified as a "Class 1" event, approval is to be sought directly by the event organiser for any alterations to the operation of the Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry services from the Transport Management Centre (TMC).

The Transport Management Plan (TMP) and the associated Traffic Control Plans (TCP) are to be submitted to the Transport Management Centre (TMC) for authorisation due to the road closures resulting from the suspension of the HCC and RMS ferries.

The event organiser has submitted the following items in relation to the event: Attachment 1 (ECM Document Set ID No: 6217124):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Risk Assessment with a Traffic Control Plan (TCP) which refers to the 2012 and 2017 event,
5. Site Plan and VMS Location Plan.

Council resolved to grant the exclusive use of Governor Phillip Park for the event at its meeting on 10 April 2018.

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**

**Meeting Date: 10 July 2018**

**RECOMMENDATION TO COMMITTEE:**

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Bridge to Bridge Water Ski Classic 2018 event planned for Saturday 24 and Sunday, 25 November 2018 by the NSW Water Ski Federation Ltd, be classified as a "Class 1" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

**Prior to the event:**

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
- 4d. the event organiser is to obtain approval from the Transport Management Centre – TMC as this is a "Class 1" event and the road closures resulting from the suspension of the HCC and RMS ferries; a copy of the Transport Management Centre – TMC approval to be submitted to Council;
- 4e. the event organiser is to submit a Transport Management Plan (TMP) for the entire route/event incorporating Traffic Control Plans (TCP) for the entire route which need to

## ORDINARY MEETING

### SECTION 4 – Reports of Committees

Meeting Date: 10 July 2018

include details such as the specific position of barriers, signs etc, required for the proposed ferry/road closures and traffic diversions to Council and the Transport Management Centre (TMC) for acknowledgement and concurrence respectively. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;

- 4f. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$20,000,000 noting Council, the Transport Management Centre (TMC) and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4g. as the event requires traffic control on Council roads and the closure of public roads due to the suspension of Ferry services, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the roads;
- 4h. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from the Roads and Maritime Services - RMS (formerly NSW Maritime); a copy of this approval to be submitted to Council;
- 4i. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; a copy of this approval to be submitted to Council;
- 4j. the event organiser is to advise all adjoining Councils such as Central Coast, The Hills and Hornsby of the event and in particular the suspension of the ferries and obtain any necessary approvals from these Councils; a copy of this approval to be submitted to Council;
- 4k. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);
- 4l. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4m. the event organiser is to directly notify relevant ferry operators, bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4n. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;
- 4o. the event organiser is to submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

#### **During the event:**

- 4p. access is to be maintained for businesses, residents and their visitors;

**ORDINARY MEETING**

**SECTION 4 – Reports of Committees**

**Meeting Date:** 10 July 2018

- 4q. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4r. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4s. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route ( including the road closure points for the Ferry closures), during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4t. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4u. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity,

**Ferry Services**

- 5. The applicant is to seek approval relating to the RMS ferries from the Transport Management Centre (TMC), for the suspension of the Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry services, due to the event being classified as a Class 1 event. There is no objection to the suspension of the Lower Portland Ferry Service.

Suspension of the ferry services on Sunday, 25 November 2018 as listed below:

- Wisemans Ferry (RMS): 8:30am to 11am and 12noon to 1:30pm
- Webbs Creek Ferry (RMS): 8:30am to 11am and 12noon to 1:30pm
- Lower Portland Ferry (HCC): 8:30am to 3pm
- Sackville Ferry (RMS): 8:30am to 3pm

is subject to the applicant complying with the following conditions, as well as any conditions imposed by the Transport Management Centre (TMC):

- 5a. the applicant is to contact Hawkesbury City Council's Construction and Maintenance Section and the Ferry operator, three weeks prior to the event with regard to the suspension of the Lower Portland Ferry service maintained by Hawkesbury City Council;
- 5b. advertising of the proposed event is to be undertaken at the expense of the event organiser in both Sydney and Local newspapers, two weeks prior to the event, in relation to:
  - traffic impact and delays,
  - exclusive use of Governor Phillip Park,
  - timings of suspension/operation of ferry services,

such notice is to be incorporated in the news sections of those newspapers and to be approximately 1/8 (one-eighth) page size;

- 5c. signs are to be erected at the expense of the event organiser in locations indicated in the approved Transport Management Plan and Traffic Control Plan and at a size indicated in the same, on all roads leading to the ferries, as well as on each ferry, for at least two weeks prior to the event;
- 5d. safety precautions outlined in the TMP are to be in place at all ferry locations, such to include a boat and crew upstream and/or downstream from each ferry as applicable with suitable equipment to indicate to competitors that a ferry may be operating and with communication

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**

**Meeting Date:** 10 July 2018

between that boat and the ferry vessel, such procedures are to be implemented to the satisfaction of the Transport Management Centre (TMC), Roads and Maritime Services - RMS (formerly RTA and NSW Maritime) and Hawkesbury City Council; and,

- 5e. the Transport Management Centre (TMC), Roads and Maritime Services - RMS (formerly RTA) and Council be authorised to alter ferry suspension/operation times if necessary.

**APPENDICES:**

**AT - 1** Special Event Application - (ECM Document Set ID No. 6217124) - *see attached*

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Ms Tina Kaur.

Support for the Recommendation:            Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The Bridge to Bridge Water Ski Classic 2018 event planned for Saturday 24 and Sunday, 25 November 2018 by the NSW Water Ski Federation Ltd, be classified as a "Class 1" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

**Prior to the event:**

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health and Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and

**ORDINARY MEETING**

**SECTION 4 – Reports of Committees**

**Meeting Date:** 10 July 2018

Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);

- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
- 4d. the event organiser is to obtain approval from the Transport Management Centre – TMC as this is a "Class 1" event and the road closures resulting from the suspension of the HCC and RMS ferries; a copy of the Transport Management Centre – TMC approval to be submitted to Council;
- 4e. the event organiser is to submit a Transport Management Plan (TMP) for the entire route/event incorporating Traffic Control Plans (TCP) for the entire route which need to include details such as the specific position of barriers, signs etc, required for the proposed ferry/road closures and traffic diversions to Council and the Transport Management Centre (TMC) for acknowledgement and concurrence respectively. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;
- 4f. the event organiser is to submit to Council a copy of its Public Liability Policy in an amount not less than \$20,000,000 noting Council, the Transport Management Centre (TMC) and the Roads and Maritime Services - RMS (formerly RTA) as interested parties on the Policy and that Policy is to cover both on-road and off-road activities;
- 4g. as the event requires traffic control on Council roads and the closure of public roads due to the suspension of Ferry services, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy and close the roads;
- 4h. the event organiser is to obtain the relevant approval to conduct the event along the Hawkesbury River from the Roads and Maritime Services - RMS (formerly NSW Maritime); a copy of this approval to be submitted to Council;
- 4i. the event organiser is to obtain approval from the respective Land Owners for the use of their land for the event; a copy of this approval to be submitted to Council;
- 4j. the event organiser is to advise all adjoining Councils such as Central Coast, The Hills and Hornsby of the event and in particular the suspension of the ferries and obtain any necessary approvals from these Councils; a copy of this approval to be submitted to Council;
- 4k. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed advertisement to be submitted to Council (indicating the advertising medium);
- 4l. the event organiser is to notify the details of the event to the NSW Ambulance Service, Fire and Rescue NSW, NSW Rural Fire Service and SES at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4m. the event organiser is to directly notify relevant ferry operators, bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to

**ORDINARY MEETING**

**SECTION 4 – Reports of Committees**

**Meeting Date:** 10 July 2018

the event; a copy of the correspondence to be submitted to Council;

- 4n. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures, road/ferry closures, the impact on ferry services and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence to be submitted to Council;
- 4o. the event organiser is to submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

**During the event:**

- 4p. access is to be maintained for businesses, residents and their visitors;
- 4q. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4r. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4s. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route ( including the road closure points for the Ferry closures), during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4t. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4u. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity,

**Ferry Services**

- 5. The applicant is to seek approval relating to the RMS ferries from the Transport Management Centre (TMC), for the suspension of the Wisemans Ferry, Webbs Creek Ferry and Sackville Ferry services, due to the event being classified as a Class 1 event. There is no objection to the suspension of the Lower Portland Ferry Service.

Suspension of the ferry services on Sunday, 25 November 2018 as listed below:

- Wisemans Ferry (RMS): 8:30am to 11am and 12noon to 1:30pm
- Webbs Creek Ferry (RMS): 8:30am to 11am and 12noon to 1:30pm
- Lower Portland Ferry (HCC): 8:30am to 3pm
- Sackville Ferry (RMS): 8:30am to 3pm

is subject to the applicant complying with the following conditions, as well as any conditions imposed by the Transport Management Centre (TMC):

- 5a. the applicant is to contact Hawkesbury City Council's Construction and Maintenance Section and the Ferry operator, three weeks prior to the event with regard to the suspension of the Lower Portland Ferry service maintained by Hawkesbury City Council;
- 5b. advertising of the proposed event is to be undertaken at the expense of the event organiser in both Sydney and Local newspapers, two weeks prior to the event, in relation to:

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**

**Meeting Date: 10 July 2018**

- traffic impact and delays,
- exclusive use of Governor Phillip Park,
- timings of suspension/operation of ferry services,

such notice is to be incorporated in the news sections of those newspapers and to be approximately 1/8 (one-eighth) page size;

- 5c. signs are to be erected at the expense of the event organiser in locations indicated in the approved Transport Management Plan and Traffic Control Plan and at a size indicated in the same, on all roads leading to the ferries, as well as on each ferry, for at least two weeks prior to the event;
- 5d. safety precautions outlined in the TMP are to be in place at all ferry locations, such to include a boat and crew upstream and/or downstream from each ferry as applicable with suitable equipment to indicate to competitors that a ferry may be operating and with communication between that boat and the ferry vessel, such procedures are to be implemented to the satisfaction of the Transport Management Centre (TMC), Roads and Maritime Services - RMS (formerly RTA and NSW Maritime) and Hawkesbury City Council; and,
- 5e. the Transport Management Centre (TMC), Roads and Maritime Services - RMS (formerly RTA) and Council be authorised to alter ferry suspension/operation times if necessary.

**Item: 2.2      LTC - St Albans Training Ride Weekend 2018, St Albans - (Hawkesbury) - (80245, 85005)**

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**REPORT:**

An application has been received from the Zone 1 of the NSW Endurance Riders Association seeking approval (in traffic management terms) to conduct the St Albans Training Ride Weekend, in and around the St Albans and Wrights Creek area. The event will be held on Saturday 20 and Sunday 21, October 2018.

The event organiser has advised:

- This is an annual event which has been held for over 30 years.
- The St Albans Training Ride Weekend event consists of an Introduction and Training Horse Ride which are timed rides and not a race and will be undertaken over distances of 40, 20 and 10 kilometres.
- The event will be undertaken between 7am and 6pm.
- There will be approximately 100 participants for the event.
- Spectators are not expected for the event.
- Parking of vehicles will be predominantly on private land.
- Start and end point for the event will be at Camp Wollemi, located at No. 1467 Settlers Road, St Albans.
- The Routes followed by the riders are similar those undertaken for the Shahzada event.

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**

**Meeting Date: 10 July 2018**

- Route/Course for the Rides:

40 kilometres:

- Riders will start at Camp Wollemi on Settlers Road and travel along Settlers Road and left into Shepherds Gully Road, up the Great Northern Road, left into the 8 Mile track, left into Wrights Creek Road, travel along Wrights Creek Road, right into Settlers Road and return back to Camp Wollemi.

20 kilometres:

- Riders will start at Camp Wollemi on Settlers Road and travel along Settlers Road and left into Wrights Creek Road, travel along Wrights Creek Road and turn around near the Blue Hill Track to travel back along Wrights Creek Road, turn right into Settlers Road and return back to Camp Wollemi.

10 kilometres:

- Riders will follow the 20 kilometre ride, however riders will turn around at the 5 kilometre mark and follow the same route back to Camp Wollemi.

- Road Inventory

The route/course of the ride will utilise the tracks within the Yengo National Park and private farmlands as well as the following public roads;

- Settlers Road – Sealed and Unsealed Road
  - Wrights Creek Road - Unsealed Road
  - Shepherds Gully Road – Unformed Road.
- The event is also traversing along the NSW Great Northern Road, which is under the care and control of the National Parks and Wildlife Service (Office of Environment and Heritage).
  - Road closures are not required.
  - Warning signage shall be in place on all approaches to inform traffic of Horse and Riders ahead.
  - All riders will be instructed to keep to the left hand side of the road and obey road rules.

Details of the Event Course Map for the St Albans Training Ride Weekend are contained in Attachment 1.

**Discussion:**

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

The event organiser has submitted the following items in relation to the event: Attachment 2 (ECM Document No: 6237573):

1. Traffic and Transport Management for Special Events – HCC: Form A – Initial Approval - Application Form,
2. Traffic and Transport Management for Special Events – HCC: Form B – Initial Approval Application - Checklist,
3. Special Event Transport Management Plan Template – RTA (Roads and Maritime Services - RMS),
4. Risk Management Plan,

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**

**Meeting Date: 10 July 2018**

5. Event Course Map,
6. Copy of Insurance Policy which is valid to 01 January 2019,
7. Copy of the correspondence to be forwarded to the Residents,
8. Copy of the wording to be utilised in the Advertisement for the Event,
9. Copy of the application to the NSW Police Force,
10. Copies of correspondence forwarded to the NSW Ambulance Service, Fire and Rescue NSW, Rural Fire Service and SES.

**RECOMMENDATION TO COMMITTEE:**

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The St Albans Training Ride Weekend event, in and around the St Albans and Wrights Creek area, planned for Saturday 20 and Sunday 21, October 2018 be classified as a "Class 2" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

**Prior to the event:**

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to preparing the TMP and prior to the event;

## ORDINARY MEETING

### SECTION 4 – Reports of Committees

Meeting Date: 10 July 2018

- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
- 4d. the event organiser is to submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP) to Council and the Roads and Maritime Services - RMS (formerly RTA) for acknowledgement and concurrence respectively. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;
- 4e. as the event will traverse public roads and require traffic control, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4f. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be addressed and outlined in the TMP;
- 4g. the event organiser is to obtain approval from the NSW National Parks and Wildlife Service (Office of Environment and Heritage) for the use of the Yengo National Park and the Great Northern Road; a copy of this approval to be submitted to Council;
- 4h. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of a Council Park/Reserve;
- 4i. the event organiser is to obtain approval from the NSW Department of Industries - Lands for the use of any Crown Road or Crown Land; a copy of this approval to be submitted to Council;
- 4j. the event organiser is to obtain approval from the respective Land Owners for the use of their land as part of the route for the event; a copy of this approval to be submitted to Council;
- 4k. the event organiser is to obtain any necessary approvals from adjoining Councils; a copy of this approval to be submitted to Council;
- 4l. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed wording for the advertisement has been submitted to Council (indicating the advertising medium);
- 4m. the event organiser is to directly notify relevant ferry operators, bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4n. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence has been submitted to Council;
- 4o. the event organiser is to submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

#### **During the event:**

- 4p. access is to be maintained for businesses, residents and their visitors;

**ORDINARY MEETING**

**SECTION 4 – Reports of Committees**

**Meeting Date:** 10 July 2018

- 4q. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;
- 4r. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4s. the riders are to be made aware of and are to follow all the general road user rules whilst riding on public roads;
- 4t. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4u. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4v. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity, and,
- 4w. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be undertaken as outlined in the TMP.

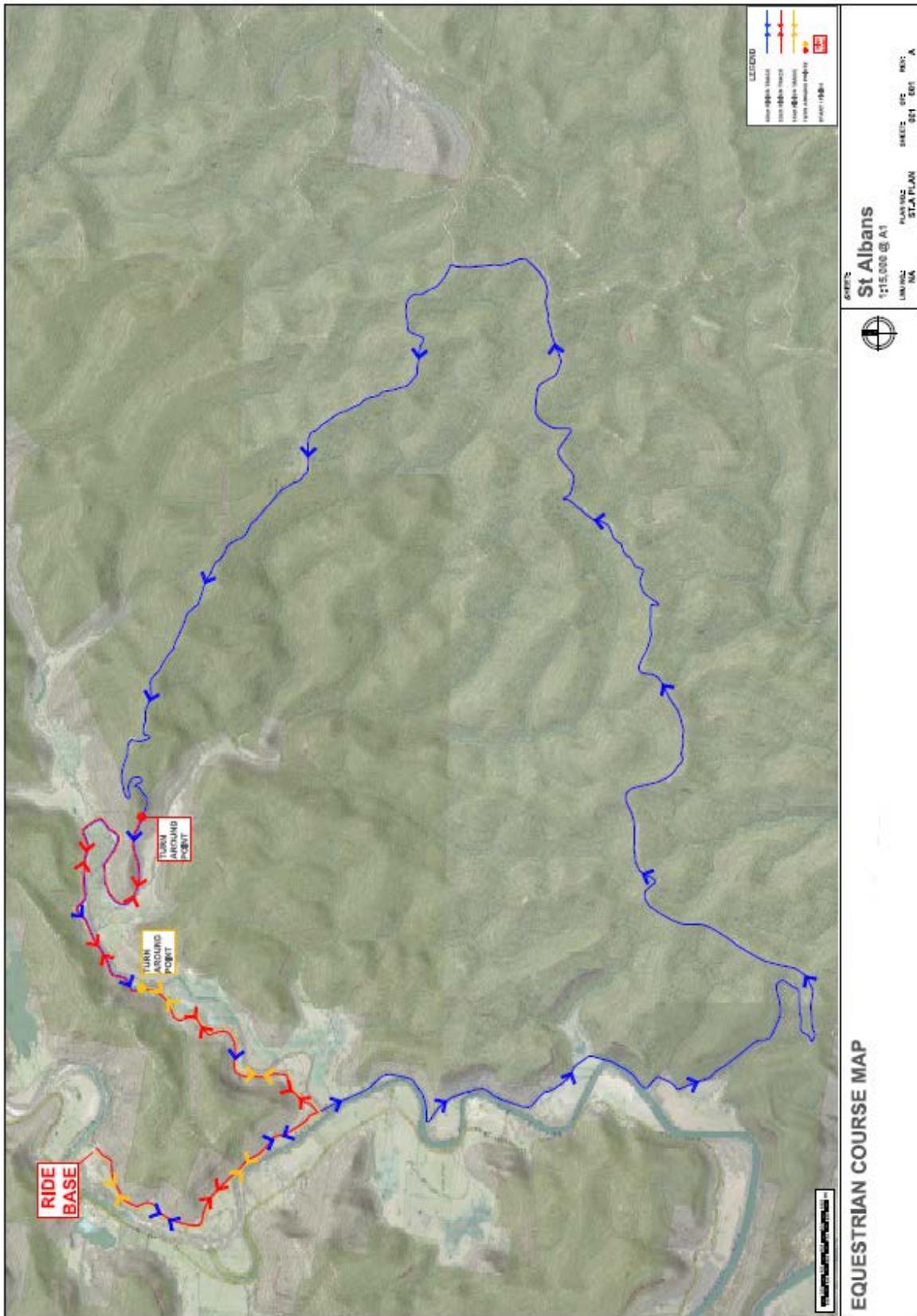
**APPENDICES:**

**AT - 1** Event Course Map – 10, 20 and 40 Kilometre Rides

**AT - 2** Special Event Application - (ECM Document No: 6237573) - (*see attached*)

ORDINARY MEETING  
SECTION 4 – Reports of Committees  
Meeting Date: 10 July 2018

**AT – 1 Event Course Map – 10, 20 and 40 Kilometre Rides**



**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**

**Meeting Date: 10 July 2018**

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Ms Tina Kaur.

Support for the Recommendation:            Unanimous support

That:

1. The approval conditions listed below relate only to matters affecting the traffic management of the event. The event organiser must obtain all other relevant approvals for this event. The event organiser must visit Council's web site, <http://www.hawkesbury.nsw.gov.au/news-and-events/events/organising-an-event2>, and refer to the documentation contained within this link which relates to other approvals that may be required for the event as a whole. It is the responsibility of the event organiser to ensure that they comply with the contents and requirements of this information which includes the Roads and Maritime Services - RMS (formerly RTA) publication "Guide to Traffic and Transport Management for Special Events" (Version 3.4) and the Hawkesbury City Council special event information package.
2. The St Albans Training Ride Weekend event, in and around the St Albans and Wrights Creek area, planned for Saturday 20 and Sunday 21, October 2018 be classified as a "Class 2" special event, in terms of traffic management, under the "Traffic and Transport Management for Special Events" guidelines issued by the Roads and Maritime Services - RMS (formerly RTA).
3. The safety of all road users and personnel on or affected by the event is the responsibility of the event organiser.
4. No objection (in terms of traffic management) be held to this event subject to compliance with the information contained within the application submitted and the following conditions:

**Prior to the event:**

- 4a. the event organiser is responsible for ensuring the safety of all involved in relation to the proposed event and must fully comply with the requirements of the Work Health & Safety (WHS) Act 2011, WHS Regulations 2011 and associated Australian Standards and applicable Codes of Practice. It is incumbent on the organiser under this legislation to ensure all potential risks are identified and assessed as to the level of harm they may pose and that suitable control measures are instigated to either eliminate these or at least reduce them to an acceptable level. This will include assessing the potential risks to spectators, participants and road/park/facility users etc during the event including setting up and clean-up activities. This process must also include (where appropriate) but is not limited to the safe handling of hazardous substances, electrical equipment testing, tagging and layout, traffic/pedestrian management plans, certification and licensing in relation to amusement rides, relevant current insurance cover and must be inclusive of meaningful consultation with all stakeholders. (information for event organisers about managing risk is available on the NSW Sport and Recreation's web site at <http://www.dsr.nsw.gov.au>; additionally Council has an events template which can be provided to assist in identifying and controlling risks);
- 4b. the event organiser is to assess the risk and address the suitability of the entire route/site as part of the risk assessment considering the possible risks for all participants. This assessment should be carried out by visual inspection of the route/site by the event organiser prior to preparing the TMP and prior to the event;
- 4c. the event organiser is to obtain approval to conduct the event, from the NSW Police Force; a copy of the Police Force approval to be submitted to Council;
- 4d. the event organiser is to submit a Transport Management Plan (TMP) for the entire route/event incorporating a Traffic Control Plan (TCP) to Council and the Roads and Maritime

## ORDINARY MEETING

### SECTION 4 – Reports of Committees

Meeting Date: 10 July 2018

Services - RMS (formerly RTA) for acknowledgement and concurrence respectively. The TCP should be prepared by a person holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA) to satisfy the requirements of WHS legislation and associated Codes of Practice and Australian Standards;

- 4e. as the event will traverse public roads and require traffic control, the event organiser is required to submit a Road Occupancy Application (ROA) to Council, with any associated fee, to occupy the road;
- 4f. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be addressed and outlined in the TMP;
- 4g. the event organiser is to obtain approval from the NSW National Parks and Wildlife Service (Office of Environment and Heritage) for the use of the Yengo National Park and the Great Northern Road; a copy of this approval to be submitted to Council;
- 4h. the event organiser is to obtain written approval from Councils' Parks and Recreation Section for the use of a Council Park/Reserve;
- 4i. the event organiser is to obtain approval from the NSW Department of Industries - Lands for the use of any Crown Road or Crown Land; a copy of this approval to be submitted to Council;
- 4j. the event organiser is to obtain approval from the respective Land Owners for the use of their land as part of the route for the event; a copy of this approval to be submitted to Council;
- 4k. the event organiser is to obtain any necessary approvals from adjoining Councils; a copy of this approval to be submitted to Council;
- 4l. the event organiser is to advertise the event in the local press stating the entire route/extent of the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, two weeks prior to the event; a copy of the proposed wording for the advertisement has been submitted to Council (indicating the advertising medium);
- 4m. the event organiser is to directly notify relevant ferry operators, bus companies, tourist bus operators and taxi companies operating in the area which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; a copy of the correspondence to be submitted to Council;
- 4n. the event organiser is to directly notify all the residences and businesses which may be affected by the event, including the proposed traffic control measures and the traffic impact/delays expected, due to the event, at least two weeks prior to the event; The event organiser is to undertake a letter drop to all affected residents and businesses in proximity of the event, with that letter advising full details of the event; a copy of the correspondence has been submitted to Council;
- 4o. the event organiser is to submit the completed "Traffic and Transport Management for Special Events – Final Approval Application Form (Form C)" to Council;

#### **During the event:**

- 4p. access is to be maintained for businesses, residents and their visitors;
- 4q. a clear passageway of at least four metres in width is to be maintained at all times for emergency vehicles;

**ORDINARY MEETING**

**SECTION 4 – Reports of Committees**

**Meeting Date:** 10 July 2018

- 4r. all traffic controllers / marshals operating within the public road network or road related area, are to hold appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4s. the riders are to be made aware of and are to follow all the general road user rules whilst riding on public roads;
- 4t. in accordance with the submitted TMP and associated TCP, appropriate advisory signs and traffic control devices are to be placed along the route during the event, under the direction of a traffic controller holding appropriate certification as required by the Roads and Maritime Services - RMS (formerly RTA);
- 4u. the competitors and participants are to be advised of the traffic control arrangements in place, prior to the commencement of the event;
- 4v. all roads and marshalling points are to be kept clean and tidy, with all signs and devices to be removed immediately upon completion of the activity, and,
- 4w. the event organiser is to ensure that dust along the unsealed sections of road utilised by the event participants and those travelling to the event are mitigated by providing a water cart for the duration of the event. The method and frequency of watering is to be undertaken as outlined in the TMP.

**SECTION 3 - Reports for Information**

There are no Reports for Information.

**SECTION 4 - General Business**

**Item: 4.1 LTC - Proposed Linemarking Changes - Mulgrave Road, Mulgrave - (80245, 137536)**

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**REPORT:**

Mr Grady advised the Committee of recent issues for Busways buses on Mulgrave Road, Mulgrave. Busways drivers currently making a right turn into the turning bay outside Windsor High School have been advised by the NSW Police Force that as they are turning across double lines this is classed as an illegal u-turn. NSW Police Force have advised that this area will be monitored and enforced.

Mr Grady proposed a minor adjustment to the linemarking on Mulgrave Road, Mulgrave at the southern end of the turning bay. The proposal is to remove four metres of the double unbroken lines (BB) at this location allowing the buses to make a legal right turn into the turning bay. Mr Grady indicated that the turning area is specifically for the Buses to turn around and go back towards Windsor Road. For buses to go around the block utilising Curtis Road will affect the current time tabling as there are other key locations the buses need to service.

Mr Amit advised the Committee that this section of Mulgrave Road is currently under review in relation to providing, at the request of Windsor High School, a crossing point. The location and type of crossing point will also determine the overall parking arrangements for both sides of the road, along the frontage of the School as well as the future functionality of the turning area. Pedestrian/Vehicle counts are being undertaken at the moment which will assist in determining the type of crossing. Mr Amit further advised that Councils Community safety co-ordinator has been in constant contact with the School Principal which also included meetings with Council staff and the Principal to discuss options for the crossing point and

**ORDINARY MEETING**  
**SECTION 4 – Reports of Committees**

**Meeting Date: 10 July 2018**

parking restrictions along the School frontage. Once the results of the Pedestrian/Vehicle counts are completed, further discussion will be held with the School Principal.

Mr Grady indicated that whilst there may be changes to the future positioning of the current School Bus zone and other changes to parking restrictions and the future functionality of the turning bay, an interim measure is required to ensure that the Buses are complying with the road rules.

**Image 1: Location of proposed changes to linemarking in Mulgrave Road:**



The Committee agreed to the implementation of the proposed linemarking change by way of removing 4 metres of double unbroken line (BB) adjacent to the southern end of the turning bay. Ms Tina Kaur requested that a plan outlining linemarking changes to Mulgrave Road, Mulgrave be submitted to RMS.

**COMMITTEE RECOMMENDATION:**

RESOLVED on the motion of Councillor Peter Reynolds, seconded by Ms Tina Kaur.

Support for the Recommendation: Unanimous support

That four metres of the double unbroken line (BB) along Mulgrave Road, Mulgrave, adjacent to the turning bay opposite Windsor High School and commencing approximately 5 metres north of the disused driveway to the school car park be removed to allow access for vehicles turning right from Mulgrave Road into the southern entry point of the turning bay.

**ORDINARY MEETING**

**SECTION 4 – Reports of Committees**

**Meeting Date:** 10 July 2018

**SECTION 5 - Next Meeting**

The next Local Traffic Committee meeting will be held on Monday, 9 July 2018 at 3pm in the Small Committee Room.

The meeting terminated at 4:30pm.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**

**SECTION 4 – Reports of Committees**

**Meeting Date:** 10 July 2018

ordinary

section 5

notices of motion

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date: 10 July 2018**

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date: 10 July 2018**

**SECTION 5 – Notices of Motion**

**Item: 165**                    **RM - Cost Shifting Notification on the 2018/2019 Rates Notice - (79351, 138880)**

**Previous Item:** 016, Ordinary Meeting (30 January 2018)

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**Submitted by:** Councillor Reynolds

**RESCISSION MOTION:**

That the resolution from the Ordinary Meeting of Council on 30 January 2018 in relation to Resolution No: 24, regarding wording relating to cost shifting being included on the 2018/2019 Rates Notice, be rescinded.

**BACKGROUND:**

Cost shifting has been debated over many years within the local government industry because it impacts on Council's finances and abilities to deliver services to its ratepayers. Local Government NSW surveys have been conducted since 2005.

For the financial year 2016/2017, cost shifting is estimated to have cost this Council approximately \$6.9 million. The Local Government NSW Cost Shifting Survey identified the following examples:

<b>Contribution to Fire and Rescue NSW</b> <i>Emergency Services Levy only</i>
<b>Contribution to NSW Rural Fire Service</b> <i>Emergency Services Levy only</i>
<b>Contribution to NSW State Emergency Services</b> <i>Emergency Services Levy only</i>
<b>Pensioner rates rebates</b> <i>NSW is the only state that requires councils to fund approximately half of the cost of mandatory pensioner concessions</i>
<b>Public library operations</b> <i>Shortfall between current subsidy and what would have been funded by the State Government had the original funding agreement of 50% of the amount expended by councils on the operation of libraries been applied</i>
<b>Shortfall in cost recovery for regulatory functions/services under the Companion Animals Act (NSW) 1998</b> <i>Councils' role was expanded from a pure enforcement role to a regulatory body with functions including preparation of companion animal management plan, operation of lifetime registration system, separation of cats and dogs, maintaining facilities, enforcement, and the collection of fees for the Office of Local Government which returns only a small portion of those fees to Local Government</i>

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date: 10 July 2018**

**Shortfall in cost recovery for functions under the Protection of Environment Operations Act (NSW) 1997**

*Councils are required to administer the licensing system and enforce protective regulation in relation to all non-scheduled activities not regulated by the NSW Environment Protection Authority*

**Shortfall in cost recovery for functions as control authority for noxious weeds**

*Councils are required to regulate and control noxious weeds pursuant to the Noxious Weeds Act (NSW) 1993 and s183 of the Local Government Act (NSW) 1993*

**Functions under the Rural Fires Act (NSW) 1997**

*Councils are required to administer and remedy complaints about fire hazards on council property, and to map and administer bushfire prone land. Councils are also required to fund costs associated with emergency disaster responses that are not able to be claimed via Section 44 of the Rural Fires Act (NSW) 1997*

**Shortfall in cost recovery in the administration of food safety**

*Councils are required to undertake registration and inspection of food and food premises under the Food Act (NSW) 2003*

**Flood Mitigation Program**

*Shortfall between current funding and what would have been funded from the State and Commonwealth Governments had the original funding arrangement been applied*

**Road Safety**

*Cost of road safety officer/road safety program necessary due to State Government's withdrawal of funding*

**Community and human services**

*Cost of programs necessary to the community where other levels of government have initiated the program and initially provided adequate funds but now provide inadequate funds or have withdrawn completely*

**Waste Levy**

*The net cost of paying a waste levy to the State Government pursuant to Section 88 of the Protection of Environment Operations Act (NSW) 1997*

In addition further costs imposed on councils over the past year are the compulsory implementation of the Independent Hearing and Assessment Panels and the mandatory use of the NSW Audit Office for external audits. These two matters have imposed in excess of \$150,000 in additional costs on Council.

Since my Notice of Motion in January 2018 the issue of cost shifting has received significant coverage in various forums and media. In addition cost shifting has been widely quoted by various Councillors in this Chamber and other venues and events.

During recent community engagement events it was evident that our community are well aware of the impact of cost shifting on Council's ability to provide services to its community.

I believe that I have been making significant progress in relation to promoting the issue of cost shifting and the now \$7 million annual impact it is having on the Hawkesbury City Council budget.

A large amount of material is included in the Rates Notice and there is only limited space available to promote the issue of Cost Shifting. As a result of these limitations, the impact of a paragraph on cost shifting may be negligible and only place an unnecessary burden on Council staff and Council finances.

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**  
**Meeting Date: 10 July 2018**

**FINANCIAL CONSIDERATIONS:**

There are no financial implications applicable to this report.

**NOTE BY MANAGEMENT:**

Council's resolution of the 30 January 2018 regarding wording relating to cost shifting being included in the 2018/2019 Rates Notice was as follows:-

*"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."*

**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: 10 July 2018**

**Item: 166**                      **NM - Library Funding - (79351, 138880)**

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**Submitted by:** Councillor Reynolds

**NOTICE OF MOTION:**

That:

1. Council note:
  - a) That the NSW Government's recent budget drastically cuts library funding by \$5.275 million, an 18% reduction on 2017/2018 levels;
  - b) That libraries in NSW receive less State funding than in any other State or Territory in Australia (8%);
  - c) That these cuts will have an impact on Council's libraries, resources, staff and services and may impact greatest on the most disadvantaged in our community;
  - d) The Hawkesbury Library Service has maintained service levels despite its operating costs being held constant over three financial years, while meeting mandated staff pay increases, updating its collection and maintaining high patron satisfaction scores. Remodelling of Windsor Library has been achieved using external grant funding.
2. Council write to:
  - a) The Treasurer, The Hon. Dominic Perrottet, Member for Hawkesbury, expressing Council's dismay at these cuts, alerting him to the likely impacts on library services in his Local Government Area and requesting a meeting to discuss solutions;
  - b) The Minister for the Arts and the Regional Cultural Fund seeking clarification of Council's eligibility for Regional Cultural Fund Round 2 grants for regional library public infrastructure funding;
  - c) The President of the NSW Public Libraries Association, Mr Dennis Tout, informing him of the above actions and stating Council's support of their campaign to restore funding to public libraries in NSW.

**BACKGROUND:**

The 2018/2019 State budget cuts State Library of NSW funding for public libraries was only by \$5.275 million. This is part of an ongoing burden of cost shifting from the NSW Government onto Local Councils. In cutting this funding the State Government has ignored the recommendation of its own expert panel, the Library Council of NSW which, in consultation with the State Library of NSW and the NSW Public Libraries Consultative Committee, recommended an increase in public library funding to \$30 million in 2018/2019. Public library grant funding has now been transferred to the Regional Cultural Fund with \$5m being available to regional and rural councils/libraries for library infrastructure projects. It is unknown whether Hawkesbury is deemed regional or metropolitan for the purposes of this funding. The exclusion of metropolitan councils/libraries from this grant program is not supported by either the NSW Public Libraries Association or its country members. This move not only disadvantages metropolitan councils/libraries, but also threatens future infrastructure projects in city locations for which state grant funding has often been the catalyst.

**ORDINARY MEETING**  
**SECTION 5 – Notices of Motion**

**Meeting Date:** 10 July 2018

Hawkesbury Council's libraries provide a highly regarded service, ranked 1 on our community satisfaction survey. They provide education and support services for all residents, from toddler reading time to tech support classes for seniors, as well as free internet, computers and subsidised printing costs. They provide safe spaces, are integral to our climate resilience program and facilitate community engagement and outreach. Recent refurbishments to Windsor Library have been possible through State Library Grants funding, allowing Council to continue to offer an excellent service within a constrained budget

**ATTACHMENTS:**

There are no supporting documents for this report.

**oooO END OF NOTICE OF MOTION Oooo**

**ORDINARY MEETING**  
**Questions for Next Meeting**  
**Meeting Date: 10 July 2018**

**QUESTIONS FOR NEXT MEETING**

**Item: 167**                      **Councillor Questions from Previous Meetings and Responses - 8 May 2018 - (79351)**

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**REPORT:**

Responses to questions in relation to previous Questions for the Next Meeting were provided and the additional follow up questions were asked.

#	Councillor	Question	Response
1	Conolly	In relation to the Answer for Question number 1 regarding the proposal to move the church bell at St. Matthews Catholic Primary School, could I be advised before the next Business Paper as to what action the Council has taken in respect to the church bell being relocated.	<p>The Acting Director City Planning advised that Council's heritage advisor and town planning co-ordinator have been to the site during the discussions about the demountable classroom. The school were advised that a development application is required for the relocation of the bell and Council suggested that historical research about the bell and its location on the site should be conducted to inform the proposed new location.</p> <p>No development application has been lodged at this time, Council checked with the architect representing the school who advised the church/school/diocese were still considering the matter and a development application would be lodged after the applicant's internal processes are completed.</p>

**ORDINARY MEETING**

**Questions for Next Meeting**

**Meeting Date:** 10 July 2018

#	Councillor	Question	Response
2	Conolly	<p>In relation to the Answer for Question number 2, regarding the change of boundaries around the church at St. Matthews Catholic Primary School and the exact location of the portable classrooms. How is the interpretation strategy and plan from the State Heritage Impact Report going to be added as a condition of development consent.</p>	<p>The Acting Director City Planning advised that the portable classroom was erected on the site as “development permitted without consent” under State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017. The SEPP overrides the provisions of Hawkesbury Local Environmental Plan 2012 and therefore no Development Consent is required to be obtained from Council. As “development permitted without consent” Council has no power to apply conditions.</p> <p>However, the SEPP does have requirements for the proposal to meet the criteria “development permitted without consent” such as a single story height limit and no increase in staff or students greater than 10%. Other than to notify Council of the proposal (which was done) no other requirements are triggered by the fact that the site is listed as a Heritage Item under Hawkesbury Local Environmental Plan 2012. Council’s Heritage Advisor inspected the site and raised no objection to the portable classroom provided that it was erected a minimum of six metres from the church, which has been complied with.</p> <p>The curtilage of the listing includes both the St Matthews Catholic Church and St Matthews Primary School. Erection of the portable classroom has not impacted on the lot boundaries.</p>
3	Ross	<p>Councillor Ross referred to Question 3 and requested that Beaumont Avenue and the Yarramundi Soccer fields be reviewed with the Bensons Lane study and report back to Council.</p>	<p>The Director Infrastructure Services advised that the study can be extended to those fields, at additional cost. It should also be noted that as the fields at Yarramundi Lane (Colo Soccer) are not owned or controlled by Council this will only address light levels outside of the site.</p>

oooO END OF REPORT Oooo

**ORDINARY MEETING**  
**Questions for Next Meeting**  
**Meeting Date: 10 July 2018**

**Item: 168                      Councillor Questions from Previous Meetings and Responses - 29 May 2018 - (79351)**

**REPORT:**

Responses to questions in relation to previous Questions for the Next Meeting were provided and the additional follow up question was asked.

#	Councillor	Question	Response
4	Zamprogno	Councillor Zamprogno referred to Question 4 and enquired as to if Council was consulted anytime between December 2014 and March 2018 regarding a document named Plan for Growing Sydney in relation to the Bells Line of Road and M9 Corridors which were announced in March 2018.	<p>The Acting Director City Planning advised that a Plan for Growing Sydney, being the Metropolitan Strategy for Sydney was released by the NSW State Government in December 2014. Included in that Strategy was reference to corridor planning for both the Outer Sydney Orbital, and the Bells Line of Road – Castlereagh Connection, as being under investigation.</p> <p>Subsequently, consultation was undertaken by Transport for NSW in June 2015 in relation to the Outer Sydney Orbital Corridor Preservation, and the Bells Line of Road – Castlereagh Connection (Lower Hawkesbury to the Sydney Motorway Network) Corridor Preservation. The study area in both instances at that stage was 10-15 km wide for the length of the study area. Consultation included Information Stalls at various locations throughout the length of the study area, including Windsor, Bilpin and Richmond. Community drop in sessions were also held, although none of these were held within the Hawkesbury Local Government Area.</p> <p>There has been no further consultation with Council in respect of the proposed corridors since June 2015 until the consultation associated with both corridors was announced on 26 March 2018. Between June 2015 and March 2018, Officers had continually requested further detailed information from Transport for NSW and Roads and Maritime Services in respect of planning for the corridors and proposed routes, but that further detail was not provided until 26 March 2018.</p>

**oooO END OF REPORT Oooo**

ORDINARY MEETING

Questions for Next Meeting

Meeting Date: 10 July 2018

Item: 169

Councillor Questions from Previous Meetings and Responses - 26 June 2018 - (79351)

REPORT:

Questions - 26 June 2018

#	Councillor	Question	Response
1	Richards	Enquired as to how Council chooses who they approach each day in relation to signage removal, for example regarding small businesses, why are some requests being ignored and others being targeted.	<p>The General Manager advised that Council's current custom and practice is as follows:</p> <ul style="list-style-type: none"><li>• Council must attempt to be fair and consistent in relation to how we enforce compliance with laws and regulations.</li><li>• Where possible staff prefer to incorporate an educational aspect into our role, as such we will issue warnings at times rather than issue a fine straight away, however serious offences such as parking in a No STOPPING RED ZONE warrants a fine being issued on the spot.</li><li>• Council does not have sufficient resources to pro-actively seek out and pursue all matters of non-compliance. As such we tend to focus our resources on areas of highest risk and also rely on the community alerting us to an issue of potential non compliance</li><li>• Once staff have a complaint from a community member, Council has an obligation to investigate it and take any necessary action, for example if a sign is a potential traffic hazard, staff will initiate appropriate action in relation to its removal. If the sign is not a traffic hazard Council would encourage the third party to apply for approval rather than issuing a fine.</li><li>• If the matter is a sign that constitutes a traffic hazard and relates to land owned by a third party, staff will work with the third party to have the matter remedied and in the case of a dangerous sign, have it removed.</li></ul>

**ORDINARY MEETING**

**Questions for Next Meeting**

**Meeting Date: 10 July 2018**

#	Councillor	Question	Response
			<ul style="list-style-type: none"> <li>• Building and construction sites and conditions on such sites can change regularly and with little notice. Therefore, from a Work Health &amp; Safety perspective and the wellbeing and safety of our staff, we find it most appropriate to work through the owner or head contractor when resolving issues that relate to an active construction site e.g. having them remove any potentially dangerous signs.</li> <li>• When initiating legal action in relation to a matter, staff need to be able to confirm all of the elements of the offence:               <ul style="list-style-type: none"> <li>a. The Regulation of Act etc. that is being breached</li> <li>b. The details of the offending party – Name and Address or Vehicle Registration, etc.</li> <li>c. Collect all of the evidence and put a package of information together including photos, statements, admissions, etc.</li> </ul> </li> </ul> <p>The most difficult issue with illegal signs is identifying the offending party to a standard that a court will accept in the event that a matter goes to court.</p>
2	Richards	Enquired as to whether Council or other agencies can assist with a residential clean up as a resident has made a complaint regarding a neighbour who has a lot of clutter and rubbish out the front of their residence.	The Acting Director City Planning advised that the property in question is owned by the Department of Housing and is under the management of a Community Housing Association. There have been previous complaints about the premises that were referred to the Community Housing Association and resolved through them. Council has contacted the Community Housing Association again to arrange another clean-up of the front yard.

**ORDINARY MEETING****Questions for Next Meeting****Meeting Date:** 10 July 2018

#	Councillor	Question	Response
3	Richards	Enquired as to whether the Hawkesbury LGA has mountain bike tracks and if so can we please advise of their location/s, or if there is none can Council please identify suitable sites.	The Director Infrastructure Services advised that a mountain bike track exists within the Yellomundee Regional Park partly within the Hawkesbury City Council and Blue Mountain City Council boundaries. Mountain biking is also known to occur on a number of other tracks in the Womerah Range (near Upper Macdonald) and on the Great Northern Road at Lower Macdonald.
4	Richards	Enquired as to when the Windsor RSL Sub Branch will get a response from Council regarding approval for the construction of the permanent Memorial.	The Director Infrastructure Services advised that a meeting had been held with Windsor RSL Sub-Branch in regard to development consent, and a revised development application is to be submitted.
5	Richards	Requested a response regarding a Notice of Motion in relation to the RSL War Memorial name placement criteria.	The Director Infrastructure Services advised that a number of meetings had been held with the RSL Sub-Branches and Council is currently awaiting responses from the Sub-Branches.
6	Richards	Requested a response regarding a Notice of Motion school visits to the Council Chambers.	The General Manager apologises for the delay, ongoing staff vacancies in the Governance area have limited our ability to respond in a timely manner. The item will be presented to an upcoming Councillor Briefing.
7	Zamprogno	Requested that Council enquire about an update with the RMS on behalf of Pitt Town Progress Association in relation to commencement date of the Pitt Town By-Pass.	The Director Infrastructure Services advised that Councillors had received an update from RMS regarding Pitt Town By-Pass at the Councillor Briefing Session on 3 July 2018.
8	Kotlash	Requested that Council investigate parking time restriction along George Street, Windsor near medical businesses as medical procedures are going over the parking restriction time of one hour. Does it warrant the parking restriction to be increased to three hour parking.	The Director Infrastructure Services advised that a review of parking restrictions would be undertaken and reported back to Council.
9	Calvert	Enquired as to whether Council can confirm if lighting outside the River Orchid Restaurant in the North Richmond Council Carpark is adequate and if not can adequate lighting be investigated.	The Director Infrastructure Services advised that the lighting in the carpark would be inspected and, if required options to upgrade the lighting would be investigated.

**ORDINARY MEETING**

**Questions for Next Meeting**

**Meeting Date: 10 July 2018**

#	Councillor	Question	Response
10	Garrow	Requested if Council can provide the number of visits to Council Meeting podcasts, to understand the level of engagement with the community regarding these meetings.	The Director Support Services advised that there have been fourteen Council Meetings held since podcasting commenced. Each item considered at a Council meeting is allocated an individual track. Each of the 175 tracks have been listened to ranging from three times to 169 times with a total of 3,713 tracks listened to.
11	Garrow	Enquired if Council has issued orders for the removal of signs around the Oakville area and how much time has the Council worked on this matter.	The Acting Director City Planning advised that Council has not issued any recent orders for removal of signs in Oakville.
12	Rasmussen	Enquired as to whether Council has granted parking spaces to Coles Supermarket in the Council's Richmond Mall Parking area. If so how many have been allocated and what are the terms of arrangement.	The Director Infrastructure Services advised that Council has not leased or entered into any agreement for allocation of car parking spaces. It is noted that commercial markings have been applied to two parking bays, giving the impression of restricted commercial use. The management of the shopping centre will be approached to discuss this issue.
13	Ross	Enquired as to when Bridge Number 5 over Gospers Creek was last rebuilt/replaced.	The Director Infrastructure Services advised that Bridge Number 5 (named George Bruce Bridge) and Bridge Number 7 over Gospers Creek were replaced in 2014 as part of Council's Timber Bridge Replacement Program.
14	Ross	Enquired to whether there was an administrative delay in relation to participates having a short response time (less than 24 hours) to notify their attendance regarding the Destination NSW Digital Program that was to be held on the 15 June 2018 and was understood to be cosponsored by Council.	The General Manager advised that initial contact was made with the database of tourism, events and attraction businesses about the Digital Ready Workshops by email on 8 June 2018, regarding the three workshops proposed on the 19 June and 20 June 2018. Facebook posts were posted on the Council Events and Corporate Facebook pages on 14 and 16 June 2018 and follow up emails were sent to those on the database who hadn't registered on 15 June 2018. After the workshops on the 19 and 20 June 2018, material and links were by email sent on 27 June 2018. The Digital Ready Workshops were funded by Destination NSW in collaboration with Council (but not co-sponsored by Council).

**ORDINARY MEETING**

**Questions for Next Meeting**

**Meeting Date:** 10 July 2018

#	Councillor	Question	Response
15	Lyons-Buckett	Requested that street signage for parking in George Street, Windsor outside the medical business be reviewed and the public made aware of the underground parking at the facility.	The Director Infrastructure Services advised that a review of parking restrictions would be undertaken and reported back to Council.

**oooO END OF REPORT Oooo**

**ORDINARY MEETING**  
**Confidential Reports**  
**Meeting Date: 10 July 2018**

**CONFIDENTIAL REPORTS**

**Item: 170**                    **SS - Lease to Stakks Pty Ltd - Shop 12, Wilberforce Shopping Centre - (99221, 95496, 112106)**

**Directorate:**                Support Services

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**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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**ORDINARY MEETING**

**Confidential Reports**

**Meeting Date:** 10 July 2018

**Item: 171**                    **SS - Lease to Y Ghet Cang - Shop 2, McGraths Hill Shopping Centre - (111656, 95496, 112106)**

**Directorate:**                Support Services

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# ordinary meeting

# end of business paper

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